



**Malbank School & Sixth Form College**

**Exclusions Policy**

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# Exclusions Policy

This policy should be read in the context of the School's aims and values and its policies for promoting good behaviour and maintaining good discipline. Exclusion is used at **Malbank School** as part of a comprehensive and coherent approach to encouraging behaviour in line with our shared expectations, self-discipline and to maintaining an environment which is purposeful and conducive to effective learning and teaching.

## 1. The purposes of this policy are:

- To outline the School's position regarding the application and function of exclusion as a sanction.
- To ensure that this sanction is used fairly and in accordance with relevant legislation, notably the Education Act 2011, the Education and Inspections Act 2006, the School Discipline Regulations 2012, the Equality Act 2010, Education Act 2006, Education Regulations 2007 amended in 2014 and associated guidance, including the statutory guidance 2017.
- To set out the procedures which the School will follow in relation to temporary or permanent exclusions.

## 2. The roles of the Headteacher and Governing Body:

- The power to exclude a student from school is vested (by statute) in the Headteacher alone. They may make provision to delegate the implementation of the procedures relating to an exclusion to a senior colleague, but responsibility for the decision to exclude lies solely with the Headteacher.
- In the absence of the Headteacher (or Acting Headteacher, should the Headteacher's - absence be prolonged), a Deputy Head may act on their behalf. They may not exclude a student permanently.
- The Governing Body has established a Discipline Committee, comprising three members of the Governing Body, to fulfil its legal obligations in considering any cases of exclusion which fall within its remit, and taking appropriate action within the provisions of this policy and of the legal framework.

## 3. Over-Riding Principles

A decision to exclude a child permanently should be taken only:

- In response to serious breaches of a school's behaviour policy and shared expectations;
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the School.

In most cases a range of alternative strategies should be tried. These may include a Pastoral Support Plan, normally entailing 16 weeks of close monitoring of agreed targets by school staff and outside agencies. Other approaches to behaviour modification may

include work related learning. Work-place programmes may be made available, whenever appropriate, through liaison with local colleges and other outside agencies.

The school may direct a pupil off site for education in order to improve their behaviour. This can include managed moves to another school.

This does not prevent immediate action to protect pupils and staff, including fixed period exclusion. A permanent exclusion can be given for a first offence e.g. involving violence, but only when the Headteacher has had further opportunity to consider the incident in question.

#### **4. Fixed Term Exclusion:**

The Headteacher may exclude a pupil for one or more fixed periods not exceeding 45 days in any one school year. This would follow a thorough and fair investigation, with all of the evidence gathered being taken into consideration. The exclusion would be sanctioned if on the balance of probability, the pupil breached the School Behaviour Policy and Shared Expectations.

- a) Exclusions will be for as limited a period as is consistent with the seriousness of the breach of discipline and the particular circumstances (including, for example, any need for a 'cooling-off period or for time to consult external agencies).
- b) For the first 5 school days of an exclusion parents are legally required to ensure that their child is not present in a public place during school hours. School should take reasonable steps to set and mark work that can be accessed by the pupil.
- c) A fixed period exclusion does not have to be for a continuous period.
- d) Exclusions for longer than 5 days will be supported by provision for learning to continue.
- e) In the case of Looked After Children alternative provision should be considered from the first day of the exclusion.
- f) The Headteacher and Governors agree that exclusions in a single block of 15 days or more in a term should be extremely rare. In such a case, the Headteacher will make arrangements to enable the student to continue his or her education. They must also make appropriate plans for the student's reintegration into school at the end of the exclusion. This would usually include elements of support, mentoring and monitoring and would involve parents/carers, the student and the School co-operating to ensure compliance with an appropriate 'good behaviour contract'. Following a fixed term exclusion, the pupil and parents should meet with key staff to ensure a successful reintegration.
- g) Should further evidence come to light a fixed term exclusion maybe extended or converted to a permanent exclusion.

#### **5. Relevant Behaviour**

There is no definitive catalogue of types of behaviour for which exclusions might be deemed appropriate. This is primarily a matter for the Head teacher to determine with Governors.

At **Malbank School** the overriding concern is to ensure the safety and welfare of pupils. Thus, the Head teacher may use exclusion in respect of:

- Pupils found in possession of an offensive weapon
- Pupils found to be threatening or intimidating others (whether or not this has resulted in actual violence)
- Cases of fighting or violence
- Pupils bringing drugs onto school premises, for personal use or for distribution –
- Pupils who demonstrate deliberately reckless or irresponsible behaviour, which might endanger others (such as major breaches of safety rules in workshops, the bus park or laboratories. bringing dangerous substances into school, igniting fireworks);
- Breaches of the School's single equality policy;
- Sexual harassment
- Other forms of bullying
- Abuse of the school's ICT network
- Disruptive behaviour at lunch times.
- Behaviour outside of the school which could damage the reputation of the school or could have repercussions in school.

Exclusion might also be considered appropriate under certain circumstances in cases of;

- Theft
- Damage to property or vandalism
- Insulting or inflammatory language
- Implicit or explicit defiance or non-co-operation, which would prevent the effective application of alternative sanctions
- Persistent disruption of learning and teaching.
- Repeatedly disobeying their teacher's instructions.

The Head teacher and Governors emphasise that the core activity of the School is learning and teaching. Whilst low-level misbehaviour in class can normally be dealt with by means other than exclusion, a student may be excluded for particularly serious or wilful disruption to a lesson or for continued low-level disruption if other sanctions have failed to prevent a negative impact on the education or welfare of the pupils or others in the school.

- The Head teacher and Governors recognise that there are different degrees of seriousness (and culpability) in each of these instances, and that the age, circumstances, SEN and the behaviour-record of the pupil in question will be relevant considerations.
- Behaviour outside of school could become a matter for the police, but the Head teacher reserves the right to take-action in respect of misconduct in the proximity of the School or whilst pupils are travelling to or from it.

**THE ABOVE EXAMPLES DO NOT CONSTITUTE A COMPREHENSIVE LIST, NOR SHOULD IT BE IMPLIED THAT EXCLUSION RELATING TO ANY OF THESE MISDEMEANOURS WILL BE AUTOMATIC.**

Further relevant information is set out in the School's policies concerning.

- Health Education (including Drugs Education)
- Bullying
- Behaviour

These make clear that the object is often to provide help, advice and support for pupils "in trouble" but that there must be a limit to what sort of behaviour can reasonably and justifiably be tolerated in school.

#### **6. Drugs-Related Exclusions:**

In dealing with drugs-related offences the Head teacher must comply with the requirements of Circular 10/99 on social inclusion, which makes clear that each case must be carefully considered (i.e. there should be no "blanket" or automatic responses to drug-related or other offences) and that other courses of action should be considered.

Since a criminal offence may have been committed, particular care will be taken to obtain relevant written statements. Under most circumstances, the Head teacher is obliged to cooperate with any relevant police enquiries.

#### **7. Permanent Exclusion:**

The Headteacher may exclude a student permanently from school in particularly serious circumstances. They would normally do this only after extensive efforts to modify a student's pattern of unacceptable behaviour or as a response to very serious and/or dangerous misconduct, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

- Except in the most extreme examples of misconduct, recourse will not be made to permanent exclusion in the first instance.
- Persistent or continued misconduct (including relatively "low-level" disruption to lessons, failing to respond to other sanctions such as work-report or intervention strategies) could lead to permanent exclusion if a pupil has reached the statutory limit for the number of permitted short-term exclusions.
- Conduct, such as pursuing a grievance against another pupil or entering school premises whilst temporarily excluded or other such acts of defiance, may be deemed to be grounds for permanent exclusion.
- In short, permanent exclusion will usually be used as a last resort
- When a pupil has brought about a situation which cannot be allowed to continue
- When other attempts to break the pattern of misconduct have failed
- When parental involvement (or that of the psychologist or other external agency) has had no significant effect

- When the prospects for future improvement seem poor - when the risk of damage to another pupils' welfare is or has been significant.
- The decision to exclude will adhere to the Equality Act 2010 and will not discriminate identified groups.

## 8. Procedures

The procedures for excluding a student are below:

Parents / Carers will be notified as soon as possible. All attempts will be made to speak directly to parents / carers. A clear explanation will be given about the reason for exclusion. Written notification will also be provided. This will include;

- The reason for the exclusion
- The period of exclusion or the fact that the exclusion is permanent
- The right for parents to make representation to the governors regarding the exclusion
- How to go about this
- Information regarding provision of work to ensure that the pupil continues their education
- Details the parent's legal obligations.
- Details of alternative provision if the exclusion is over 5 days
- Details of how to obtain impartial information
- Details regarding reintegration.

Excluded pupils should be enabled and encouraged to participate in the exclusions process, considering their age and understanding.

The Headteacher notes that, in addition to informing parents about the exclusion, they must also inform the Local Authority and Pupil Discipline Committee if the exclusion:

- Results in a student losing more than five days of school in any one term. The Parents may request a meeting with the Governing body who must convene a meeting within 50 school days of receiving notification of the exclusion.
- Results in a student losing more than fifteen days of school in any one term. The Governing Body must convene a meeting within 15 school days of receiving notification of the exclusion.
- Prevents the pupil from sitting a public examination. The Governing Body must convene a meeting within 15 school days of receiving notification of the exclusion.
- Is permanent. The Governing Body must convene a meeting within 15 school days of receiving notification of the exclusion.

If an exclusion results in a student losing more than five days of school (or more than 10 lunchtimes) in any one term, the parents can request a meeting with the Governing Body.

All other exclusions will be reported to the Local Authority and Governing Body once a term.

Should the Governing Body convene a meeting the following should be considered;

- The circumstances of the exclusion
- Any representations by parents
- Any representations by the LA.

If the exclusion is permanent, parents have the right to require the Local Authority to appoint an SEN expert.

The Committee must:

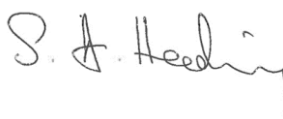
- Confirm the exclusion or:
- Direct reinstatement (unless the pupil is already back in school or the exclusion if for 5 days or less).

Should the student's parent's appeal against the decision of the Committee to confirm permanent exclusion the Local Authority have a duty to arrange an independent review panel.

November 2021



Headteacher



Chair of Governors

Date for review: November 2021