

Exclusion Policy

Review Date	January 2022	Next Review by Date	January 2023
Reviewed By	Headteacher		
Approval by Governing Body	Danuta Tomasz		
Date Approved	08/02/2022		

Rationale

Pathways Education is committed to valuing diversity and equality of opportunity. We aim to create and promote an environment in which young people, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities. We seek to avoid exclusions. They take place only for the most serious incidents that lead us to conclude that our school is not able to meet the learners needs / is the inappropriate environment.

Aims

The aims of this policy are to

- Make all Stakeholders aware of the law in relation to exclusion of a student
- Provide the necessary steps and appropriate support that must be taken in the case of an exclusion

Partnership with families

Parents/carers working in partnership with the school consistently reinforcing the school's expectations is an important factor in every young person's success. At Pathways Education, we will work in partnership with parents/carers to ensure that expectations are clear and parents/carers can reinforce them with their young person. This includes ensuring that parents/carers are kept informed about decisions made in response to a young person's

inappropriate behaviour so that we can work together in the best interests of young person and to ensure expectations for behaviour are made clear. The school is responsible for communicating to young person's parents/carers and staff its expectations of standards of conduct

Managing Behaviour Problems

Our approach is Trauma-informed and the behaviour strategies we employ are comprehensive. We recognise that certain behaviours can sometimes be symptomatic of a real, deeper need for our support and understanding. All young people can go through times of inappropriate behaviour, and we strive to never "give up" easily on a young person as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We conduct risk assessments for all children before they begin with us and these are updated as appropriate to reduce risk (please see Risk Assessment Policy). We will use behaviour data to assess patterns of challenging behaviour. Where patterns emerge, we will systematically intervene, drawing up an action plan with the young person, parent/carer and teacher. Our approach to behaviour is detailed in the Behaviour & Relationship Policy. No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a detailed staff debrief, followed by consultation with the CEO.

The Law

The Law states:

- Only the Headteacher of a school can exclude a student and this must be on disciplinary grounds. A student may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.
- The behaviour of students outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's published behaviour policy.
- The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.

- Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- Headteachers must take account of their legal duty of care when sending a student home following an exclusion.
- When establishing the facts in relation to an exclusion decision the Headteacher/Principal 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'.
- Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled young people, this includes a duty to make reasonable adjustments to policies and practices.
- In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to: eliminate discrimination and other conduct that is prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- These duties need to be taken into account when deciding whether to exclude a student. Schools must also ensure that their policies and practices do not discriminate against students by unfairly increasing their risk of exclusion.
- Headteachers and governing bodies must take account of their statutory duties in relation to special educational needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.
- It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason.
- 'Informal' or 'unofficial' exclusions, such as sending students home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a student, even for short periods of time, must be formally recorded as an exclusion.
- Schools have the power to direct a student off-site for education to improve his or her behaviour. A student can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their young person from the school.

Reasons to Exclude

A decision to exclude a young person, either internally, for a fixed period or permanently is seen as an absolute last resort by the school. The physical and emotional health of our young people and staff is our primary concern, and we therefore accept, that in some serious situations, exclusion may be

necessary, if all other strategies have been exhausted. The decision to exclude will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another young person or a member of staff.
- Possession or use of an illegal drug on school premises.
- Possession of/bringing a weapon on to school premises.
- Persistent bullying.
- Persistent prejudice-based harassment or hate-based acts.
- Ongoing refusal to engage in learning and deliberately sabotaging the rest of the young person's learning.
- Damage to school property

A decision to permanently exclude a student will only be taken:

- In response to a serious breach, or persistent breaches of the school's behaviour policy.
- Where allowing the student to remain in school would seriously harm the safety and welfare of the students or others in school.

Any exclusion will be at the decision of the Headteacher, usually in consultation with other members of the school team and the CEO (particularly if they were involved in debriefing the incident).

The length of exclusion

This will depend upon a number of factors, such as the severity of the incident, and the likely impact on the young person's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the young person, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way. Single incident internal and temporary / fixed-term exclusions may be used in response to a very serious breach of school rules and policies or a disciplinary offence.

In the most serious cases where a problem persists and there is no improvement, a permanent exclusion/ managed move may be necessary. In such cases them Headteacher will investigate the incidents/concerns and consider all evidence to support taking account of the school's policies. The young people will be encouraged to give their version of their circumstances/incidents and the Headteacher will check whether the incident/s may have been provoked, for example by bullying or racial harassment. The Local Authority will be informed of all decisions to exclude.

The decision to exclude

If the Headteacher decides to exclude a young person, they will:

- Ensure that there is sufficient recorded evidence to support the decision.
- Explain the decision to the young person, if the young person is in the state of mind to listen to the decision.
- Contact the parents/carers, explain the decision and ask that the young person be collected or be at home to receive them.
- Send a letter to the parents/carers confirming the reasons for the exclusion, whether it is a permanent or temporary/fixed term exclusion.
- The length of the exclusion and any terms or conditions agreed for the young person's return.
- Plan how to address the young person's needs and integration back into their school site on their return.
- Plan a meeting with parents/carers and young person on their return to be conducted by a suitable member of staff, prior to their return wherever reasonably practical. This may also happen over the telephone.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the young person at risk.

In cases where parents/carers will not comply with; for example, refusing to collect the young person, be at home to receive the young person, then the young person's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the young person is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the young person off-site.

Re-integration Meeting

After every period of fixed term exclusion, the young person and parent/carer will be offered a reintegration meeting with Headteacher. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will also be discussed. The meeting will be recorded, and a copy retained by the parent/carer, young person and school. This meeting may well be held over the telephone, due to the distance away from the young person's home.

Work set

When a young person is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a young person is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning. A young person can be excluded for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education, which could be at another school, or nearby location, such as the local library, or by providing home education, as agreed with the parents and young person.

Behaviour outside school

Student's behaviour outside school, e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; additionally, this includes any serious breach of policy which could 'bring the school into disrepute'. The school must take account of any special educational needs when considering whether or not to exclude a young person. The Headteacher should ensure that reasonable steps, have been taken by the school to respond to a young person's disability so they are not treated less favourably for reasons related to the disability.

Managed move

In cases where the Headteacher and parents/carers agree that the progress of the young person has been unsatisfactory and the young person is unwilling or unable to profit from the educational opportunities offered, or if a parent's/carers failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and in such cases the Headteacher may assist the parents/carers in placing the young person in another school.

Removal from the school for other reasons

The Headteacher may send a young person home, after consultation with that young person's parents/carers, if the young person poses an immediate and serious risk to the health and safety of other students and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

Equal Opportunities

The school recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the school's aim that no-one at Pathways Education should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

Procedure for appeal

If parents/carers wish to appeal the decision to exclude, the matter will be dealt with using the Complaints procedure and policy.

Linked Policies

A range of policies and procedures are in place to promote positive behaviour and appropriate conduct. These are:

- Behaviour and Relationship Policy
- Anti-Bullying Policy
- Safeguarding and Child Protection Policy
- Home School Agreement
- Risk Assessment Policy
- E-Safety Policy
- Complaints Policy

Monitoring

This policy will be reviewed annually.