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**The Sydney Russell School**

**EXCLUSION POLICY**

Issued: September 2016

Co-ordinator: Ms Abankwah

Governors: Inclusion Committee

This policy is communicated to:

• Governors via the Inclusion Committee

• Staff through the Intranet.

• Parents/carers via the Behaviour for Learning leaflet (a summary of the full policy) and the school website

• Students via student bulletin

**Context and Aims of the Policy**

Exclusion from school is only used as a last resort to address either extreme or persistent unacceptable behaviour.

**All decisions relating to exclusions are made by the Principal or, with the agreement of a Vice Principal acting as Principal in their absence.**

1. **Aims of the Exclusion Policy are to:**
   * Ensure that parents /carers, students, staff and governors have a clear understanding of actions /incidents which may lead to exclusions from The Sydney Russell School and of the procedures that are followed should an exclusion be unavoidable.
   * Demonstrate that any exclusions comply with the ‘Exclusion from maintained schools, academies and PRUs in England’ 2012.
   * Ensure that a balance between the needs of the individual student(s) who may be excluded and the needs of the students and adults in the school community is adhered to.
   * Make clear that exclusion is only used when it is the most appropriate way of supporting the school’s Behaviour for Learning strategies.
   * Ensure that fixed term exclusions are used in the appropriate circumstances.
   * Ensure that permanent exclusions are used in the appropriate circumstances.
   * Ensure that, in line with DfE Guidance, the school has made reasonable adjustments to the intervention programme for vulnerable students and those students with special educational needs or disabilities.
2. **In order to achieve these aims the school will seek to:**
   * Provide an appropriate curriculum to meet individual needs and challenge every student
   * Ensure that the school’s Behaviour Policy is implemented effectively
   * Apply suitable rewards and sanctions
   * Provide effective pastoral support for students
   * Provide effective Learning Support for students
   * Involve parents /carers and, where appropriate, community organisations
   * Monitor exclusions carefully
   * Provide appropriate training for staff on Behaviour for Learning
   * Provide appropriate training for staff on the issues pertaining to the over-representation of ethnic minority students (or other over represented groups) in the school’s exclusions figures
   * Ensure that the exclusions process is consistently applied.

**3. Behaviour Policy**

This is set out in the school’s policy on behaviour, an adaptation of which is distributed to all students and parents every year. These documents set out the rewards and sanctions which apply to students who either do, or do not, follow the ‘School’ and the ‘Learning Code’

**4. Internal Exclusions (1-4 days)**

The **Learning Support Centre (LSC)** will organise the exclusions within school. The students will have supervised breaks during the day. Lunch will be provided for all students.

Parents will be informed of internal exclusions by a phone call initially and then by letter. This letter will specifically warn of the likelihood of external exclusion for a repeat of the behaviour. The student will then be placed on the Principal’s Exclusion List which is reported to Governors.

**5. Fixed-Term and Permanent Exclusions (5 days+)**

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

1. in response to serious or persistent breaches of the school’s behaviour policy; and
2. if allowing the student to remain in school would seriously harm the education and welfare of the student or others in the school (*Exclusion from maintained schools, academies and PRUs in England’ 2012)*

Before excluding a child, **in most cases** a range of alternative strategies would have been tried, without success. This does not prevent immediate action being taken to protect students and staff. A permanent exclusion can be given for a first offence. The following are examples of which a permanent exclusion may be instigated:

* actual or threatened violence against another student, member of staff or member of the public
* sexual abuse or assault
* supplying or using an illegal drug
* carrying an offensive weapon
* accruing 45 days fixed term exclusions within one academic year

The Principal will take time to consider the incident in question before a final decision is made. The Principal will make a decision with regard to exclusion if ‘on the balance of probabilities’, the student did what (s)he is alleged to have done once all evidence has been gathered, analysed and reflected upon.

***Exclusion of Students with Special Educational Needs and Disabilities (SEND)***

When sanctionable instances involve a student who has SEN, care will be taken not to discriminate against those students whose adverse or anti-social behaviour may be part of their condition of Need. This would include taking into account any special educational needs when considering whether or not to exclude a pupil. Where there is concern for the safety of the pupil or others within the school environment, consultation between school, parents and relevant professionals will be taken, as to the best course of action, always according to individual needs and circumstances.

The Sydney Russell school applies the principles as laid out in the ***DfE Guidance on ‘Pupils with special educational needs and disabled pupils’ as follows:***

*‘The school must take account of any special educational needs when considering whether or not to exclude a pupil.*

*We have a legal duty under the Disability Discrimination Act 1995, not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Head will ensure that reasonable steps have been taken by the school to respond to a pupil’s disability so that the pupil is not treated less favourably for reasons related to the disability’.*

At The Sydney Russell school ‘reasonable steps’ could include:

* differentiation in the school’s behaviour policy
* intervention from the school’s Academic Support System
* developing strategies to prevent the pupil’s behaviour
* requesting external help with the pupil
* staff training

*Wherever possible the school makes the necessary adjustments to practice in order to accommodate a student’s needs and to avoid the necessity for exclusion. Exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school, particularly affecting student or staff safety, may be such a reason.*

# FIXED TERM EXCLUSION

The Principal may require a student to remain out of school for a specific period of time with a definite end date. A student may be excluded for up to 45 days in a year.

Exclusion will not be considered for:

* Minor incidents such as failure to do homework or chewing
* Poor academic performance
* Lateness or truancy
* The behaviour of parents, relatives or friends
* Pregnancy
* Breaches of school uniform rules (including jewellery and hair) except where these are persistent and in open defiance of such rules

1. **The Criteria for Exclusion**

The following situations **will** result in exclusion:

* actual violence against another student, member of staff or member of the public
* serious acts of vandalism;
* using a weapon or implement used as a weapon to endanger others in school or on the way to /from school
* sexual abuse or assault
* supplying or using an illegal drug
* carrying an offensive weapon.

Exclusion will be *considered* for:

* Abuse or distribution of alcohol, drugs or solvents on school premises or in school time
* Aggressive behaviour
* Any form of disruptive behaviour that has consistently hindered the learning of others
* Behaviour which is dangerous and beyond the care and control of the school
* Bringing the school into disrepute
* Bullying and extortion
* Damage to school property or the property of others
* Fighting
* Discriminatory behaviour eg. racist, sexist, homophobic or any other form of harassment
* Refusing to accept the authority of the school by consistently refusing to follow instructions the first time given
* Theft
* Verbal abuse or undermining staff /lack of cooperation
* Abuse of the school’s email system
* Continued anti-social behaviour despite all other sanctions, including time in the Learning Support Centre, being tried.

In deciding on exclusion and its duration the following factors will be considered:

* The nature and circumstances of the offence
* The previous history of the student
* Previous exclusions and disciplinary action
* The effects of the exclusion on other students and the student concerned
* The recommendations of the Head of Year and other pastoral staff.
* The attitude and response of the student concerned (ie whether or not the student is remorseful)
* The strategies already implemented to support the student

# PERMANENT EXCLUSION

The Governors Disciplinary Panel will decide whether or not to uphold the Principal’s decision in line with statutory guidance. Should a permanent exclusion be upheld, the student’s name is removed from the school roll.

In the case of permanent exclusions the alternative strategies which should have been tried include the setting up of a targeted intervention programme from the school’s Learning Support Centre including a Pastoral Support Programme.

The main criteria for permanent exclusion are:

* That the student’s behaviour is beyond the school’s control and constitutes a danger to themselves or other members of the school’s community
* That the school has exhausted all possible means of support and feels that it can no longer meet the needs of the student concerned or the needs of others if the student continues at the school.

**7. Procedures relating to exclusion**

* Named and dated written accounts of the incident(s) should be obtained from students and staff involved as soon as possible
* The Head of Year should then forward the information to relevant SLT members.
* Contact should be established with parents or carers as soon as possible to inform them of impending exclusion. In cases of long fixed-term or permanent exclusions, the parents or carers will be invited in to school to discuss the incident before the final decision is made
* Students should have work specified for them during a period of exclusion and arrangements made for marking such work
* A student returning from exclusion should be seen with his or her parent(s)/carer. This re-admission meeting should be minuted and followed up by a letter to the parent confirming what had been agreed at the meeting and, where appropriate, a Pastoral Support Plan.
* A student returning from exclusion should be appropriately reintegrated back into the school. Students excluded for more than 5 days or for cumulative exclusions of 5 days or more in one term will, on their return, may spend a minimum of one day in the Learning Support Centre completing planned integration and ‘catch-up’ work.

**8. Parental /Carer Involvement**

The early involvement of parents/carers is essential both in preventing the need for exclusion and ensuring that fixed term exclusions do not reoccur. Except in the most serious of incidents, parents should have previously been made aware, in writing, that their son/daughter is displaying behaviour which is likely to result in exclusion unless it is checked. It is also essential that reasons for exclusion are made clear to parents. At the readmission interview reference will be made to the Home and School Agreement, to the Learning Code and the support that is expected of parents /carers for their son/daughter and for the school.

**9. The role of Governors**

The task of the Governors’ Discipline Committee is to review the use of exclusion by the school and to consider the views of the parents and those with parental responsibility. For an exclusion of more than 15 days or for shorter exclusions that total more than 15 days in one term or if the student will miss a public examination due to exclusion, the Governors’ Discipline Committee will meet to decide whether to uphold the exclusion or reinstate the student. For exclusions that are 15 days or fewer in total during one term, the Governors’ Discipline Committee cannot reinstate the student but will, nevertheless, consider the representations of parents or those with parental responsibility.

Students who are excluded for more than 5 days will have to report to the Riverside School on the sixth day and attend for the remainder of their exclusion period.

**10. The involvement of outside agencies**

Outside agencies such as the Educational Welfare Service, Educational Psychology Service and Social Care will be involved during the exclusion process wherever appropriate. This may well instigate investigations into the appropriateness of a CAF being opened on that student.

In incidents where a criminal offence has taken place, the Police (usually the Safer Schools’ Partnership attached officer) may be informed by the Principal. Any student interviewed on the school premises by the police must be accompanied by their parent /carer or a member of the Senior Leadership Team /Head of Year and with the full knowledge of the Principal.

**11. Monitoring and Evaluation**

The Governing Body has the responsibility for the monitoring and evaluation of exclusions.

The school will monitor and analyse its exclusion statistics in relation to the following:

* The number of fixed term/permanent exclusions
* Whether the exclusions are being administered within school policy
* The distribution of exclusions across year groups
* The distribution of exclusions across ethnic or other specific groups
* Any identifiable factors relating to disproportionate representation
* Any evidence of discrimination in policy or practice
* The reasons for exclusions.

The Principal submits a report to the Governing Body on a termly basis which outlines exclusions for the previous term and, at the end of the academic year an annual Exclusions Report which includes an analysis of exclusions throughout the year, any specific issues arising and targets set for the following year.

In addition refer to the LBBD Section of the Exclusion from Maintained schools, academies and Pupil Referral Units

**GB duties toward exclusion reviews (N.B. Lunchtime exclusions count as half a day)**

**LBBD Summary of National Guidance**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **<=5 days in a term (paragraph 57)** | **>5days but < 16 days in a term (paragraph 53)** | **>15 days in a Term (paragraph 52)** | **Permanent (paragraph 52)** | **Pupil will miss exam or national curriculum test due to fixed term exclusion (paragraph 54)** | **Decision to refer the student off site, against parental wishes to improve behaviour (paragraph 14)** |
| **GB Review** | Mandatory on request | Mandatory on request | Mandatory | Mandatory | Mandatory | Recommended |
| **Who can hear the case?** | Three Governors | Three Governors | Three Governors | Three Governors | Three Governors or Chair alone or Vice Chair alone. | Three governors |
| **Can parents/carers\* request a hearing?** | Yes, but they have no right to attend. | Yes | No | No | No | Yes |
| **Who should be invited?** | No-one unless GB choose to issue invitation. Parents can send a letter/report. | 1. Pupil 2. Parents/pupil 3. Principal | 1. Parents 2. Principal 3. LA. | 1. Parents 2. Principal 3. LA. | Parents, Principal &LA should be invited but hearing may go ahead in absence if unavoidable. | 1. Parents 2. Child 3. Principal |
| **Time frame** | No time frame | 0-50 days after exclusion. | 0-15 days after exclusion | 0-15 days after exclusion | Before the exam is due but no later than 15 days after exclusion. | Minimum of two days prior to referral offsite |
| **Possible outcomes** | Findings may be placed on pupil file. | Re-instate immediately or on a particular day or uphold  (section 62) | Re-instate immediately or on a particular day or uphold  (section 62) | Re-instate immediately or on a particular day or uphold  (section 62) | Re-instate immediately or on a particular day or uphold (section 62) or allow child to sit exam on site. (section 59) | Governors either  agree or refuse |
| **Information sources for parents** | In all cases, parents must be informed that they can get advice from parents in partnership, children’s legal centre and local authority inclusion education inclusion team. | | | | | |
| **Model letter to be used** | Model Letter 1 | Model letter 2 | Model letter 3 | Model letter 4 | Model Letter 5 | Model Letter 6 |
| **Can parent request an independent review?** | No | No | No | Yes. Cost to be met by Academy trust or LA. (s.83) | No | No |
| **Redress for discrimination?** | In all cases, parents have the right to seek redress for discrimination at First tier tribunal (Special Educational Needs and Disability) or County Court. (section 86). Parents can first go to an independent review panel and subsequently, if they can sustain a discrimination claim, go to First-tier SEND (for disability discrimination) or County Court (for non-disability discrimination).  SEND tribunal/County Court can order reinstatement of a permanently excluded child but an IRP cannot. | | | | | |

**\*Parents/carers as defined by The Education Act 1996**