



“Building Curious, Confident, Courageous, Communicators and life-long learners”

The Shires School Oakham and Stretton

Education: Exclusion Policy

Policy Review Process	
Created by	Jamie Hill – Head of Education
Date of implementation	September 2020
Most recent policy review	September 2021
Next policy review	September 2022
This policy links to The Shires Teaching and Learning Policy	

Contents Page

- 1) Introduction
- 2) Decision Making
- 3) Exclusion Procedure
- 4) Regional Director/Chair of Governors and/or the Head of Education discretion

1) Introduction

This policy should be read in conjunction with the Positive Behaviour Support Policy and outlines the practice processes that informs the school's use of exclusion. This policy is underpinned by the shared commitment of all staff to achieve two main aims:

- To ensure the safety and well-being of all members of the school community, and to maintain an environment which is conducive to learning where all can achieve and succeed.
- To ensure that exclusion is used as a last resort and that challenging behaviour is supported through the Positive Behaviour Support Policy.

2) Decision Making

The decision to exclude a pupil will be taken in the following circumstances:

- In response to a serious breach of pupil code of conduct (school rules) and/or where a pupil's behaviour is no longer conducive to the safe support and management of themselves or others, despite effective implementation of the agreed Positive Behaviour Support Plan.
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others within the school. Exclusion can only be sanctioned by the Regional Director/Chair of Governors (or in absence of the Regional Director/Chair of Governors, the Head of Education).

When deciding whether to exclude a pupil, the Regional Director/Chair of Governors and/or the Head of Education will consider the school's responsibilities under the Equality Act 2010. It is recognised that pupils with an Education, Health, and Care Plan (EHCP) are especially vulnerable to the impact of exclusion. This applies to all pupils at The Shires.

Our policy is to avoid permanently excluding any pupil where possible. We recognise that it is illegal to exclude a pupil because the school is unable to meet their needs and that excluding a pupil for behaviour that is due to their special needs as a learner with autism and/or a learning disability may constitute discrimination.

Any consideration of the suitability of a pupil's placement at The Shires would instead be subject to a formal EHCP Review Meeting with all relevant parties involved.

Legally, exclusion from school, whether fixed term or permanent, may be used by The Shires for any of the following examples of unacceptable conduct:

- Verbal abuse to staff and others
- Verbal abuse to pupil
- Physical abuse to pupils
- Physical abuse to staff
- Indecent Behaviour
- Damage to property
- Misuse of illegal drugs
- 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 interventions have not been successful in modifying the pupil's behaviour

This list is not exhaustive and there may be other situations where the Regional Director/Chair of Governors and/or the Head of Education conclude that exclusion is an appropriate sanction.

3) Exclusion Procedure

Nationally, most exclusions are of a fixed term and are of short duration only (usually between one and three days).

The DfE regulations allow the Head Teacher to exclude a pupil for one or more fixed periods, not exceeding 45 school days in any one school year.

The school will review any fixed term exclusions which would lead to a pupil being excluded for over five days where a parent/carer has expressed a wish to make representation.

For fixed-term exclusions of more than 5 days the school must arrange suitable alternative full-time education, which must begin no later than the sixth day of exclusion.

For permanent exclusions, the pupil's 'home' local authority must provide alternative education.

Following exclusion, parents/carers, are contacted immediately where possible. A letter will also be sent giving details of the exclusion and when the exclusion ends. Parents/Carers have a right to make representations to the school, and that representation must be taken into consideration, including whether an excluded pupil should be reinstated.

If parents disagree with the decision not to reinstate their child/young person, they can request that it can be considered by an independent review panel.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve the Regional Director/Chair of Governors and/or the Head of Education and other staff where appropriate.

It is school practice to review the reasons for exclusion with the pupil and identify supportive mechanisms to assist the pupil with the regulation of their behaviour.

During the course of a fixed term exclusion, parents/carers are advised that the pupil is not allowed on the school premises and that daytime supervision is their responsibility.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary offences, following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all other available strategies have been exhausted and is used as a last resort.

1) This would include persistent and defiant misbehaviour, including bullying or repeated possession and or use of an illegal drug on the School premises.

2) The second is where there are exceptional circumstances and it is not appropriate to implement other strategies. It may also be appropriate to permanently exclude a pupil for a first offence if it is deemed serious enough to warrant. These might include:

- Serious, actual or threatened violence against another pupil or staff member
- Sexual abuse or assault

- Supplying an illegal drug
- Carrying an offensive weapon * (whether intended use or not)
- Arson

The school will consider police involvement for any of the above offences. Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having with him for such use by him".

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affected the discipline and well-being of the school. A permanent exclusion would lead to working jointly with the placing Local Authority in order to source a more appropriate placement able to meet the pupil's needs within an agreed fixed timescale.

Before making the decision to exclude either fixed term or permanently, the following considerations are made:

Ensure appropriate investigations have been carried out and documented.

- Consider all evidence available to support the allegations, considering pupil code of conduct (school rules), Equal Opportunities and Race Relation Policies.
- Allow the pupil to give their detail of events. If they are unable to do so this may be made on their behalf by an advocate.
- Check any factors which may have contributed towards the incident i.e. bullying, racial, sexual harassment.
- Once the Regional Director/Chair of Governors and/or the Head of Education is satisfied that the alleged incidents occurred, exclusion will be the outcome.

4) *Regional Director/Chair of Governors and/or the Head of Education discretion*

Each case will be reviewed individually and judged on the information that is gathered and presented. In considering whether exclusion is the most appropriate sanction the Regional Director/Chair of Governors and/or the Head of Education will consider:

- The gravity of the incident/incidents and whether it constitutes a breach of conduct.
- The effect that the pupil remaining in school would have on the education and welfare of other pupils and staff.

Exclusion, as stated throughout this policy, is the last resort when it has been deemed that all other routes have been exhausted without success. The Shires school does not anticipate the need to implement this policy due to all protective factors in place related to our Admissions Policy, Positive Behaviour Support Policy, and the ongoing review with external agencies about our ability to meet our pupils' complex needs, including their potentially challenging behaviour via the EHCP and/or LAC review processes.

However, the Regional Director/Chair of Governors and/or the Head of Education does retain the statutory right to exclude where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.