THE HOWARD PARTNERSHIP TRUST

EXCLUSIONS POLICY

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THPT Committee Responsible: THPT Standards & Performance
Senior Lead: Deputy CEO
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Purpose:
This document addresses the policy and practice that informs the use of exclusions in THPT schools. It is underpinned by a shared commitment of all members of each school's community to ensure the safety and wellbeing of all members of that community, and to maintain a secure, controlled educational environment in which all can learn and flourish.

This policy should be read in conjunction with DfE guidance: Exclusion from maintained schools, Academies and pupil referral units in England. A guide for those with legal responsibilities in relation to exclusion (2017).

CONTEXT

1. All THPT schools, staff, Trustees and Local Governors believe that an orderly environment is the foundation for effective teaching and learning. It is vital that every student has the opportunity to learn, and this can only be fulfilled in an atmosphere which is conducive to study. High standards of behaviour are expected and developed, in order to promote self-discipline, respect for others and a proper regard for authority, supported by a system of rewards and, where appropriate, sanctions within the context of a positive environment.

2. In maintaining this ethos, it is important for there to be firmly established limits when attempts are made to undermine school standards. The school firmly believes that the use of exclusions has a vital part to play in upholding these standards.

3. We understand that some pupils/students do experience emotional and behavioural difficulties and accept our responsibility to offer support and to provide opportunities for such students to improve their behaviour.

4. Within the community we serve, we believe that exclusions do have a deterrent effect.

5. Trustees acknowledge that the use of fixed period exclusion forms an essential part of schools' strategies to successfully manage the behaviour of pupils/students, but that, in supporting social inclusion, permanent exclusion should only be used as a last resort (see section below).

THPT schools will continue to adhere to the guidelines and procedures for exclusions from schools as laid down by DfE guidance 2017.
GUIDING PRINCIPLES

1. Pupils/students who show signs of emotional and behavioural difficulties which are not resolved by the school's normal disciplinary procedures should move to the school based stages of assessment and provision. Consideration of children's difficulties by means of these stages enables the school to draw on increasing levels of support within the school and from external agencies. The prompt recognition of a pupil's/student's difficulties combined with effective preventative work may avoid the need for exclusion at a later date.

2. Only the Head has the legal power to exclude a pupil/student. If the Head is absent, the power rests with the most senior teacher who should make clear that they are acting in the Head’s absence. The Head must be informed as soon as is reasonably possible.

3. THPT schools will take all reasonable steps to avoid excluding pupils/students in line with the schools’ behaviour management policy and procedures. In order to support pupils/students a variety of intervention / support will be used.

These may include:
• identifying any special educational needs
• interviewing the pupil/student and parent
• negotiating agreements with the pupil/student and parent
• restorative justice and mediation
• using the detention system
• removing the pupil/student for a limited period from a specific activity
• individual work with the pastoral teams
• drawing up a Individual Behaviour Plan (IBP)
• drawing up a Pastoral Support Plan (PSP)
• referral to the Pupil/Student Support Centre
• use of internal learning unit (isolation)
• referral to SALP where students are at risk of permanent exclusion
• involving other external agencies where appropriate

Trustees recognise that in some cases, the co-operation of parents may not be secured, and this may make behaviour management more difficult.

4. Exclusions serve to make a clearly understood statement that certain behaviour is not to be tolerated within THPT schools, and to face pupils/students and parents with their responsibilities in terms of responding to serious disciplinary issues. Exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct:

• Verbal abuse/threatening behaviour against staff
• Verbal abuse/threatening behaviour against pupils/students
• Physical assault on staff
• Physical assault on pupils/students
• Bullying
• Racist abuse
• Sexual misconduct
• Damage
• Drug and alcohol related incidents
• Theft
• Carrying an offensive weapon
• Persistent disruptive behaviour
• Bringing the school into disrepute
• Unacceptable behaviour which has previously been reported and for which the school sanctions and other interventions have not been successful in modifying the pupil’s/ student’s behaviour.

This is not an exhaustive list and there may be other situations where the Head makes the judgement that exclusion is an appropriate sanction.

5. The decision to exclude (fixed period exclusion) should be taken only:

   • In response to serious breaches or persistent breaches of the school’s behaviour policy, or
   • If allowing the pupil/student to remain in school would seriously harm the education or welfare of them or others in the school

6. Exclusions will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others or to the pupil/student themselves. In some cases, it may be necessary to issue an immediate exclusion pending further investigation. This may result in either a variation to the duration of the fixed period exclusion, permanent exclusion or the student returning to school.

7. Before a decision is made to exclude a pupil/student, the Head will ensure that a thorough investigation has been carried out, consider all the evidence available to support the allegations, provide an opportunity for the pupil/student to give their version of events, check whether the incident may have been provoked e.g. by bullying or racial or sexual harassment, if necessary consult others and keep a written record of the actions taken.

8. The standard of proof to be applied is the balance of probabilities. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

9. The Head should take particular care in considering whether exclusion is a suitable response to a disciplinary offence committed by a pupil/student with a Statement of Special Educational Needs/ Education, Health Care Plan (EHCP), a pupil/student who has protected characteristics as set out in the Equality Act 2010, a disabled pupil/student or a pupil/student with LAC status. Specific reference is made to this in the DfE publication ‘Exclusion from maintained schools, Academies and Pupil Referral Units’ section 3 points 9-12.

10. For behaviour outside school, but not on school business, the Head may exclude a pupil/student whose behaviour has brought the school into disrepute or if that pupils/students’ actions would jeopardise the maintenance of good behaviour and discipline amongst the pupil/student body as a whole.

11. During the period of exclusion, the school will set work for the pupil/student to complete and arrange for it to be marked.

12. Where a pupil/student is given a fixed period exclusion of duration of six days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion. As a general rule, this will be provided at a THPT school.
13. During the exclusion, the pupil/student is the responsibility of the parent/carer and may not enter the school buildings or grounds or be in the vicinity of the school. It is the parent’s responsibility to ensure that the pupil/student is not present in a public place during school hours during the period of the exclusion unless there is a reasonable explanation. Parents can receive a penalty notice from the LA if they do not comply with this.

14. The reintegration of pupils/students into school following exclusion is an essential part of ensuring the exclusion has the desired effect and forms part of the process to support the pupil’s/student’s return to school.

15. Exclusions will be recorded on the pupil’s/student’s records.

**PROCEDURES**

THPT schools follow the procedures contained in the DfE guidance: *Exclusion from maintained schools, Academies and pupil referral units in England. A guide for those with legal responsibilities in relation to exclusion 2017.*

**FIXED PERIOD EXCLUSIONS**

Legally, the Head is able to exclude pupils/students for up to 45 days in any one school year. The Head must take into account the following factors will decide the length of the exclusion:

- the seriousness of the offence
- the number of previous exclusions (for repeat offences the exclusion is likely to get longer)
- any special mitigating circumstances
- legal considerations

**PERMANENT EXCLUSIONS**

- These will only be used by the school as a last resort. Normally permanent exclusion would not be used for a first offence, or before alternative strategies had been attempted. However, under exceptional circumstances, such as serious actual or threatened violence against another pupil/student or member of staff, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon, it may be appropriate to move straight to permanent exclusion. The decision to permanently exclude is delegated from the THPT Trust Board to the Local Governance Board. At least three representatives of the Local Governance must fully consider any permanent exclusion through a permanent exclusion hearing in which both the school and parents may present their case. A representative of the Local Authority will be invited to attend the meeting.

- The decision to exclude a pupil/student permanently should be taken only:

  In response to serious breaches or persistent breaches of the school’s behaviour policy, **and**
  If allowing the pupil/student to remain in school would seriously harm the education or welfare of them or others in the school

- We value the specialised support which multi professional agencies currently provide in terms of managing the special needs of disaffected pupils/students through a multi-agency approach, and whilst this support is available no permanent exclusion will be sanctioned prior to discussing the case with them.
STUDENTS WITH SEND

1. Other than in the most exceptional circumstances, the school will endeavour to avoid permanently excluding pupils/students with a Statement /Education Health Care Plan (EHCP).
2. The school will make every effort to avoid excluding pupils/students who are being supported on School Support (K) under the Special Educational Needs (SEN) Code of Practice, including those on pathway plans who are being assessed for an Education, Health Care Plan (EHCP).
3. The school will seek advice and support from the LA and other professional agencies as appropriate.

PUPILS/STUDENTS WITH A DISABILITY

1. The school has a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils/students by excluding them from school because of behaviour related to their disability.
2. The school will take reasonable steps to ensure that disabled pupils/students are not placed at a substantial disadvantage compared with their non-disabled peers. What constitutes a reasonable step will depend on the circumstances of each case.

LOOKED AFTER CHILDREN

1. The school will proactively support and co-operate with foster carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked after child.
2. Exclusion of looked after children would only be considered as an absolute last resort.
3. No looked after child will be excluded without discussion with the LA.
4. Where a looked after child is excluded the school will attempt to arrange alternative provision from the first day of the exclusion via the virtual school and/or SALP.

APPEALS

1. A parent can make representation to the Local Governing Body for consideration of any exclusion via the clerk to the Local Governance Board.
2. Parents or carers have a legal right to request an independent review panel (within the legal time frame) to review the decision of a Local Governance Board not to reinstate a permanently excluded pupil.
3. Parents also have the right to make a claim of discrimination in relation to the exclusion to the first tier tribunal (special educational needs and disability) or County Court.