



CHURCHILL  
SCHOOL

## **Exclusion Policy**

We seek to avoid exclusions. They take place only for very serious incidents or when other strategies have been tried and have failed over time.

### **Managing Serious or Persistent Problems**

At Churchill Special School we accept that it is the behaviour that is the problem and not the child. Where we have difficulties the behaviour of children giving cause for concern will be assessed. Triggers or antecedents will be established and individual programmes will be planned to help modify inappropriate behaviour. This will include parents being invited to discuss their child's behaviour. Parents will always be kept informed of progress.

### **Individual Behaviour Support Plans/Pastoral Support Plans**

Behaviour Support Plans or Pastoral Support Plans will be used to help pupils at risk of exclusion in order to support him/her to make correct behaviour choices. They will:

- Identify objectives and address one target at a time;
- Include strategies for managing the environment, the class or group, the activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours;
- Specify the behaviour that is unacceptable and the consequence should it occur e.g. time-out, reporting to the Headteacher/Principal etc;
- Include some form of self-assessment – e.g. chart to grade own behaviour during a session – to encourage responsibility for own behaviour;

### **The Law**

The law states

- Only the Headteacher/Principal (or acting Headteacher) of a school can exclude a pupil and this must be on disciplinary grounds. A pupil 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.
- Pupils 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/Principal'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 pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher/Principal in accordance with the school's published behaviour policy.
- The Headteacher/Principal 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/Principals must take account of their legal duty of care when sending a pupil 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 pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, 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 pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.
- Headteachers/Principals 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 pupils home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.
- Schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil 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 child from the school.

The Governing Body has determined that the school will use exclusion as its final sanction in ensuring the good order and discipline it believes is essential for effective learning to take place. Exclusion will be used sparingly in response to serious breaches of school policy and discipline. It will normally be used only after support and other sanctions have failed to achieve the desired change in behaviour and attitude.

A serious offence could by itself justify a pupil’s exclusion. This may include an aspect of the following:

- Violence towards an adult or child
- Swearing at an adult
- Racist verbal abuse
- Sustained bullying (see Anti-Bullying Policy)
- Frequent high level disruption to lessons
- Frequent high levels of non-compliance
- Frequent high levels of disrespect to all adults who work in school

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

- In response to a serious breach, or persistent breaches of the school’s behaviour policy.
- Where allowing the pupil to remain in school would seriously harm the education and welfare of the pupils or others in school.

When it is necessary to exclude a pupil, parents will be contacted immediately and notified in writing of the following:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents’ right to make representations about the exclusion to the governing body and how the pupil may be involved in this;

- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- Where an excluded pupil is of compulsory school age the Headteacher/Principal must also notify parents that for the first five school 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 then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
- The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- The address at which the provision will take place; and
- Any information required by the pupil to identify the person he / she should report to on the first day.

The Headteacher will also notify the governing body and the local authority of:

- A permanent exclusion (including where a fixed period exclusion is made permanent);
- Exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Exclusions which would result in the pupil missing a public examination or national curriculum test.

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion. Where it is not possible, or appropriate, for the school to arrange alternative provision during the first five school days of an exclusion, reasonable steps to set and mark work for pupils will be taken. Work that is provided will be accessible and achievable by pupils outside of school.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

<b>Author</b>	<b>Date</b>	<b>Frequency of Review</b>
Georgina Ellis	Spring Term 2020	Three Yearly