



Fulford School

Procedures for Exclusion

Adopted: September 2017

Review: September 2019

Responsible: Headteacher

Statement

Challenging pupil behaviour is a major concern for schools. Dealing with disruptive pupils puts pressure on staff and requires clear policies and procedures to deal with it. Recent legislation has tried to empower schools to deal with challenging behaviour whilst also recognizing the devastating effect that exclusion can have upon pupils and their families. Fulford School encourages good behaviour as a particularly effective means of reducing challenging behaviour. Strategies used include rewards via our Rewards and Sanctions Policy, tutor support, counselling and support from our Student Support Officers, target cards, inclusion, PSPs, home-school agreements and our work with the City of York Behaviour and Attendance Partnership. In some cases, however, the best attempts of the school will not lead to change and sanctions will need to be imposed.

The Governors of Fulford School have stated that they consider that the use of the Headteacher's power to exclude from school can be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate. Within these limits they support the Headteacher in using her discretion in the exercising of these powers.

Purpose

This policy and procedure document is intended to give a clear indication to staff, parents and students the kinds of circumstances within which the Headteacher will use her powers to exclude and the procedures that will be followed in exercising them. Governors will rely on this in reviewing the actions of the Headteacher in excluding students.

POLICY

Fixed Term Exclusions

While always having regard to the circumstances of a particular case the Headteacher will be likely to use fixed term exclusions in the following kinds of cases. This list is not meant to be exhaustive with regard to offences for which fixed term exclusion may be used but gives an indication of the kinds of behaviour where it is believed to be an appropriate, proportionate sanction:

- Sustained challenge to the authority of a member of staff.
- Bullying, harassment or abuse, including text or cyber bullying (examples here also incorporate those on the grounds of gender, race, ethnicity, religion or sexual orientation).
- Persistent defiance of a school rule.
- Acts of vandalism or minor physical violence.
- Using drugs or alcohol on the school site.

- Conduct likely to bring the school into disrepute.
- The above also include measures that might be implemented for behaviour that takes place off the school site e.g. on the way to and from school, as well as in school.

The length of the exclusion will be proportionate to the gravity of the offence. A decision to exclude a pupil for a fixed amount of time should be taken where the behaviour is of a serious nature, including persistent disruptive behaviour, but is not serious enough to warrant permanent exclusion. Fixed-term exclusions should be for the shortest time necessary. Ideally, they should be for no longer than one to three days as this allows the school to make a point about how serious the behaviour is without there being adverse educational consequences.

The school has the power to send a student to another education provider at a different location to improve their behavior without the parents having to agree. The school can also transfer a student to another school via a managed move if they have the agreement of the parents, the new school and the admissions authority for the new school.

Long Fixed Term Exclusions

Long fixed term exclusions will generally be used to enable support to be obtained in assessing; moving or reintegrating a student with severe problems where the alternative would be permanent exclusion.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day. Taking into account the child's age and vulnerability, the Head or teacher in charge should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion.

It is not expected that lunchtime exclusions should run for longer than a week and if this is the case alternative strategies for dealing with the behaviour should be found. Pupils on free school meals may need to be provided with a packed lunch.

Permanent Exclusion

Permanent Exclusion will be reserved for offences that will have a seriously damaging effect on the life of the school, the well-being of other students or of staff or seriously and persistently interfere with teaching and learning in the school. This sanction should only be used as a last resort in line with the 2017 statutory guidance on exclusion from the DfE. A pupil should only be permanently excluded following a serious breach or persistent breaches of the school behaviour policy and if the education or welfare of pupils and others at the school would be harmed by the continued presence of the pupil in the school. Excluding a pupil is a very serious matter and should usually only be taken when all other strategies have been tried.

However, there are exceptional circumstances when it would be appropriate for a Head to permanently exclude a pupil for a single offence. These might include:

- Serious violence, threatened or actual, against another pupil or member of staff which creates fear and anxiety among staff or students.
- Persistent defiance of school authority or disruption of teaching and learning.
- Sexual abuse or assault.
- Persistent bullying, harassment or abuse (as above).
- Supplying an illegal drug or dealing in drugs on the school site or where students are the responsibility of the school e.g. on a school trip, travelling to/from school.
- Carrying an offensive weapon.

Modifying an Exclusion

An exclusion may not be extended nor can a fixed term exclusion be converted into a permanent one. In exceptional cases, for example where further evidence has come to light, a further fixed term exclusion 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 period exclusion.

PROCESS

Making the Decision

In most circumstances the Headteacher will need to give time and thought to the decision to exclude a pupil unless there is an imminent threat to the safety or well-being of the pupil concerned or others. Before the decision to exclude is made the Head should:

- Feel certain that the pupil did commit the misdemeanour from available evidence.
- Give the pupil an opportunity to have his or her say and explain actions.
- Check whether the incident was provoked by bullying or by racial or sexual harassment and take into account any breach of the school's policy on equal opportunities.
- Consult others if it seems necessary, taking care not to approach anyone who may subsequently be involved in the case, e.g. a member of the discipline committee.
- Keep a written record of the action taken, the records of other staff and witnesses statements.

The more serious the allegation, the more the Head needs to feel convinced that the pupil was responsible and he or she should take account of all the available evidence. Where the decision is taken to send the pupil home, the Head should:

- Record the details of the exclusion.
- Ensure that he or she is meeting his or her duty of care towards the pupil and that the parents have been informed.
- Take into account child protection issues.
- Ensure that the pupil's human right to education is not contravened.

Parents should be notified as soon as possible where at all possible by phone call and certainly on the day before the exclusion takes effect. This should then be followed with a confirmation letter. This notice should include:

- A description of the type of exclusion and how long it applies for.
- The reasons for the exclusion.
- The parents' right to make representations to the governing body. The person the parent should contact if they wish to make representations. In the case of a fixed term exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governors must consider any representations made by parents, but they cannot direct reinstatement and are not required to arrange a meeting with parents.
- The school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification.
- The arrangements made by the school to enable the pupil to continue his or her education during the first five school days of an exclusion, including the setting and marking of work.
- The school days on which the pupil will be provided with suitable alternative full time provision - where this is applicable.
- The start date, start and finish times, session details, address and contact details for any alternative provision arranged.
- Arrangements for the reintegration interview on the student's return to school where the exclusion is for up to five days (for longer exclusions separate notification can be sent nearer the date of the proposed interview).

- The latest date by which the governing body must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than five school days in any one term and would not result in them missing a public examination).
- Where appropriate, the number of lunchtimes for which the pupil is excluded and any arrangements for free school meals (lunchtime exclusions).
- The date the exclusion takes effect (permanent).
- The name and telephone number of an officer of the LA who can provide advice.
- The telephone number of the Coram Children's Legal Centre.

Within one school day the governing body and the LA must be informed of any permanent exclusions, exclusions which would result in the pupil being excluded for more than 5 school days in a single term or more than 10 lunchtimes in any one term or exclusions that would result in the pupil missing a public examination.

Investigation

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this.
- Witness statements will be recorded, signed and dated.
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld. NB It is important that all parties recognise that less reliance can be placed on anonymised statements.
- The person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others. It is not necessary that there is a face-to-face confrontation.

Decision

- The decision to exclude will only be taken by the Headteacher or, in her absence, an Associate Headteacher or Deputy Headteacher. The power to exclude cannot be delegated.
- The decision will be taken on all the evidence available at the time.
- The decision will be taken on the balance of probability. Where the offence alleged is a criminal act the standard of proof will be that it is 'distinctly more probable than not' that the student committed it.

Informing

The following will be communicated without delay by student post and/or letter and telephone message as appropriate:

- The persons having parental responsibility for the student.
- The LA.

NB If an exclusion will prevent a student from taking a public examination then the Chair of Governors will be informed immediately so that he can review the decision or convene a meeting of the Disciplinary Committee before the examination takes place.

Work for Excluded Students

- When exclusions are made, members of staff who teach excluded students will provide work for these students to do at home and make it available as instructed by the Head of House responsible for those students.

Full-Time Education

- The Headteacher will make provision for the full-time education of students from the sixth day of exclusion.

In Exceptional Circumstances

There may be times when a Head is justified in removing a pupil from a school site other than by exclusion. A pupil may be accused of a criminal offence which took place off site or when the school was not in session and there is insufficient evidence to warrant an exclusion. In such a case there may be compelling reason to remove the pupil from the school pending a police investigation and the Head may authorise leave of absence with the agreement of the parents.

Such a measure should be carefully documented so that it could not be construed as an illegal exclusion. If the parents do not agree the pupil can be educated elsewhere using the power of the governing body to require pupils to "attend at any place outside the school" to receive their education (Education Act 2002).

A further example of a reason why a pupil might be removed from the school other than by exclusion is when he or she might pose an immediate and serious risk to other members of the school community because of a diagnosed disease. Clearly, it would be necessary to consult a health professional when considering such action.

Specific Issues

Drug-related

In the case of exclusion of a pupil because of a drug-related incident the Head should follow the school's policy on drugs which should include the misuse of legal drugs and substances.

Pupils with SEN

Every attempt should be made to avoid exclusions of pupils with recorded special educational needs. Where the school is having significant difficulties with the behaviour of pupils with SEN, the advice and support of the LA should be enlisted. In some cases it might be appropriate for a change of schools for the pupil. In the case of a pupil with a statement of SEN a change of schools on the statement would be necessary.

Disabled pupils

The guidance makes it clear that "it is unlawful to exclude a disabled pupil for a reason related to [his or her] disability without justification". Where a disabled pupil is excluded, it can only be justified, says the guidance, "if there is a material and substantial reason for it and the Head can show that there were no reasonable steps that could have been made to avoid the exclusion".

Governors' Discipline Committee

- The Discipline Committee will be convened in accordance with current regulations by the Clerk to Governors.
- It will be clerked and advised by the Clerk to Governors or a person with experience in clerking such meetings.
- The Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing.
- The conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State.

- The decision will be taken by the Governors' meeting alone with their Clerk after all parties have had the opportunity to state their case and respond to the point put by other parties.

Reintegration

- Students returning to school after exclusion should be subject to a reintegration procedure organised by the Deputy Headteacher or an Assistant Headteacher. This may involve the parents.
- A student who is returned to school by the Independent Appeals Panel but who is regarded as presenting a threat to the good order and discipline of the school or to members of the school community may be kept in isolation from the remainder of the school community until such times as it is thought appropriate to make a phased return into the school proper.

Parenting Contracts/Parenting Orders

In accordance with government guidance Governors will consider the use of a Parenting Contract or applying for a Parenting Order, where a student has had more than three fixed term exclusions in any one term.

Other relevant policies/documents

- Anti-Bullying Policy
- Rewards & Sanctions Policy
- Inclusion Policy
- SEN Policy

Decision: Head teacher, acting head teacher takes the decision to exclude a pupil for a fixed period.

Contact parent: The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child's welfare must always be the prime consideration.

Lunchtime exclusion: Pupils who are disruptive during the lunch time may be excluded just for the duration of the lunch time. Lunchtime exclusion will count as half a day for statistical purpose and for parents to make representation but are not counted in the school's 6th day duty to provide full-time

Exclusion during morning session: The exclusion takes effect from the afternoon session, notice must be given to the parent before the start of the afternoon session.

Exclusion during afternoon session:

- If the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.
- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon

Written notice: The head teacher must give a written notice to the parents informing them of:

- the precise period and the reasons of the exclusion;
- the parent's duties during the first five days;
- the parents right to make representation to the Governing body and how the pupil may be involved in this;
- the person the parent should contact if they wish to make such representation;
- the arrangement made by the school to set and mark work for the pupil during the initial 5 days of the exclusion;
- if relevant, the school day on which the pupil will be provided with full-time education;
- full details of any alternative provision arranged – address, key contact, key timings
- if relevant details of a reintegration interview.

The head must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Pupils can be excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

Educational provision during the exclusion:

The school has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the exclusion.

Where a Looked After Child is excluded provision should be in place from the 1st day of exclusion.

Reintegration interview:

The head teacher or a senior member of staff should arrange and conduct a reintegration interview with the pupil at the end of the exclusion at a date and time convenient for the parent if in attendance on the school premises.

The notice for a reintegration interview must be given no later than 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

If the parent fails to attend, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

Secondary schools **must** offer a reintegration interview for an exclusion of 6 or more school days.

If the school or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with the school or LA in attempting to improve the child's behaviour, the school or LA may consider applying to the Magistrate's Court to compel the parent to comply with certain requirements. See related guidance.





