



# EXCLUSIONS POLICY

# Mount St Joseph Document Control Table

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Document History		
Version	Date	Notes on Revisions
1	01 Sept 2017	New Policy
1.1	01 Jan 2017	Updated in line with DfE guidance <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf</a> Approved by Governors 26.04.2018
1.2	01 Sept 2019	No recommended updates published
	01 Sept 2020	No recommended updates published
	01 Sept 2021	Reviewed – information reorganized.

## **Rationale**

At the core of our vision is the belief that the overwhelming majority of young people are best served in a school environment and that every means of support should be used to keep them there.

Exclusion from school is used as a sanction for a serious breach of school rules. The Headteacher can exclude a student on disciplinary grounds. The behaviour of students outside school may be relevant and can be considered as grounds for an exclusion decision.

Exclusions are used only where necessary; alternative sanctions are always considered and used whenever they are more appropriate.

Permanent exclusion will only be used as a last resort and when allowing the child to remain in school would be seriously detrimental to the education or welfare of the student, other students or staff; or where this would seriously undermine the good discipline of the school.

This document is intended to give a clear indication to staff, parents and students of the typical circumstances within which the Headteacher will consider using their powers to exclude and the procedures that will be followed in exercising them.

When assessing whether an exclusion is appropriate for a student, consideration should also be given to the Bolton MB Council (Local Authority) document – *Keeping on Track, June 2017*.

## **Supporting students at risk of exclusion**

For those students at risk of exclusion, the school will put additional support or intervention measures into place as a graduated response to try and stop exclusion from happening. These can be either support or sanctions and could include, but are not limited by:

### **Alternative Support**

- Engaging with parents
- Change in teaching class or set
- Liaison with the SENDCo to consider possible interventions within school
- Personalised timetables
- Allocation of a mentor or keyworker
- Pastoral Support Plan
- Timeout card
- Early Help form Completed
- Referral for specialist internal or external support e.g. counsellor
- Referral to the inclusion panel
- Managed transfer to another school

### **Alternative Sanctions / Actions**

- Detention
- Report card
- Restorative Justice or mediation
- Extended / altered school day
- Community service
- Pastoral Support Programme
- Referral to remove
- Referral to inclusion
- Isolation
- Other relevant sanctions

## Consideration of preliminary factors

- Students age and health
- Students response to the incident
- Previous behaviour record
- Extenuating circumstances such as medical, disability, SEND, EAL
- Other influences that may have contributed to the behaviour
- Degree of severity and frequency of the behaviour and likelihood of it occurring
- Effects on learning
- Effects on the school community
- Health and safety implications for other students and staff
- Whether the incident happened within school or on the way to / from school

## Fixed-term exclusion

Whilst having regard to the circumstances of each individual incident, the Headteacher will be likely to consider the use of a fixed term exclusion in the following instances:

- Assault
- Verbal abuse
- Persistent or on-going disruption to the learning environment
- Defiance by sustained challenge to the authority of a member of staff
- Intimidating behaviour, bullying or harassment (including on the grounds of race, ethnicity, religion, disability or sexual orientation)
- Persistent defiance of a school rule
- Dangerous or potentially dangerous behaviour
- Acts of vandalism
- Possession and use of drugs
- Possession and use of alcohol
- Conduct that is likely to bring the school into disrepute
- Smoking offences
- Returning to the school site during an exclusion following a previous warning / offence
- Failure to engage positively in a return from exclusion meeting

This list is not exhaustive; it is designed to give an indication of the behaviour for which a fixed-term exclusion may be considered. The severity and frequency of incidents will be looked at and the length of the fixed-term exclusion will reflect this. In the case of a one-off incident that is deemed to be extremely severe, then a permanent exclusion may be applied instead of a fixed-term exclusion.

A fixed-term exclusion will usually be from ½ to 5 days in length in order to minimise the disruption to learning that results from extended absence within school. Occasionally a longer exclusion of between 6 and 45 days may be given. The school has a duty to arrange education from the sixth day of a fixed period of exclusion. The exact length of the fixed-term exclusion will depend on the:

- Number of incidents that have occurred and are being considered
- Severity of incident(s)
- History of previous incidents or fixed-term exclusions and/or referrals to the Behaviour Support Centre. Repeated fixed-term exclusions for similar incidents may increase in length if progress is not evident.

Each incident will be considered and dealt with individually and only the Headteacher or Deputy Headteacher in their absence can exclude a student. *\*In extreme or urgent cases, this can be actioned by an Assistant Headteacher and the decision later reviewed by the Headteacher.*

## **Permanent Exclusion**

A decision to exclude a child permanently is a serious one. It can either be taken for a one-off offence which is deemed to be extremely serious or have a seriously damaging effect on the life of the school or the health, safety and wellbeing of other students or staff.

This can include, but is not limited by:

- Serious actual, or threatened violence against another student or member of staff
- Carrying an offensive weapon
- Supplying an illegal drug
- Sexual abuse or assault
- Possession and use of drugs
- Serious breach of health and safety
- Persistent defiance
- Persistent disruptive behaviour

Alternatively, it can be the final step in a process for dealing with disciplinary offences following a wide range of other strategies that have been tried, without success.

### **Making a decision on an exclusion**

There are clear procedures in the school for investigating incidents that occur and collecting statements. Where possible, statements will be collected on the same day from the student, victim, other witnesses and staff. Where necessary, witness statements will be made anonymous, if this information needs to be presented to governors in a review meeting. Following a full investigation, the Headteacher will review what has taken place and use the 'balance of probabilities' argument if there are any discrepancies in the statements collected.

It is sometimes necessary to fixed-term exclude a student for a short period of time \*(usually between ½ and 5 days) pending further investigation into an incident, or consideration of the evidence collected. As soon as possible, the Headteacher will make the decision to:

- Not extend the exclusion further
- Extend the exclusion so that it becomes a longer fixed-term exclusion
- Make the exclusion permanent

The decision to exclude will be taken:

- Only by the Headteacher or the Deputy Headteacher
- On all the evidence available at the time
- On the balance of probabilities

During a fixed-term exclusion, the excluded student is not permitted to be on or directly outside the school site at any time. An additional fixed-term exclusion may be issued to students who are in breach of this regulation. In addition, an excluded student should not be in a public place during school hours. A parent may receive a fixed penalty fine if their child is found in a public place without good reason. If an excluded student is found in breach of these regulations then the matter will be reported to Bolton MB Council.

In exceptional cases, usually where further evidence has come to light, a further fixed-term exclusion may be issued to begin immediately after the first term ends; or a permanent exclusion may be issued after the end of the fixed term.

### **Informing parents / carers of the exclusion**

Parents / carers will be informed by telephone on the day that the decision to exclude has been taken. This decision will be communicated in writing and a letter posted by the school in accordance with the guidance.

If exclusion will prevent a student from taking a public examination, arrangements may be made for the exam to be taken if there is not another opportunity for the student to sit the exam.

### **Fixed term exclusions - work for excluded students**

The school will provide work for students who are excluded from 1 to 5 days. Parents are expected to contact the school to arrange to receive the work set.

For fixed-term exclusions of 6 or more days, the school will organise education off site.

### **Fixed term exclusions - reintegration**

Students returning to school after a fixed-term exclusion are expected to attend a reintegration meeting at the school with their parent/carer. The purpose of this meeting is to ensure that the student has a successful return to school by reminding them of the school's expectations and identifying the support or intervention that is needed. Parents / carers are required to attend the reintegration meeting. Where a parent / carer does not attend, the decision to re-admit the student into general lessons may be postponed and they may remain in the intervention centre until an alternative meeting has been arranged. All students returning from exclusion spend the first few days back in school in the Intervention Centre.

Where a student returning from a fixed-term exclusion does so via the school's behaviour support centre, the decision will be made on an individual basis.

For repeat offenders receiving numerous fixed-term exclusions, appropriate support will be put into place.

### **Fixed term exclusions - the review and appeals procedure – right to make representations**

For all exclusions, parents / carers have the right to request make representations to the governors to review the Headteacher's decision to exclude if they are unhappy with the school's decision.

The governors have the power to:

- Uphold exclusions if they believe that the evidence presented indicates that, on the balance of probabilities, the student was involved in the incident(s)
- Overturn the exclusion if they believe there is not enough evidence to confirm that, on the balance of probabilities, the student was involved in the incident. This can result in the direct reinstatement of the student either immediately or on a specified date.

The governors do not have the power to reduce or increase the length of any exclusion that the Headteacher has applied.

If the governors uphold a fixed term exclusion, then the parent / carer has the right to request an independent review panel.

### **Permanent exclusions – the review and appeals procedure – right to make representations**

The school will notify, without delay, the Governing Body and Local Authority of a permanent exclusion. If a student lives outside the local authority area of which the school is situated, the school will notify the 'home authority' of the student.

The parents / carers have the right to make representations to the governors to review the Headteacher's decision to exclude if they are unhappy with the decision. The following parties must be invited to a meeting of the Governing Body and allowed to make representations:

- Parents (and, where requested, a representative or friend)
- The Headteacher; and
- A representative of the local authority

The governors have the power to:

- Uphold exclusions if they believe that the evidence presented indicates that, on the balance of probabilities, the student was involved in the incident(s)
- Overturn the exclusion if they believe there is not enough evidence to confirm that, on the balance of probabilities, the student was involved in the incident. This can result in the direct reinstatement of the student either immediately or on a specified date.

### **Permanent exclusions – decision upheld**

If the governors uphold a permanent exclusion, the parent / carer has the right to request an independent review panel.

When a permanent exclusion is upheld the local authority will arrange suitable full-time education for the student no later than the sixth school day of the exclusion. This will be the students 'home authority' in cases where the school is maintained by a different local authority.

### **Permanent exclusions – decision overturned**

Should the Governing Body overturn a permanent exclusion, a reintegration meeting will be arranged at school with the parent/carers, student and member of the pastoral team. The purpose of this meeting is to ensure that the student has a successful return to school by reminding the students of the school's expectations and identifying the support or intervention that is needed. Parents / carers are required to attend the reintegration meeting. Where a parent / carer does not attend, the decision to re-admit the student into general lessons may be postponed and they may be kept in the internal isolation unit until an alternative meeting has been arranged.

### **Independent Review Panel**

Parents may request an independent review panel, even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the student.

An independent review panel does not have the power to direct a Governing Body to reinstate an excluded pupil. However, where a panel decides that a Governing Body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Governing Body to reconsider its decision.

Parents may apply to the Local Authority within 15 days of the notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded student or where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion. Any applications made outside of the legal time frame will be rejected by the Local Authority.