



Kingsdale Foundation School

Appendix to School Behaviour Policy

Exclusion of Pupils Policy

Adopted: July 2017

Review date: July 2018

Kingsdale Foundation School has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports pupil learning and success. Exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the school's use of exclusions and is supported by our **school behaviour policy**.

Please access our website www.kingsdalefoundationschool.org.uk for further information regarding our policies, including our behaviour policy.

1. Power to exclude

The headteacher is the only member of staff within the school who can exclude a pupil, either permanently or for a fixed-term. In the absence of the headteacher, the deputy head or acting headteacher can make this decision.

The governing body can review the headteacher's decision and consider appeals from parents of excluded pupils. They may direct the reinstatement of an excluded pupil, or uphold an exclusion after a review, but they cannot exclude a pupil themselves. For more information on the governing body's role in exclusions (See Section 5 below).

2. Reasons for exclusion

Generally, there are two main reasons for exclusion: in response to a breach, or persistent breaches, of the school's behaviour policy, or a situation where it is feared that the safety and wellbeing, or education, of other pupils is at risk.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent or fixed-term exclusions being issued by the school:

- a breach of the school's intruder policy (revised below)
- a breach of the school's offensive weapons policy (revised below)
- bringing the name of the school into disrepute/unacceptable behaviour outside school which reflects poorly on the good name of the school
- verbal abuse to staff, pupils or others
- physical abuse to/attack on staff
- physical abuse to/attack on pupils
- indecent behaviour

- bullying
- damage to property
- breach of the school's ICT acceptable use policy
- use/misuse of illegal drugs
- use/misuse of other substances
- theft
- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

3. Types of exclusion

The consequences for very serious and persistent misbehaviour are outlined on page 6 of our behaviour policy, to which this document forms an appendix. The policy can be located on our website

www.kingsdalefoundationschool.org.uk The key extract from the behaviour policy is copied below for clarity:

Consequences for very Serious and Persistent

Misbehaviour Option 1

- *Fixed term exclusion (1-5 days: number of days dependent on incident).*
- *Parent informed and work sent home.*
- *Re-entry interview with parent and member of Senior Leadership Team.*
- *Put on report to Student Support Officer for one week. In the second instance:*

Option 2

- *Longer fixed term exclusion (1-10 days: number of days dependent on incident).*
- *From and including day 6 of the exclusion, the school will provide alternative provision on/off site and governors will be informed.*
- *Parent informed and work sent home.*
- *Re-entry interview with parent and member of Senior Leadership Team.*
- *Issuing of a Behaviour Contract*

Option 3

- *Longer fixed term exclusion (1 to 45 days). From and including day 6 of the exclusion, the school will provide alternative provision on/off site and governors will be informed. Exclusions greater than 15 days will result in Governors Disciplinary Committee and intervention plan to prevent permanent exclusion.*
- *Parent informed and work sent home.*
- *Re-entry interview with Parent and Headteacher.*

Option 4

Managed Move/Permanent Exclusion

- *The School works in partnership with other schools in the area and may consider a managed move as an alternative to permanent exclusion. This involves giving the student an opportunity to complete a trial period in another school, with a view to a permanent move if the trial period is successful. This provides an alternative to permanent exclusion which is beneficial for the pupil concerned.*

3.2 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence may be considered the only option. These include but are not limited to:

- a breach of the school's intruder policy
- a breach of the school's offensive weapons policy
- serious, actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- arson
- any other serious breach of school policy

Two of our key policies referred to above are repeated below for the sake of clarity and avoidance of doubt:

Intruder Policy: Any pupil who invites, welcomes, assists, encourages or fails to inform the school of persons with intent, to enter the school site or the vicinity of the school who are planning to commit acts of intimidation or violence against any other member of the school community will be recommended for permanent exclusion from Kingsdale Foundation School.

Offensive Weapons Policy: Any pupil found to have brought or to have in his/her possession any legally defined offensive weapon within the vicinity of, or inside our premises, will be recommended for permanent exclusion from Kingsdale Foundation School.

It may be necessary for the school to involve the police if an offence warrants it. All permanent exclusions will be reviewed by the governing body (usually delegated to a committee of governors) to ensure that they are justified and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing body.

3.3 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the school at the start of the exclusion period. If a pupil is excluded for more than 45 days in one school year, they will be permanently excluded.

A fixed-term exclusion may result from a breach of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than for instance a detention or isolation, but does not warrant permanent exclusion.

A fixed-term exclusion does not have to be for a continuous period.

A fixed-term exclusion can be changed into a permanent exclusion by the headteacher if the circumstances warrant it. In this case, parents or carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian (see below for more information).

An excluded pupil has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing body can decide whether or not to allow the pupil to sit the tests, and this will depend on the seriousness of the reason for exclusion.

3.4 Lunchtime exclusion

This is a form of fixed-term exclusion and will not be used as a long-term solution to a behaviour problem. A lunchtime exclusion counts as half a day when calculating total number of days of exclusion.

The school may decide to exclude a pupil from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils. Arrangements will be made for parents or carers to collect the excluded pupil and supervise them if their age or vulnerability warrants it. The school will not invoke a lunchtime exclusion for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour.

Pupils who are entitled to free school meals will still be given this provision over their period of lunchtime exclusion.

4. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the school, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety within the school.

If it is decided that exclusion is necessary, the parents or carers of the pupil will be notified, and the circumstances surrounding the exclusion will be formally recorded.

4.2 Examples of alternative behaviour management strategies which may be used

Mentoring

The school operates a well staffed mentoring department, with allocated mentors for each year group. Mentors offer a range of support to pupils, including emotional and behavioural, and work with young people on modifying potentially challenging behaviours. Mentors are also able to offer mediation between parties (see below).

Referrals to the mentors are made via the pastoral managers with parents informed of this intervention to ensure effective home/school liaison and support.

Mediation

If there is a conflict between two or more pupils, a member of staff will meet with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil. Mediation is usually, although not exclusively, conducted by the school's mentoring department.

School Counselling

The school counsellor is available to meet with pupils in a confidential setting (subject to school safeguarding requirements) to enable pupils to address concerns or issues which may be affecting the way that a pupil behaves at school. Sessions are available during the week and on a Saturday morning during term time.

Referrals for counselling at the school are usually made via pastoral managers, with the agreement and awareness of the parent/s. Pupils may also self refer via the pastoral managers, the mentor office or via contact with the counsellor through the designated email address.

Learning Support Unit (LSU)

Where pupils may be presenting challenging behaviours in a range of classes which may be disruptive to their learning and the learning of others, a referral can be made by subject or departmental managers to the school's Learning Support Unit (LSU); a small supervised support area located within the Special Needs Department area. As part of this provision, pupils will complete work provided by their timetabled subject teachers, as well as receive pastoral support with a view to them modifying their challenging behaviours and reintegrating back into normal lessons at a future point.

All referrals to the LSU are initiated by subject/pastoral managers and are considered at the weekly meeting of the Curriculum Access Support Team (CAST). In urgent situations, a referral and placement can be made and authorised by the relevant senior manager and retrospectively agreed by CAST.

Internal exclusion/Isolation/Referral to the Conflict Resolution Centre (CRC)

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the school. This may occur during lessons in line with faculty shadow support timetable arrangements, or over a lunch time period, and will be used in circumstances where it is not necessary to remove the pupil from the school site, but where a period of separation is needed. As part of these arrangements, pupils may be placed in another class, with another colleague, or in the school's Conflict Resolution Centre (CRC) where appropriate support and supervision can be provided (see below).

For more serious breaches of the school's behaviour policy which do not warrant a fixed term or permanent exclusion, or off-site referral, a pupil may be placed in isolation within the Conflict Resolution Centre (CRC); a small ratio supervised area administered by the Learning Support Faculty.

All referrals to the CRC are initiated by subject/pastoral managers, with senior manager approval as required. It is school policy to advise parents where a pupil is referred to the Conflict Resolution Centre to ensure effective home/school liaison and support.

Restorative justice/Informal police referral

The school works closely with our designated Liaison Officer to ensure effective support for pupils both within and outside of school. For serious or persistent breaches of the school's policy, including those related to social media/sexting etc., the school may refer the matter to our school liaison officer for their involvement, which may include an informal or formal meeting with the pupil and/or parents, and/or referral to other agencies. The focus of this intervention would be on supporting the pupil/s in modifying behaviours and preventing potential future breaches of both the law and the school's policies.

In certain situations where a potential criminal offence may have been committed, the school reserves the right to refer to police in a formal capacity in line with our statutory responsibilities.

In certain breaches of the school's policies, involving multiple parties, it may be beneficial to convene a session of 'restorative justice', where parties are required to account for their actions and consider the impact that such actions may have had on others. These sessions can be conducted at school involving school staff or with the school liaison officer as appropriate. In cases where the school officer would be involved, it would be normal practice for the parents of involved pupils to be invited.

Managed move

In some cases, it may be considered by the school and/or parents that the best interests of a pupil are served by providing them the chance of a fresh start by moving to another school. The school has well established arrangements with both other schools and the Local Authority for facilitating such moves as an alternative to exclusion and for instance, attends the LA Managed Move panel as required.

Referrals for a managed move will only occur with consent of parents and the school will do everything it can to ensure that the transition is as smooth as possible.

Off-site provision/School Annexe

The school operates an alternative area of the school environs called the Annexe which pupils may be referred to should their behaviour be such as to prevent the learning of themselves or others over a sustained period, or for serious breaches of school policy as an alternative to exclusion. Referrals to the Annexe are made by pastoral/faculty managers, with appropriate authorisation from the Curriculum Access Support Team (CAST) and senior managers. Emergency referrals can be made in line with the procedures outlined for the LSU above. Initial referral periods to the Annexe are for 6 school weeks, although this can be extended/reduced in line with school reintegration/referral procedures.

Parents are informed where their child is referred to the Annexe.

In some cases, it may be considered that a pupil may benefit from a short, medium or long term placement at a suitable and licensed off-site provision. Referrals for these types of placement are made via the Curriculum Access Support Team (CAST). Parents are informed where their child is referred to off-site provision and the school will always seek to work with parents and carers to ensure that off-site placement remains a viable and constructive alternative to fixed-term and permanent exclusion.

4.3 Looked-after children and young people

Kingsdale Foundation School understands that looked-after children and young people and care leavers may be more susceptible to behavioural challenges due to additional issues they may face or have faced. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in our school. Before any decision to exclude is made, the school will:

- consult relevant agencies/LA about alternative options to support a looked-after pupil
- consult relevant agencies/LA about what alternative provision will be available if the pupil is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion
- work with the foster carers/adoptive parent/s/relevant bodies to improve the pupil's behaviour

4.4 Pupils with special educational needs or a disability (SEND)

Pupils with SEND

Our school's full SEN provision is outlined in our **special educational needs policy**. We work hard to accommodate pupils who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the school will use the time between the initial decision and the governing body's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that a statement/EHCP be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Pupils with a disability

If a pupil with a disability is under consideration for exclusion, the school will ensure that all other possible outcomes have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be

material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability. You can find more information on reasonable adjustments in our **school accessibility plan**.

4.5 Ethnicity

Kingsdale Foundation School does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our **school complaints procedure** (Please refer to our website www.kingsdalefoundationschool.org.uk for a copy of this policy).

4.6 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made, unless there is a threat to the safety of pupils or others at the school.

Before the decision to exclude is made, the school will:

- ensure that the school has made an investigation in line with our procedures
- consider all the evidence available when looking to support the allegations
- encourage the pupil to give his or her version of events
- take into account the school's behaviour policy and equal opportunities policy, and relevant equalities legislation
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other parties/agencies as necessary (but not anyone on the governing body or management committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

When establishing the facts in relation to an exclusion decision the school must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

4.7 Confidentiality

The school will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it and a breach of this may result in disciplinary action.

4.8 Recording and notifying the decision to exclude

All exclusions will be formally recorded and the school will contact the parents or carers of the pupil in writing immediately once the decision has been made to exclude, specifying the following:

- The reasons for the exclusion
- The period of a fixed-term exclusion or, for a permanent exclusion, the fact that the exclusion is permanent
- The right of the parents to make representations to the governing body and how the pupil may be involved in this
- How many representations should be made; and
- Where there is a legal right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend
- What arrangements have been made by the school for the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school
- Where parents can obtain free and impartial information about exclusions

Where an excluded pupil is of compulsory school age, the school will notify the parents as soon as possible, and by the end of the afternoon session that for the first five days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged, the school will usually include in the written communication, the start date of any provision of full time education that has been arranged for the pupil during the exclusion, the start & finish times of any such provision, the address at which the provision will take place and any information required by the pupil to identify the person/s he/she should report to on the first day of the provision. If the school is unable to provide the information relating to alternative provision in the initial written communication outlining the exclusion, then it will usually be provided under separate cover at least 48 hours before the official start time of the alternative provision in line with the school's statutory obligations.

If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing.

The school will notify the governing body and Local Authority within one day of the decision to exclude being made where the exclusion is permanent (including a fixed-term exclusion which is later made permanent), where an exclusion would result in the pupil being excluded for more than five school days or ten lunchtimes, in a term and exclusions which would result in a pupil missing a public examination. For all other exclusions the school will notify the local authority and governing body at least once per term. In the case of a pupil being permanently excluded from the school who lives outside of the local authority in which the school is located, the school will also inform the pupil's 'home authority' of the exclusion in line with the timescales above.

Where a fixed-term exclusion is extended or converted to a permanent exclusion, the school will write again to the parents explaining the reasons for the change and providing additional information as appropriate.

The school will make reasonable steps to enable translations of written communications to parents concerning exclusions, as required in line with our statutory obligations and published policies.

5. Reviewing an exclusion

The governing body will consider parents' representations about an exclusion for their child. This will depend upon the nature of the exclusion. The governing body will usually delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee of at least 3 governors.

5.1 Requested reviews

For exclusions of 5 days or less that will not take the pupil's total days of exclusion for the term above 15 days, the governing body will consider any representations made by parents but has no power to overturn the headteacher's decision. There is no requirement for the governing body to convene a meeting with parents to consider such an exclusion.

5.2 Required reviews

The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if the exclusion is permanent or if it is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 days in a single term or if the exclusion would result in a pupil missing a public examination. In such circumstances a meeting, at which parents are invited to attend will be convened.

Parents of pupils who are excluded for more than 5 but less than 15 school days in a single term may request the governing body to consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion.

At meetings of the governing body called to consider exclusions, parents, the headteacher (or nominated representative) and a representative of the local authority will be invited to attend and make representations.

Where the governing body is required to consider the decision of the headteacher to exclude a pupil, the governors will ask for relevant written evidence, including that held by the school in advance of the meeting, so that it may be circulated as appropriate to all those scheduled to attend the meeting at least five school days before the date of the meeting. The governors will also permit parents and pupils attending the meeting to be accompanied by a friend or representative. They will also have regards for the specific needs of attending parties and make reasonable adjustments to enable attendance and contribution at the meeting and ensure that procedures are in place to enable to pupil themselves to attend and make a contribution to the review process.

Where the governing body is required to consider the decision of the headteacher to exclude a pupil, they will consider the interests and circumstances of the excluded pupil, including the circumstances which led to the exclusion and will have regard to the interests of other pupils and persons working at the school. The governors will consider any representations made by attendees to the meeting, including the parents, the headteacher and a representative of the Local Authority.

During the meeting, the governors will apply the civil standard of proof, i.e. 'beyond reasonable doubt'.

In the light of their meeting and deliberations, the governors can uphold an exclusion issued by the headteacher or direct reinstatement of the pupil immediately or on a particular date. This decision will be based on a consideration of whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account the headteacher's legal duties.

Where governors decide to reinstate a child but reinstatement is not practical, e.g. the pupil has already returned to school, the governors will consider whether the headteacher's decision to exclude the pupil was justified based on the evidence.

Minutes will be taken at any meeting called to review an exclusion decision and are available to all parties attending on request. The outcome of the governor's review will be recorded on the pupil's educational record, along with copies of relevant papers for future reference.

Parents who wish to contact the governing body in relation to an exclusion, should do so via the Clerk to the Governing Body who can be contacted via the school. More information can be located on the Contacts page of our website www.kingsdalefoundationschool.org.uk

5.3 Notification of the review decision

Governors will inform parents, the headteacher and the Local Authority of the outcome of an exclusion review meeting in writing. Where a pupil resides in a different local authority from the one in which the school resides, governors will also inform the pupil's home authority.

For cases of permanent exclusion, this letter will also outline how parents can request a review by the independent panel if they are unhappy with the outcome of the governing body's review. The legal time frame for an application is within 15 school days of a notice being given to the parents by the governing body.

The outcome of the review for both fixed-term and permanent exclusions will be one of the following:

- **Unlawful exclusion**

If the review panel has found that the exclusion has been made unlawfully, it will not stand. The governing body will not investigate further. Parents who have a complaint about an unlawful exclusion should follow the procedures set out in the **school's complaints policy** to report it.

- **Upholding the exclusion**

If the review panel finds that the exclusion is fair and just, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

- the decision
- the reason for the decision
- the parent's right to appeal to an independent appeal panel (as applicable)
- the name and contact details of the person to whom to send a notice of appeal
- the date by which a notice of appeal should be given (as applicable)
- that the notice of appeal must set out the grounds for appeal (as applicable)
- that the notice of appeal should set out any grounds for alleging disability discrimination if this is the case (as applicable)

- **Reinstating the pupil**

If the review panel decides that it is appropriate to reinstate the pupil immediately or by a given date, support will be given to ensure that the pupil is reintegrated into the school. This will include a reintegration interview including a parent or carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the pupil's academic records along with any relevant papers. The governing body may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

6. During an exclusion

Although the school has made the decision to exclude a pupil, it will maintain responsibility for the education of that child and will do everything that can be reasonably done to minimise the disruption to their education.

For the first five days of any type of exclusion, the school will set and mark work that the child should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed-term, the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the Local Authority will arrange for this provision having assessed the child's needs to commence no later than the sixth day of exclusion. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE college.

If the child has a statement of special educational needs, the alternative provision will meet those needs.

Provision will not be arranged for pupils who are in the final year of compulsory education who do not have any further public examinations to sit.

7. Further information

Further information on exclusions in schools can be accessed from the following sources:

Department for Education Statutory Guidance - <https://www.gov.uk/government/publications/school-exclusion>

Coram Children's Legal Centre - www.childrenslegalcentre.com Tel: 08088 020 008

Signed by

_____ **Chair of governors**

Date:

_____ **Headteacher**

Date:

This policy will be reviewed annually