

Compassion – Courage – Hope – Integrity – Justice
Respect – Responsibility - Wisdom



Herne Bay Junior School

Exclusion Policy

Policy Agreed: Sept 2022

Review Date: Sept 2023

Rationale

This policy is an appendix of a School Behaviour Policy, and it 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 School community to achieve two important aims:

- 1) The first is to ensure the safety, mental health 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 pupil will be taken in the following circumstances: -

- (a) In response to a serious breach of the School's Behaviour Relational Support Policy;
- (b) If allowing the pupil to remain in School would seriously harm the education or welfare of the pupil 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 Deputy 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 Behaviour Relational Support Policy:

- Extreme verbal abuse to Staff and others
- Extreme verbal abuse to pupils
- Physical abuse to/attack on Staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- 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.
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupils 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 DCSF 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 pupil being excluded for

over 15 days in a school term or missing a public examination. (In relation to procedural matters pertaining to the composition and operation of the Governors' Appeals Committee, the Governing Body has agreed to adopt the procedural guidelines from the LA.

- The Governors have established arrangements to review fixed term exclusions which would lead to a pupil 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 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 (Local Authority) 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 the Headteacher and other staff where appropriate.
- 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 if not already in place. This needs to be agreed with the School, pupil and parents.
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians. Work will be provided by the school and will have to be collected by the parent.
- For exclusions that exceed five days the school will take responsibility for the pupil's educational provision for the remainder of the exclusion period and parents will be advised about these arrangements.

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 (which would include racist or homophobic 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 and where it could be appropriate to permanently exclude a pupil 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 pupil concerned. Before deciding whether to exclude a pupil 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 Behaviour Policy, Equal Opportunity and Race Equality Policies.
- Allow the pupil 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 pupil 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 own 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 Behaviour Relational Support Policy and
- b) the effect that the pupil remaining in the School would have on the education and welfare of others in the school.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors’ Appeal 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 pupil’s School record, witness statements and the strategies used by the School to support the pupil prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Relational Support Policy. The School works closely with other schools to undertake managed moves where such a course of action would be of benefit both to the pupil 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

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, away school sports fixtures is subject to the Behaviour Relational Support 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 pupil 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 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. The Headteacher will make a judgment set against the criteria in the school's Drugs Policy.

Pupils with Special Educational Needs and Disabled pupils

The school will take account of any special needs when considering whether or not to exclude a pupil.

We have a legal duty under the Disability Discrimination Act 1995, as amended, not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher ensures that reasonable steps are taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

Steps the school takes are:

- Developing strategies to support the child and to help them manage their behaviour.
- Use external advice in managing the behaviour
- Inform all staff of strategies to help manage such behaviour
- Develop a behaviour plan clear to all involved including the pupil.

We take reasonable steps to adjust our practice to meet specific needs to avoid the necessity for exclusion as far as possible. However, exclusion may be justified in certain situations particularly if it affects the safety of others in the school.