

Exclusion Policy



Rationale

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the Unicorn School to enable pupils the freedom to learn and play in peace and safety as well as freedom of school staff to teach and feel safe at school.

We will do our utmost to reduce the need to use exclusion as a sanction.

Introduction

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

- a) In response to a serious breach of the school's Positive Behaviour Policy.
- b) If allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the Assistant Headteacher who is acting in that role).

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Positive Behaviour Policy:

- Actions which put the pupil or others in danger
- Verbal abuse to staff, students and others
- Physical abuse to/attack on staff and/or students
- Indecent behaviour
- Damage to property
- Use of illegal drugs
- Supply of an illegal drug
- Misuse of other substances
- Theft

- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour

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

Exclusion procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- The DfES regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year. For any exclusion longer than one day, the Chair of Governors will be informed in writing.
- Following exclusion, parents are contacted immediately where possible. A meeting will be called, or a letter sent by post giving details of the reason and duration of the exclusion. Parents have a right to make representations to the Headteacher and the Chair of Governors. They have a right to a hearing which will be honoured by the school with a request to re-instate the child. The hearing will be conducted by the governing body and the parent may be accompanied by a person of their choice.
- It is school practice to place the pupil on a behaviour plan for one week to monitor behaviour and work. If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the school, student and parents.
- A fixed term exclusion may take the form of an "internal" exclusion, with the pupil being isolated to work alone. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such exclusion will result in the pupil being required to remain at home.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians.

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.

1. 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 available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (including racist or homophobic/transphobic bullying) or repeated possession and or use of an illegal drug on school premises.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies. It could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
 - 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

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 it 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 affects the discipline and well-being of the school.

General factors the school considers before making a decision to exclude:

The Headteacher broadly considers the following procedure.

1. First warning – inform parents/carers via email or phone
2. Second warning – call parents/carers to a meeting.
3. Third warning – contact parents/carers – impose 1-day (or part) exclusion.
4. Fourth warning – contact parents/carers - meeting with parents, 4-day exclusion.
5. Fifth warning – contact parents/carers - meeting with parents and management meeting to discuss permanent exclusion.

Depending on the severity of the offence, the procedure will begin at the appropriate point. The right of appeal is generally given from point 4.

- Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding

whether to exclude a student either permanently or for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the Positive Behaviour, Equality and Diversity Policy
- Allow the student to give their version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment

If the Headteacher is satisfied that on the balance of probabilities the pupil did what they have been alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision on temporary or permanent exclusion, the Headteacher will always look at each case on its own merits. Care must be taken that there is absolute fairness exercised in relation to the protected areas of the Equality and Diversity policy. A tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider *a)* the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Positive Behaviour Policy and *b)* the effect that the student remaining in the school would have on the education and welfare of other students and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governing Body when it meets to consider the Headteacher's decision to exclude. This will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are always used if possible. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Pupils' behaviour outside school on school "business" for example; school trips and journeys, travelling to and from school and away school sports fixtures is subject to the student Positive Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school. For behaviour outside school but not on school business

this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for exclusion then the Headteacher may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's published policy on drugs and will also seek advice from the LEA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's Drugs and Substance Misuse Policy.

Review Date: September 2023

Date of next review: September 2026