

EXCLUSION POLICY

Date: February 2020

Document Control

Organisation	Falinge Park High School
Title	Exclusion Policy
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Owner	Janice Allen
Subject	Exclusion procedures at Falinge Park High School in line with statutory guidelines
Review date	February 2020

Revision History

Revision Date	Revisor	Previous Version	Description of Revision
June 18	Janice Allen	Sept 17	Updated to reflect changes in personnel in pastoral and Associate Headteacher
Sept 19	Janice Allen	June 18	Flowchart updated to identify procedures for Heads of Year and change in names where appropriate; taken out that integration will take place in C2
Feb 20	Louise Pottinger	Sept 19	

Document Approvals

This document requires the following approvals:

Approval Sought From	Name	Date
Governors	Pupil Welfare	October 2017; October 2018
Governors	Full Governing Body	November 2017; November 2018; December 2019
Governors	SEG	September 2019
Governors	Chair of Governors	February 2020

Document Distribution

This document will be distributed to:

Individual/ Group	Job Title/ Group Type	Distribution Date
SLT	July 2017; July 2018; December 2019	
Pastoral Team	September 2017; July 2018; December 2019	
Staff	All staff	Delivered via website September 2017; September 2018; September 2019; February 2020
Pupils	All pupils	Delivered via website September 2017; September 2018; September 2019; February 2020
Parents	All parents	Delivered via website September 2017; September 2018; September 2019; February 2020

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1. Background

The DfE Guidance: Exclusion from maintained schools, academies and pupil referral units in English – September 2017 relates to:

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews (English) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education Act 1996; and
- The Education (Provision of Full-Time Education for Excluded Pupils (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

2. Decision Making

Only the Headteacher has the right to exclude. If the Headteacher is off site then the Associate Headteacher will take on the responsibility for exclusion. In many instances, other senior or pastoral members of staff may have carried out much of the work with a pupil prior to exclusion. It is expected that wherever possible, the Headteacher is contacted before the decision is made. Whilst the evidence for the exclusion may have been prepared or collated by other staff, the letter(s) must make it clear that the Headteacher (or nominated deputy in a Headteacher's absence) has reviewed the information and evidence available and has made the decision to exclude the pupil herself.

When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

The decision on whether to exclude is for the Headteacher to take. However, where practical, the Headteacher should give the pupil an opportunity to present their case before taking the decision to exclude.

Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying.

The process makes an important separation between the role of the Headteacher and the Governors. A Headteacher cannot discuss a potential exclusion with Governors nor can any changes be made to the status or length of exclusion after the Pupil

Discipline Committee Meeting. If a pupil is excluded for a fixed period but subsequent investigation leads to the Headteacher to decide that the exclusion should be permanent, then a separate letter must be sent about the permanent exclusion and the relevant timescale adhered to. The letter must also include on what grounds the decision to exclude permanently has been reached.

Throughout the DfE's guidance, the need for parents(s)/carer(s) to understand the process is stressed and this means that our letters are explicit about the status of the exclusion and the grounds on which the exclusion is made. Where English is not the first language of a parent(s)/carer(s) Falinge Park High School will ensure that every effort will be made to make arrangements for letters to be translated.

A decision to exclude a child permanently is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. A decision to exclude a pupil should be taken only in response to serious breaches of the school's compelling behaviour policy; and if allowing the pupil to remain in school would seriously harm the education and welfare of the pupil or others in the school. There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one-off' offence. These might include:

- a) Serious actual or threatened violence against a pupil or member of staff;
- b) Sexual abuse or assault;
- c) Supplying an illegal drugs
- d) Carrying an offensive weapon

Falinge Park High School will also consider whether or not to inform the Police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies, e.g. Youth Offending Team, Social Workers, etc.

In cases where a Headteacher has permanently excluded a pupil for:

- a) One of the above offences; or
- b) Persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises, the Secretary of State would not normally expect Governors' Discipline Committee or an Independent Appeal Panel to reinstate the pupil.

3. Grounds for Exclusion

Each exclusion must be considered individually but in the context of Falinge Park High School's compelling behaviour policy. Whilst no policy can set out every possible reason for an exclusion, the policy must indicate the sort of incidents that might lead to exclusion and how exclusion fits in with the other sanctions that a school might use. This means that each instance of exclusion will be a logical and supportable part of a school's behaviour strategy.

Part of a case for exclusion might be repeated infringements of school rules in spite of a series of sanctions and support measures put in place by the school. In these instances, the pattern of events should show a steady increase in both attempts to offer support and the level of sanction used.

In some instances, events outside school may affect what happens inside school. It is generally unwise to rely on such incidents as grounds for exclusion. If no-one from school was present, there is unlikely to be secure evidence to use and hearsay is unacceptable and open to challenge. The Compelling Behaviour Policy highlights where this will be considered when there is compelling evidence that this has a serious impact on school. Exclusion happens when it is no longer reasonable to keep the pupil on school premises and it is difficult to argue that an incident off-site is a reason to exclude from the school without there being any difficulty within the school itself.

Permanent exclusion is the ultimate sanction available to a school and must not be used lightly.

Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parent(s)/carer(s).

4. Challenge

The exclusion process is complex but has a built in system of checks and balances, which must be considered during the process. Restricting the right to exclude to the Headteacher (or associate Headteacher in her absence) indicates that exclusion must be taken seriously. The Headteacher must review all the evidence and be confident that it is full and accurate and will stand up to challenge by the parent(s)/carer(s) and the Governors if appropriate.

The Pupil Discipline Committee Meeting gives the parent(s)/carer(s) the right to present their case but also allows the Governors, through their Committee, to have scrutiny of the Headteacher's actions. If the exclusion is upheld, then the Pupil Discipline Committee is saying, firstly, that the evidence to support the exclusion is both adequate and accurate and, secondly, that the exclusion is in line with the School's Behaviour Policy. Clearly it must ask searching questions and challenge the process leading up to the exclusion in order to be satisfied that the exclusion should be supported.

The Local Authority must be informed of any permanent exclusion and be invited to attend the meeting of the Pupil Disciplinary Committee. The Local Authority representative can offer advice to the Committee and to the pupil and parent(s)/carer(s).

5. Police Involvement and Parallel Criminal Proceedings

A school-related incident may sometimes also be the subject of police investigation which may subsequently result in criminal proceedings. This can mean that the evidence available to Headteachers, Governing Bodies and Independent Appeal Panels is very limited, for example they may not be able to hear relevant witness statements. It should be remembered that the police and the courts will be applying the criminal standard of proof – beyond reasonable doubt, whereas the Headteacher, Governing Body and Independent Appeal Panel must apply the civil standard of proof (the balance of probabilities).

The Headteacher need not postpone her decision to exclude a pupil simply because of the possibility that criminal proceedings might be brought in respect of the same incident. The critical factor in any such case will be that the evidence that is available to the Headteacher and judgement made must be on the basis of the evidence available to them. Relevant considerations include the fact that:

- A serious allegation has been made against the pupil by another pupil or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings being brought;
- Pending the conclusion of any such criminal proceedings, the pupil's continued presence in the school may have an adverse effect on the complainant and other potential witnesses, and on the promotion of good order and discipline at the school generally.

Where the Headteacher excludes a pupil in the circumstance such as those in the preceding paragraph, the Pupil Discipline Committee has now power to postpone their meeting to consider the pupil's exclusion beyond the statutory time limit. In deciding whether to direct the Headteacher to reinstate the pupil, therefore, they too may be subject to the same constraints as regards the availability of witnesses and other relevant information and will have to consider the case on the same basis.

Under the Equality Act 2010 (the 2020 Act) the school must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation.

Headteachers and Governing Bodies should take account of their statutory duties under the Education Act 1996 in relation to SEN when administering the exclusion process to include the SEN Code of Practice. It is unlawful to exclude a pupil because they have additional needs that the school feel they are unable to meet.

6. Procedures at Falinge Park High School

Before any exclusion is agreed at Falinge Park School Park there needs to be careful thought given prior to the exclusion and how we will support the pupil under reintegration. There also needs to be consideration about the learning we will have

from this and if any further actions need to be put into place. To do this we use the CREATE framework:

Consider if the pupil has any additional needs

Consider if there are safeguarding issues surrounding this pupil which may place them in danger if a Fixed or Permanent Exclusion is given **Consider** if this is a one-off incident or an escalation of events

Consider what sanctions have been given previously to the pupil and the success of these

Consider if there has been targeted intervention for the pupil including where applicable a Pastoral Support Plan

Consider if you have all the information you need – witness statements if necessary, reports from staff

Consider from our records if this is fair and equitable so that a particular child is not being disadvantaged against in line with Public Sector Equality Duty

Respond to the above and reframe your thinking around the exclusion – would another sanction be more effective?

Reframe your thinking so that there is a clear support plan for the child on return from exclusion

Explore the Evidence – make sure all the evidence is collated with witness statements signed and dated

Explore the Evidence – make sure we are communicating in a timely manner with parent(s)/carer(s) both verbally and written

Action/Accelerate – on reintegration make sure the pupil is given support and the reintegration plan is monitored

Action/Accelerate – on reintegration make sure that the procedures are followed: 1 or 2 exclusions Heads of Year; 3 exclusions Director of Key Stage; 4 or more exclusions Assistant Headteacher

Action/Accelerate – make sure the relevant members of staff are given sufficient information to support the pupil back into lessons

Action/Accelerate – on return from exclusion the pupil will be reintegrated initially via the support with Heads of Year/Mentors or occasionally with the Assistant Headteacher and Directors in order to support pupils in becoming self-regulating; to re-educate pupils in how to behave appropriately; to use Restorative Justice as a tool to facilitate the above; to monitor and support effective reintegration back into lessons

Target – make sure reintegration is reviewed at key points which may include further meetings with parent(s)/carer(s)

Target – what is the learning from this for the pupil and the school? How can we minimise a further exclusion?

Target – does the pupil need further support from external agencies?

Target – make sure we evaluate the support so we can support the pupil in being part of our community

Educate – lead out by sharing effective practice when working with this pupil **Educate**
– lead out by putting into place strategies both with individuals and groups of pupils by making sure patterns aren't repeated

Educate – lead out by using this to inform and make improvements in our wider pastoral care

Prior to exclusion an initial consideration form and checklist must be completed.

A flowchart is also used to ensure practice is being followed.

PRO FORMA FOR EXCLUSION CONSIDERATION

Pupil:

Year:

Tutor Group:

Details of the incident:

Impact of the incident:

Evidence obtained in relation to the incident (pupil/staff witness statements, observations, CCTV):

Statements –

EXCLUSION DETAILS:	
Physical assault against a pupil (PP) <input type="checkbox"/>	Sexual misconduct (SM) <input type="checkbox"/>
Physical assault against an adult (PA) <input type="checkbox"/>	Drug and alcohol related (DA) <input type="checkbox"/>
Verbal abuse/threatening behaviour against a pupil (VP) <input type="checkbox"/>	Damage (DM) <input type="checkbox"/>
Verbal abuse/threatening behaviour against an adult (VA) <input type="checkbox"/>	Theft (TH) <input type="checkbox"/>
Bullying (BU) <input type="checkbox"/>	Persistent disruptive behaviour (DB) <input type="checkbox"/>
Racist abuse* (RA) <input type="checkbox"/>	Other (OT) (please specify) see letter <input type="checkbox"/>
Possession of Weapon/Dangerous Object (PO) <input type="checkbox"/>	

Considerations determined from checklist:

Recommendations based on Incident, Evidence & Considerations, Sanctions, Remove/Days, Fixed Term Exclusions/Days, Permanent Exclusions:

Sanction: Fixed Term Exclusion No.

of Days:

Support Package:

Head of Year:

Signed:

Date: 19.11.19

Pupil's view of Exclusion:

Pass to Headteacher decision maker if sanction recommendations is exclusion

Decision Maker Agree.

Reason:

More information is required Disagree.

Reasons:

Decision Maker

Signed:

Date:

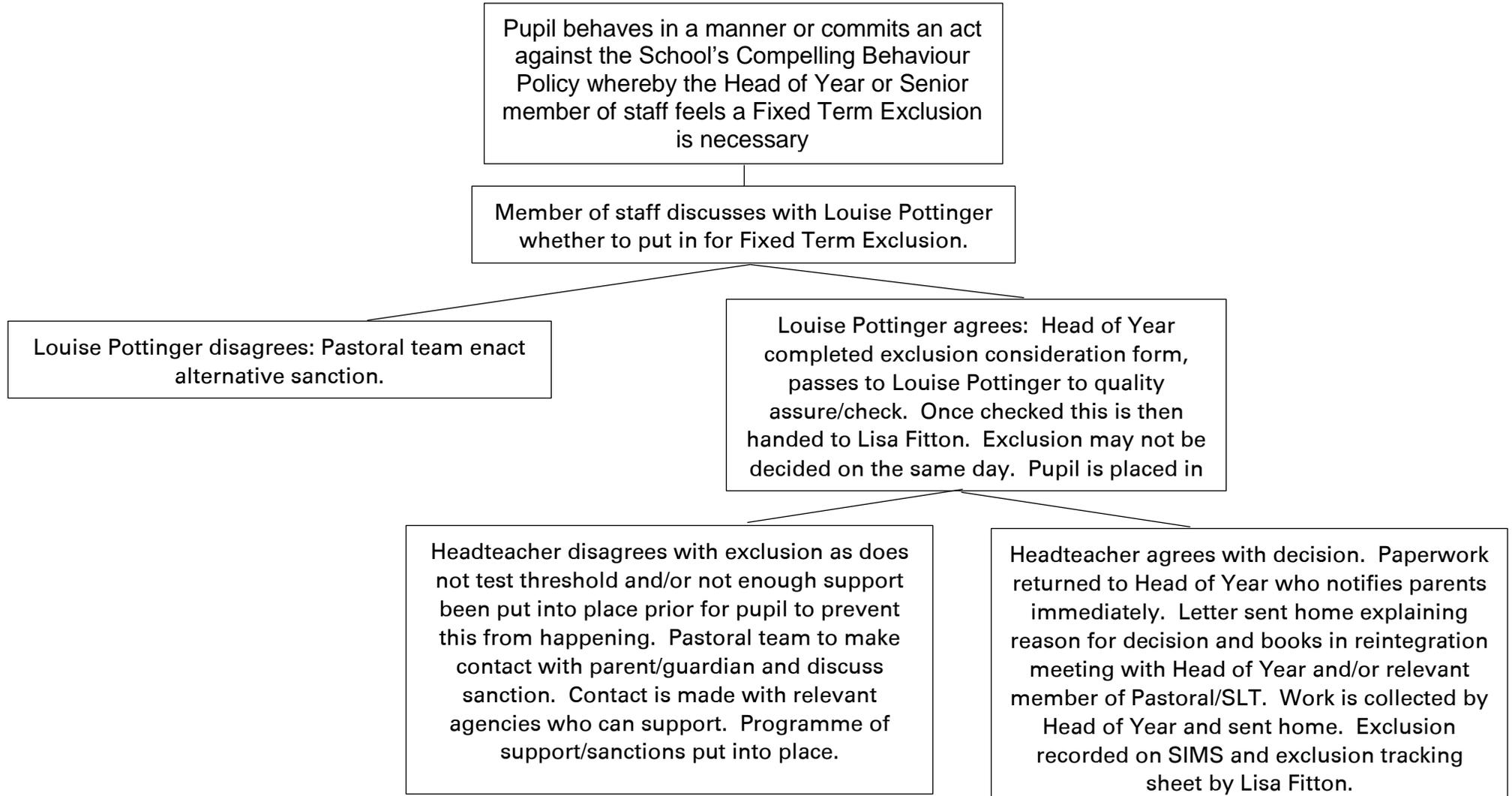
CHECKLIST FOR EXCLUSIONS

Pupil:	Year:	Tutor Group:	HOY:
EAL:	Ethnicity:	Pupil Premium:	

SEND		
LAC		
SAFEGUARDING		
H & S ISSUES		
OTHER PROFESSIONALS/OUTSIDE AGENGIES		
ATTENDANCE		
INTERVENTIONS		
OTHER FACTORS		
MEDICAL ISSUES		
REMOVE/EXCLUSIONS		
ACADEMIC PROGRESS		
BEHAVIOUR		
ACHIEVEMENT		
SUPPORT PACKAGES		
ALTERNATIVE PROVISION		
SIMS UPDATES & COMM.		
PARENTAL CONTACT		

Available dates for re-integration meeting:	
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EXCLUSION FLOWCHART GUIDE FOR STAFF



7. Reintegration Meetings

Reintegration meetings are an important part of the exclusion process.

Parent(s)/carer(s) will be invited to the meeting which will follow a format. The invite will be included on the exclusion letter and parent(s)/carer(s) can request a change of time if it is not suitable. We will endeavour to ensure that all meetings fall on the first day back in school before registers close so as not to have a negative impact on the pupil's attendance.

If a parent(s)/carer(s) does not attend the meeting then the reintegration meeting with the Head of Year will still take place but the school will undertake the following:

- Head of Year to telephone parent(s)/carer(s) at time of meeting to explain meeting taking place and they will be sent copies of agreements made
- Hold the reintegration meeting: **1 or 2 exclusions within a Year with Heads of Year; 3 exclusions within a year with Director of Key Stage; 4 or more exclusions within a year with Assistant Headteacher**
 - Complete reintegration form
 - Sign form in agreement
 - Post form x 2 and any agreements to parent(s)/carer(s) – ask for signature to accept receipt and return copy
 - Pupils spend a period of time in Success Centre or Remove Room with Lead Learning Mentor and additional Mentor. Occasionally this may be with the Assistant Headteacher and Directors. Time to be determined by the pupil's engagement with reintegration process. The reintegration room will look to supporting pupils with steps in how to manage their behaviours and minimise the potential for further issues.

Pupils will not be penalised for the parent(s)/carer(s) failure to attend.

A step by step guide to reintegration is listed below:

At the point of exclusion and following exclusion:

1. Decision made – pupil advised, parent(s)/carer(s) telephoned, letter prepared including reintegration meeting time and date and posted, pupil collected or sent home, bank of work obtained from the key suitable for the pupil and given at point of exclusion with instructions to complete and return at reintegration.
2. Pupil exclusion period (1-5 days).
3. Pupil and parent(s)/carer(s) invited to return to reintegration meeting with Head of Year/Director and Assistant Headteacher and, if appropriate, mentor.
4. Reintegration form completed.
5. Interventions determined, expectations and targets set.
6. Form signed by all parties.
7. Bank of work returned from pupil and passed to Directors to review and, where applicable, sent to subject leads.

8. Monitoring process determined via reintegration, target book, time frames for review.
9. Head of Year to complete LA PSP form completing only the relevant sections required. Completed as a supportive measure.
10. Can be done at any time but must be done AND have been reviewed prior to a Senior Disciplinary Panel referral/managed move request.
11. Must be reviewed at intervals of two weeks.
12. Final review must not exceed 6 weeks.
13. If PSP requirements not met at 6 week review stage or before, pupil to be referred to Senior Disciplinary Panel.

REINTEGRATION FROM EXCLUSION MEETING

REINTEGRATION FROM EXCLUSION MEETING						
Pupil		Year/Tutor group		Parent and Contact details		
Date of meeting: Present at meeting:			Additional information: Is this pupil in care? YES/NO Is the pupil subject to a child protection plan YES/NO Is the pupil identified as having a Special Educational Need (SEND)? YES/NO If Yes, Category Need Type			
Details of exclusion						
Date from:			Date return to school:		No. of days:	
Reason for Exclusion:						
Review of current situation this term/this year:						
Attendance	Punctuality	Achievement	Behaviour	Interventions	Remove – current year	Fixed-term exclusions – current year
<u>Additional information:</u>						
Discussion:						

What needs to improve?	How can we achieve this?	Who has responsibility for this?	When we will review?												
1)															
2)															
3)															
4)															
5)															
<p>Other actions agreed:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Restorative meeting:</td> <td style="width: 33%;">Intervention activity:</td> <td style="width: 33%;">Mentor referral:</td> </tr> <tr> <td>Target book:</td> <td>PSP:</td> <td>Pastoral Support:</td> </tr> <tr> <td>Behaviour panel:</td> <td>Referral to outside agency (specify):</td> <td></td> </tr> <tr> <td>Other:</td> <td></td> <td></td> </tr> </table>				Restorative meeting:	Intervention activity:	Mentor referral:	Target book:	PSP:	Pastoral Support:	Behaviour panel:	Referral to outside agency (specify):		Other:		
Restorative meeting:	Intervention activity:	Mentor referral:													
Target book:	PSP:	Pastoral Support:													
Behaviour panel:	Referral to outside agency (specify):														
Other:															
<p>Pupil comments:</p> <p>Signed pupil:</p>	<p>Parent comments:</p> <p>Signed parents:</p>	<p>School comments:</p> <p>Signed school:</p>													

FPHS BEHAVIOUR CONTRACT

Pupil Name		Date:	
Form:		DOB:	

I understand that my behaviour has been unacceptable and recognise if my behaviour does not improve I may be at risk of further exclusion and/or consideration for a Managed Move

Falinge Park High School will commit to the continued support of in your compelling learning journey.

Signed (School):

Signed (Young Person):

APPENDIX A

Procedures following a fixed term exclusion – with particular regard to the new 6 day provision legislation. Responsibilities of the Headteacher.

The school's obligation to provide education continues and must be met during a fixed term exclusion. Parent(s)/carer(s) are not responsible for making educational provision for their excluded child, but are expected to co-operate with schools in this regard. Where a pupil is given a fixed period exclusion of six school 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.

During the initial period of up to five school days, the parent(s)/carer(s) of the excluded pupil must ensure that he or she is not present in a public place during normal school hours within reasonable justification. This requirement applies whether or not the pupil is in the company of the parent(s)/carer(s). A failure to comply with this requirement is an offence. Parent(s)/carer(s) can be prosecuted, or may be given a penalty notice of £60 if they fail to do this. The penalty payable increases to £120 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent(s)/carer(s) is subject to prosecution for the original offence (see Guidance: The Education (Penalty Notices) (England) (Amendment) Regulations 2012). The pupil may also be removed from the public place by the police and taken to designated premises.

During this period the school should set work for the pupil to complete and for it to be marked, unless the school has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day. The Headteacher is considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision and should therefore plan:

- Make suitable full-time provision available to the pupil from the sixth school day of any period of fixed period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day.
- To ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision.
- To ensure that the parent(s)/carer(s) is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance.
- How the time might be used to address the pupil's problems; and
- What support will best help with the pupil's integration into the school at the end of the exclusion? This will include arrangements for a reintegration interview with a parent(s)/carer(s) of the pupil.

APPENDIX B

Procedure following a permanent exclusion

In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parent(s)/carer(s) to lodge an appeal has expired without an appeal being brought; or the parent(s)/carer(s) has informed the LA in writing that no appeal is to be brought. During the first five school days of a permanent exclusion the school should send work home for the pupils to complete. During these initial five school days of exclusion parent(s)/carer(s) must ensure that their child is not present in a public place during school hours without reasonable justification. They commit an offence if they do not. Parent(s)/carer(s) are subject to prosecution or a penalty notice of £60 if they fail to do this. Service of a penalty notice prevents a prosecution being brought during the time for payment, and if the parent(s)/carer(s) pay within that time, they may not be prosecuted. The penalty notice increases to £120 if unpaid after 28 calendar days and if this is still unpaid after 42 days the parent(s)/carer(s) is once again subject to prosecution for the offence.

During the first five days of a permanent exclusion the LA should arrange to assess the pupil's needs and how to meet them including any special educational needs (SEN) the pupil may have. The LA should also arrange a meeting with the parent(s)/carer(s) to discuss options within the first week of the exclusion. From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided. This will be the pupil's home LA in cases where the school is maintained by a different LA. Such provision does not have to be made for pupils in the final year of compulsory education who have already taken (or missed) their public examinations. For a pupil with a statement of special educational needs (SEN), suitable full-time provision must be consistent with what is specified in the statement. Guidance for local authorities on making arrangements for provision of suitable full-time education to excluded pupils is available of DfE. If the school or LA considers that the parenting of parent(s)/carer(s) is a factor in the behaviour of the pupil who has been excluded, they should consider whether it may be appropriate to offer a parent(s)/carer(s)ing contract or apply to the magistrates' court for a parent(s)/carer(s)ing order. Schools and Las can also do this before the pupil's behaviour deteriorates to the point where exclusion is the only appropriate response. In accordance with the law on admissions, a school may not require a parent(s)/carer(s) to sign a parent(s)/carer(s)ing contract as a condition of their child being admitted following a permanent exclusion.