

POLICY

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Policy name	Exclusions
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Owner	Senior Leadership Team (SLT)

1. Outline

Portfield School's focus of attention and expertise is in the education and care of Students with autism and associated learning and developmental disabilities - to include those who demonstrate complex and challenging behaviours. The school therefore maintains a high level of capability and resource to be able to respond to such needs.

Exclusion on the grounds of a child's behaviour will therefore only be considered if it meets the following criteria:

- The nature of the behaviour is beyond the capability and/or resource of the school (e.g. where a high level of medical intervention is required, where necessary staffing support cannot be provided, where necessary physical resources are not available)
- The behaviour presents a level of risk to the Student that the School is unable to manage
- The behaviour presents a level of risk to other Students and/or staff that the School is unable to manage

In the circumstance where there is no other option but to exclude the School preferred option would be to do so for a fixed term. This will allow further time for all parties to meet and review the situation. There will, however, be exceptional circumstances where, in the Head Teacher judgement it is appropriate to permanently exclude a Student for a first or 'one off' offence. These might include:

- Extremely serious violence against another Student or a member of Staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- A criminal act

The School will consider whether or not to inform the police where such an offence has taken place. We will also inform other agencies, e.g. Youth Offending Teams, Social Workers, etc.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the School community.

Portfield School fully recognises the difficulty that exclusion presents to parents and to the sponsoring local authority and will only pursue this when all other reasonable avenues have been explored. Nonetheless, we consider the safety and well-being of our Students and Staff as paramount and reserve the right to pursue exclusion where this is being materially undermined.

The School is committed to Equal Opportunities and will comply with any relevant legislation.

Any permanent exclusion will be approved by the Head Teacher after full consultation with the Governing Body.

2. School Provision

At the heart of Portfield School's philosophy and practice is the principle that 'if we pay good attention to identifying and responding to a student's needs, their vulnerability to demonstrating behaviour that places them at risk of exclusion will diminish'. Such needs include:

- Physical, emotional, material and social well-being needs
- Health needs
- Needs arising from their autism / SEND (communication, socialisation, flexible thinking, sensory)
- Educational and personal development needs

Every Portfield Student will have a green learning profile that identifies their learning needs and strengths and how the School will meet these. If a Student experiences a specific barrier to their learning a specific intervention plan (amber) will be put in place in order to address this. Some Students will also have red risk management plans that describe the actions and processes we put in place to keep them safe. These are often related to medical or behavioural issues. All 3 types of plans are developed with the support of the Student, their families, key professionals, the Class Teacher and when appropriate the therapy team.

3. Identifying a Student is at risk of exclusion

The School adopts a range of processes through which any student whose behaviours present a potential risk of exclusion will be identified. These include:

- Child centred planning processes
- Positive behaviour support meetings
- Three tiered RAG planning systems
- Monitoring of behaviours through Behaviour watch
- School staff team meetings
- Senior management team meetings
- Behaviour watch data
- Student progress data

When the School's Senior Leadership Team identifies a Student's behaviour as being such that it places him/her at risk of exclusion it will convene an 'at *risk of exclusion* meeting' which may include other relevant school staff and any external professionals who are involved in the child's education, strategies or interventions (e.g. Educational Psychologist, Clinical Psychologist, Paediatrician) as well as the Student and their parents/carers.

4. Risk of Exclusion Meeting

The *risk of exclusion* meeting will be chaired by the Head Teacher. Minutes to include agreed actions will be recorded.

The meeting will consider:

- The nature of the presenting behaviour/issues and the extent to which it meets the policy statement re grounds for exclusion.
- That the behaviour policy is being fully and properly applied and, in particular:
 - The appropriateness and accuracy of current plans and the assessment on which they are framed. If necessary, to action re-assessment and describing of more appropriate and relevant plans
 - The consistency of implementation of plans, strategies and interventions. If necessary, action improved consistency of implementation
 - The necessary changes in behaviour and/or circumstances required for the risk of exclusion to have abated and those that would escalate the exclusion process.
 - Necessary recording of strategies, interventions and behaviours.
- Any environmental changes – to include the behaviour/actions of staff
- The need to further involve others – professionals, agencies, parents

- Any short-term measures to promote safety and well-being whilst any re-assessment and development of new strategies and interventions is pursued. This may include the question of fixed-term exclusion.
- Communication to parents and the sponsoring local authority. Unless there is good reason otherwise, at this stage parents and the LA will be informed that the Student's behaviour is outside the School's normal frame of reference and that a 'risk of exclusion process' is underway.
- Where appropriate and in particular should the process move towards exclusion, the parents and local authority will be invited to attend any exclusion prevention and associated meetings.

- Further interventions could include
 - A change of teaching set or class
 - Curriculum alternatives
 - Additional support in school
 - Further training for staff teams
 - A short period of home tuition
 - A temporary change to the timetable

- The outcome of the first and subsequent *risk of exclusion* meetings will be a clear *exclusion prevention plan* and accurate minutes.
- The *exclusion prevention plan* (amber) and any risk management plan (red) will clearly describe the interventions to overcome the issues that are creating a risk of exclusion and how the current risk(s) being presented will be safely managed. If risk cannot be safely managed fixed term exclusion maybe needed in order to develop appropriate provision or resources such as further staff training or setting up an individualised teaching base. Plans will have clear timescales and monitoring/review procedures.

5. Outcome of a 'exclusion prevention plan'

There are 3 possible outcomes from the exclusion prevention plan;

- The Student is no longer at risk of exclusion
- Though the School is able to keep the student safe the interventions are not reducing the risk and a different provision/school is required. The School will work with the student, family and placing authority to support a planned transition
- The interventions are not providing positive improvement and the Student's behaviour meets the criteria for exclusion and a fixed term exclusion is issued.

6. Unforeseen circumstances leading to exclusion

Some Students may suddenly experience significant challenges that result in their behaviours or actions meeting the criteria for exclusion. This will mean there would not have been time for any exclusion prevention meetings or planning. However the Head Teacher may feel that in order to keep the Student and other safe they need to issue a fixed term exclusion with immediate effect. This will allow time for the School to arrange an 'exclusion planning meeting'. This meeting will follow the same process as the 'at risk of exclusion meeting'. The parent/carer(s), Student if appropriate, the placing authority and appropriate members of staff from the School will be invited to this meeting(s).

There can be 4 outcomes from the 'exclusion planning meeting'

- A return from exclusion plan is implemented and is reviewed over time following the same procedures and potential outcomes of an 'at risk of exclusion plan'.
- It is agreed that the Student's needs and presenting risks are beyond the capability of the school and a new provision is sought by the parent/carers and local authority. The school will support with this process, though it is likely the student will not return.
- It is agreed that the Student's needs and presenting risks are beyond the capability of the school and the student is permanently excluded
- The students actions fall under the 'one off' events describe as being exceptional under the school's criteria for permanent exclusion

7. Exclusions

7.1 Fixed Term Exclusion

A fixed term exclusion may be agreed within the exclusion prevention process for the following purposes:

- To provide space within which planning and resourcing may take place.
- To allow other Students and/or Staff to recover from and take stock of extreme challenging behaviour and to be adequately prepared for the Student's return
- To secure the short-term safety and well-being of the Student and/or others

7.2 Permanent Exclusion

Permanent exclusion will be pursued in the following circumstances:

- The behaviour meets the policy criteria
- A full and proper implementation of the *exclusion prevention plan* has failed to mitigate the presenting behaviours and risks or the resources required to fulfil a 'return from exclusion plan' is beyond the capability of the school
- That all other potential strategies have been fully considered

8. Procedures Related to Exclusions

8.1 Role of a Head Teacher of Portfield School

A Head Teacher should follow carefully the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions. Following this policy will also reduce the chance of any successful legal challenge to the exclusion at a later stage.

8.2 Considerations Following a Fixed Period Exclusion

The School's obligation to provide education continues while the Student is on the roll, and must be met during fixed term exclusion. In all cases of more than a day's exclusion, work should be set and marked. A Head Teacher considering whether to exclude a Student for a longer fixed period, for example for more than 15 school days, should plan:

- How the Student's education will continue during the period of exclusion
- How the time might be used to address the Student's problems
- Together with the school's maintaining LA, agree what educational arrangements will best help with the student's reintegration into the school at the end of the exclusion

9. Length of Exclusions

- The regulations allow a Head teacher to exclude a Student for one or more fixed periods not exceeding 45 school days in any one school year. The limit of 45 school days applies to the student and not to the institution. Therefore, any days of fixed period exclusion served by the Student in the same school year will count towards the total.
- However, individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the Student to reintegrate into the School. Ofsted inspection evidence suggests that 1-3 days is often long enough to secure the benefits of exclusion without adverse educational consequences. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal arrangements exist.

10. Informing Parents

Whenever a Head Teacher excludes a Student, the parent must be notified immediately, ideally by telephone followed up by a letter within one school day. Letters of notification of exclusion must state:

- For a fixed period exclusion, the precise period of the exclusion
- For a permanent exclusion, the fact that it is a permanent exclusion
- The reasons for the exclusion
- The parent's right to make representations about the exclusion to the Governing Body of the School

Letters may need to be translated into other languages, where parents' first language is not English.

Letters should also mention:

- In the case of a fixed period exclusion, the date and time when the student should return to school
- If the exclusion is permanent, the date it takes effect and any relevant previous history
- The arrangements made for enabling the student to continue his or her education, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school
- The telephone number for the Advisory Centre for Education (ACE) exclusions helpline: 020 7704 9822. ACE are a long established independent national charity providing advice to parents

All exclusion cases should be treated in the strictest confidence.

In exceptional cases — usually where further evidence has come to light — a fixed period exclusion may be extended, or converted to a permanent exclusion. In such cases a Head Teacher must write again to the parents explaining the reasons for the change. A Head Teacher may withdraw an exclusion that has not yet been reviewed by the Governing Body.

11. Informing the Local Authority

Within one school day a Head Teacher must inform the student's social services and the LEA of:

- Permanent exclusions
- Exclusions which would result in the student being excluded for more than five school days in any one term
- Exclusions which would result in the student missing a public examination
- Exclusion reports should include:
 - The student's name
 - The length of the exclusion
 - The reason for the exclusion
 - The student's age, gender and ethnicity
- Whether the student has a statement of SEN, is being assessed for such a statement.
- Whether the student is in Local Authority care

12. Unofficial Exclusions

If a Head Teacher is satisfied that, on the balance of probabilities, a Student has seriously breached our behaviour standards and the Student is being removed from the School site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

13. Appeals

- An appeal can be made to the Governing Body which will include the chair of Governors.
- If parents/guardians wish to appeal the decision to exclude, the matter will be referred to the Governors. The Chair of Governors will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within seven school days of receipt of the appeal.
- Records relating to the decision to exclude and the parents/guardians' complaint will be copied to all parties not later than five days prior to the hearing. In no circumstances however, will the school or its staff be required to divulge to parents/guardians or others any confidential information on, or the identities of, students or others who have given information which has led to the exclusion or which a Head Teacher has acquired during an investigation.
- The parents/guardians may be accompanied to the hearing by one other person. This may be a relative, legal advisor or friend.

14. Additional Guidance

Alternative approaches

A number of different alternatives may be available in response to a serious breach of behaviour policy.

14.1 **Restorative justice**, which enables the offender to redress the harm that has been done to a 'victim', and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise have resulted in exclusion. All professionals involved in the process need to be thoroughly involved and this can only work with the consent of all parties. However given the nature of our client group this may not be an appropriate strategy.

14.2 **Mediation** through a third party is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. a student and teacher, or two students;

14.3 **Internal seclusion** (also known as internal exclusion), which can be used to defuse situations that occur in school that require a student to be removed from class but may not require removal from the School premises. The seclusion could be to a designated area within the School, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal seclusion should be for the shortest time possible and should be subject to review.

Throughout the *exclusion prevention process* the student's parents and sponsoring local authority will be kept fully informed of progress and arising issues.

15. Removal of Students other than by Exclusion

15.1 Exceptional Circumstances

There may be exceptional circumstances in which a Head Teacher needs to remove Students from the School site when exclusion would be illegal. An example is where a student is accused of committing a serious criminal offence which took place outside the Head Teacher jurisdiction (perhaps during a weekend or school holiday and off the site) and/or there is insufficient evidence to warrant exclusion.

The Head Teacher would be unable to exclude a Student in this situation. However, there may be compelling reasons for removing that Student from the School premises pending the outcome of a police investigation.

Whether the Student has been granted leave of absence or is being educated elsewhere, the School must ensure that the Student's full-time education continues while off site. Any such arrangements do not amount to a formal exclusion from School and should be kept under periodic review.

15.2 Health and Safety

A Head Teacher may send a Student home, after consultation with that student's parents, Social Worker and a Health Professional (for example, Portfield School's Paediatrician) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other students and staff.

This is not exclusion and should be for the shortest possible time and may only be done for medical reasons. If difficulties persist, a Head teacher should seek medical advice.

If there is sufficient evidence that a Student has committed a disciplinary offence the Student may be excluded from school for a fixed period or permanently.

If a Student's presence on the School site represents a serious risk to the health or safety of other Students or School staff a Head Teacher may exclude the Student that day after consultation with the parents and /or the Local Authority.

16. Factors to Consider Before Making an Exclusion

Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the School or the Student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, a Head Teacher should:

- Ensure that the procedures described in this policy are adhered to
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended
- Allow the Student to give his or her version of events

- Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment
- If necessary, consult others, but not anyone who may later have a role in reviewing the Head Teacher decision, for example a member of the Governing Body.
- The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, a Head Teacher may exclude the Student. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied but it does mean that when investigating more serious allegations, a Head Teacher will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the Student's past behaviour), in determining whether it is more probable than not that the Student has omitted the offence.
- Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for a Head Teacher to make a judgment on whether to exclude the Student.
- Drug-related Exclusions

The school follows the Autism Wessex Policies.. Illegal drugs have no place within Portfield School.

17. When Exclusions are not Appropriate

Exclusion should not be used for:

- Minor incidents such as failure to do homework
- Poor academic performance
- Lateness or truancy
- Breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.)
- Punishing students for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting.

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Overview of exclusion procedures

