

Manor Park

Primary School



Exclusion Policy

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Manor Park Primary School

Exclusion Policy

(also see Positive Behaviour Policy)

Rationale

This policy deals with the procedure and practice, which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a student 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

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 Behaviour Policy:

- ☐ Verbal abuse to staff and others
- ☐ Verbal abuse to students
- ☐ Physical abuse to/attack on staff
- ☐ Physical abuse to/attack on students
- ☐ Indecent behaviour
- ☐ Damage to property
- ☐ Misuse of illegal drugs
- ☐ Misuse of other substances
- ☐ Theft
- ☐ Serious actual or threatened violence against another student or a member of staff.
- ☐ Sexual abuse or assault.
- ☐ Supplying an illegal drug.
- ☐ 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.

Searching

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive.

Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in the Positive Behaviour Policy or any other item that the school rules identify as an item which may be searched for.

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

When exercising their powers, schools must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

Only the headteacher, or a member of staff authorised by the headteacher, can carry out a search. The headteacher can authorise individual members of staff to search for specific items, or all items set out in the school's behaviour policy.

The headteacher should oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy).

See also Positive Behaviour Policy and DfE searching, screening and confiscation policy [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Exclusion procedure

- ☐ Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).
- ☐ The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- ☐ The Governors have established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.
- ☐ The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- ☐ Following exclusion, parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.
- ☐ A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate.
- ☐ A fixed term exclusion will usually take the form of the student being required to remain at home.
- ☐ During the course of a fixed term exclusion where the student 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 student 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 (which would

include racist or homophobic bullying) or 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 and where 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 student 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

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student 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 Pupil Behaviour Policy and the Single Equalities Plan.
- ☐ Allow the student to give her/his 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 student did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Headteacher will always look at each case on its merits. Therefore, 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 school's 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.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Pupil Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee 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.

Where a pupil has an SEN need, the inclusion team will work alongside the family and in conjunction with external support to identify and address the cause of the behaviours. This may take the form of; internal intervention via nurture and support from the SEN learning mentor, amendments to provision within the classroom, advice and supportive interventions from specialist teachers.

If a pupils behaviour is having an impact on the educational safety of others, the school may use exclusion as a proportionate means of achieving a legitimate aim this will be done in line with the school positive behaviour policy.

Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy. The school works closely with the Local Authority and in particular the Social, Emotional, Mental health and Learning team (SEMHL) undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. 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

Students 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

Students' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the school's 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 students' 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 Head 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 LA'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.