



# Exclusion Policy

  
Signed – Governor

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## Part 1: Promoting positive behaviour and early intervention

### Introduction

Batchwood schools Exclusion Policy draws from legislation and guidance as follows:

- The Children Act 1989
- Education Act 1996
- Education Act 2002 and regulations
- Education and Inspections Act 2006 and Regulations
- The Education Regulations 2006
- Behaviour and Discipline in Schools – A Guide for Head teachers and School Staff (2012)
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
- Working Together: Listening to the voices of children and young people

#### Managing Behaviour

Batchwood school is an inclusive provision, which seeks to encourage pro social behaviour for learning and to modify anti-social and inappropriate behaviour by following a therapeutic approach to behaviour educating students on how to improve their behaviour. In most cases exclusion will be the last resort after a range of measures have been tried to improve the young person's behaviour. We will explore opportunities to modify behaviour from a range of options including:

- Working collaborator with parents/carers
- Exploring a change of environment
- Setting up a Behaviour Support Plan (BSP) or a Pastoral Support Programme (PSP)
- The engagement of outside agencies and alternative providers
- Allocation of a key worker such as a Learning Mentor or Services for Young People Advisor
- Intervention and the loss of enrichment time
- Restorative justice
- Counselling
- The engagement of outside agencies and alternative providers such as SASH, PALMS, CAMHS, Services for Young People, IFST, PREVENT, CGL, ISL, Therapeutic Hooves, Marsh Farm, Colleges.

Batchwood School has a Pastoral Support Team based in the 'Hub'. This consists of the SENCo, Assistant to SENCo, Attendance Officer and Assistant Psychologist. The Families First Assessment is used to help identify any early intervention, which is appropriate to support the needs of the students and the families. Resulting early intervention should help reduce the risk of problems reaching the point where exclusion is considered necessary. In all cases where a young person is receiving support from more than one agency, one practitioner should act as the lead professional to coordinate support and provide a single point of contact for the young person and family.

## Part 2: Key Points

Pro social behaviour in school is essential to ensure that all young people can benefit from opportunities provided by education. The government supports head teachers in using suspensions as a sanction where it is warranted. Batchwood school only uses permanent exclusion as a last resort and short term suspensions may be used in response to a serious breach or persistent breach of the behaviour policy; and where allowing young people to remain on site would seriously harm the education or welfare of the young person or others in the provision.

The decision to exclude a young person must be lawful, reasonable and fair. The provision has a statutory duty not to discriminate against young persons of protected characteristics, such as disability or race.

**Batchwood school has a strategy for reintegrating a young person following a fixed period suspension and for managing their future behaviour.**

After fixed term suspension the young person must attend a re-integration meeting with their parents/carer and the Headteacher or a member of the Senior leadership team. The terms of re-admission are discussed and agreed at these meetings.

The purpose of the meeting is to assist the reintegration of the YP and promote the improvement of his or her behaviour. It provides an opportunity to:

- a. Emphasise the importance of parents working with the provision to take joint responsibility for their son/daughters behaviour
- b. Discuss how behaviour problems can be addressed
- c. Explore wider issues and any circumstances that may be affecting their son/daughters behaviour
- d. Reach agreement on how the YP education should continue
- e. Create a useful forum to consider with parents/ carers whether a contract is necessary

Under recent legislation we now have the authority to screen and search young people for prohibited items such as weapons, illegal drugs, alcohol or stolen goods. We will consider whether or not to inform the police where a criminal offence may have taken place. Contacting the Young Offending Team and/or social workers would be likely however.

## Part 3: The Headteacher's power to exclude

We follow statutory guidelines on suspensions, and the final decision to externally exclude (fixed term suspension) can be made only by the Headteacher. Other suspension-related decisions, including our more common, internal suspensions do not have to be undertaken by the Headteacher personally, but may be delegated. When deciding to exclude a pupil the Headteacher will ensure there has been a thorough investigation and that a record is kept of his actions and those of other staff. The standard of proof applied in school exclusions is the **balance of probabilities**. If staff have suspicions that a student has something on their person (drugs, weapon, cigarettes, etc.) that may be in breach of school regulations a search will be made following DFE guidance Searching, screening and confiscation. The student will be asked to empty the contents of their pockets and bags.

The following incidents or offences will usually lead to a fixed term suspension (guidelines):

- Threatening behaviour, including verbal abuse, physical aggression or violence towards students and/or staff
- Deliberate damage or vandalism (including the school's IT systems)
- Persistent bullying (including cyber, racist, sexist or homophobic) or a single case of extreme bullying (in or out of school – see 3.2) (permanent exclusion may also be deemed appropriate)
- Inappropriate use or posting on Social media that could be considered grossly offensive, indecent, obscene or menacing character and or cause needless anxiety to another (if deemed of a serious enough nature this could also result in a permanent exclusion)
- Disruption to the well-being of the school
- continual refusal to comply with the Behaviour Management consequences
- Any physical assault on any member of staff and/or student
- Bringing the school into disrepute
- Bringing an offensive weapon onto the school premises
- Bringing inflammatory or inappropriate material into school that will cause offence
- Filming or taking inappropriate photographs of other students/staff without their permission
- Making malicious allegations against a member of staff which cause significant detriment/harm/offence to another person
- Smoking/vaping during the school day or on school property
- The consumption of, or the intoxication from alcohol or other substances

### Permanent exclusion

When all other reasonable steps have been taken and it is our judgement that allowing the young person to remain in the provision would be seriously detrimental to the welfare of others, then an young person may be permanently excluded.

Reasons for Permanent exclusion (guidelines):

- Possession/intent to supply illegal substances on school site.
- Bringing, carrying or using an offensive weapon or materials that could cause physical harm
- Actual or serious and/or threatened violence against another student or a member of staff
- Sexual abuse or assault

- Any sustained and deliberate behaviour which directly undermines the fabric of the school, (including compromising the school's IT system) detracting from it being "a safe place of education"
- Behaviour leading to child protection issues, such as peer on peer abuse including sexual exploitation or grooming
- Repeated serious breaches of the schools behaviour policy

The examples given above are an indicative list and not exhaustive.

If a student is suspended from school, either permanently or for a fixed period, the parents/carers are responsible for ensuring their child is not in a public place during school hours. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so.

The following factors will be considered before the decision to exclude:

- ensuring that the student is invited to state their case at all stages of the process
- ensuring that a thorough investigation has been carried out
- consideration of all the evidence available to support the allegations, taking account of the:
- provision's behaviour and equal opportunities policies
- Whether the incident was provoked, e.g. by bullying or by racial or sexual harassment

**Suspension may not be given for an unspecified period, for example until a meeting can be arranged.** Such a practice amounts to an indefinite suspension for which no legal authority exists. A fixed period suspension does not have to be for a continuous period. Fixed-period suspensions can also be for parts of the school day. For example, if a young person's behaviour at lunchtime is disruptive, they may be suspended from the premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a management committee board meeting is triggered. A lunch time suspension for an indefinite period, like other indefinite suspensions, would not be lawful. In the long run another strategy for dealing with the problem should be determined.

The law does not allow for extending fixed-period suspension or 'converting' fixed-period suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, further fixed-period suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed term period.

The behaviour of students outside the school can be considered for grounds for suspension. This is a matter of judgement for the head teacher in accordance with the behaviour policy. Students behaviour outside of Batchwood 'on school business' or where representing Batchwood for example, on trips, or work experience placements may be subject to the school's behaviour policy. Poor behaviour in such circumstances should be dealt with as if it had taken place in the school. For behaviour outside the provision, but not on 'school business' the head teacher, may exclude a student if there is a clear link between that behaviour and maintaining good behaviour and discipline in the school as a whole.

Student behaviour in the immediate vicinity of the provision or on a journey to and from school may be grounds for suspension.

**Headteachers must take account of their legal duty of care when sending a young person home following suspension.** If a parent/carer does not comply with a suspension, for example by sending the suspended young person to school, or by refusing to collect, or arrange collection of him/her the school must have due regard for the young person's safety in deciding what action to take. Suspensions should not be enforced if doing so may put the safety of the young person at risk. Batchwood will make efforts

to resolve the issue with the parents if this unsuccessful the school will consider whether contacting the Integration Team for advice. In some circumstances, police or community support officers could become involved. Where there is persistent lack of parental co-operation and this is affecting the young person's behaviour, the school may consider applying for a parenting order.

**The decision on whether to exclude is for the Headteacher to take.**

However, where practical; Headteachers should give the young people an opportunity to present their case before taking the decision to exclude.

Before deciding whether to exclude a young person, the Headteacher should ensure that a thorough investigation has been carried out. The Headteacher should delegate this task to a senior member of staff who should keep meticulous notes as to the actions taken in carrying out the investigation, maintain written records of interviews with relevant members of staff and young people. Witness statements should also be taken where relevant and these should, wherever possible, be signed and dated. The member of staff who carried out the investigation should then report his/her findings to the head teacher. Before reaching a final decision as to the sanction to apply the head teacher should:

- Review the evidence submitted taking into account the behaviour and equal opportunities policy.
- Consider if an alternative consequence or sanction could be applied
- Allow and encourage the young person to give their version of events
- Consider any relevant mitigating and aggravating factors
- Review the student's CPOMS file
- Consult as necessary with the Local Authority Integration officer, other members of SLT and another head teacher. But not anyone who may later have a role in reviewing the head teachers decision e.g.: a member of the management committee who may sit on a review panel
- Meet with the young person's parents/carers to discuss the situation.

Taking these steps makes it more likely that eventual decision is sound and enables the head teacher to demonstrate that he/she has been reasonable and not acting in the head to the moment.

When interviewing a student who may later be excluded, the schools is not expected to follow the requirements of the Police and Criminal Evidence (PACE) Act.

However, Batchwood will:

- Attempt to have only two adults present one of whom asks questions whilst the other takes notes. Having more than two adults could be considered as creating an intimidating environment.
- However, it may be appropriate to have another adult present to support the young person i.e.: parent/carer or a member of the provisions pastoral team. Crucially this additional adult should not contribute to the pressure on the young person, but advise and help the young person in their case.
- Avoid asking complicated or leading questions and maintain a neutral tone. A record of the questions asked should be made as well as the answers.
- Keep a record of the dates and times of any interviews and any comings and going from the room. It is also helpful to keep a record of where the young person is between interviews.
- Students and their supporters should be given the opportunity to amend errors or point out omissions in the notes taken. Once the record has been agreed it should be signed by all parties.

- Students should write a statement in their own words. A writing frame may be helpful.
- Where a student has weak literacy skills or is refusing to cooperate with statement writing, an adult may take down directly dictated text for the young person but wherever possible young people should write their own statements.
- If the veracity of the student's statement is in question because it is at odds with other information available, the young person should be asked to write a further statement with corrections or more detail.
- If the investigation and interviews are prolonged, bear in mind the young person's physical and emotional needs. Allow toilet breaks; provide water; enable them to eat at mealtimes; avoid leaving them for prolonged periods on their own in isolated situations; let them get some fresh air.



## Part 4 Notifying parent/carers

Where a Student is suspended the school will:

- Notify the parents/carers immediately ideally by telephone followed by a letter with 24 hours of the suspension.
- Notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any fixed period suspension
- Undertake to set and mark work for that Student for the first five days of the suspension
- Provide full-time education (off-site or in a shared provision) from the sixth day of any period of fixed period suspension of six days or longer
- Advise any consequences that may be imposed for non-attendance of the provision for the sixth day onwards
- Consider how the time out of school might be used to address the Student's problems; and
- Consider what support will best help with the Student's reintegration into the school at the end of the suspension

The parents/carers of a Student who is suspended for a single or cumulative period of 6-15 days in any one term can request a meeting with governors to review the suspension. The governors will meet within 50 school days of the suspension and will decide whether or not to uphold the suspension. If a Student is suspended for more than 15 days in a term the governors will always meet within 15 school days to review the suspensions.

After a fixed-term suspension, students must attend a reintegration meeting with their parents/carers and the Headteacher. The terms of re-admission are discussed and agreed at such meetings and provision for continued support for the Student arranged at this time.

If a Student is permanently excluded the school will:

- Notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any permanent exclusion
- Undertake to set and mark work for that Student for the first five days of the suspension
- Advise parents/carers that, during the first week of the suspension, the Local Authority will arrange to assess the Student's needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full-time education is provided.
- Arrange a meeting of governors to review the exclusion and decide whether to uphold it.

Students who are permanently excluded will remain on the school roll during the period allowed for appeals, or sooner if the Local Authority confirms there will be no appeal.