

# **BEECH LODGE SCHOOL**

## **Exclusion Policy**

### **1. Scope**

This policy provides an overview of the practices which inform our School's use of exclusion as a sanction. It is underpinned by the shared commitment of all members of the school community to achieve the following two important aims:

1.1. 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

1.2. The second is that the school seeks to avoid exclusions unless considered absolutely necessary

There is a strong emphasis at the school on the implementation of a positive behaviour policy that ensures a range of strategies to promote positive behaviour. Our policy incorporates anti-bullying, and a clearly written code for behaviour (displayed around the school). All pupils at the school have special needs and therefore exclusion is recourse to be taken with the utmost reluctance and when all alternative strategies have been tried and failed. This policy applies to all children attending the school from the Year 3 to Year 12. The school distinguishes between exclusion as a sanction and sending a child home if they are emotionally unable to cope with school on a particular day.

### **2. Key Principles**

2.1. The Proprietor and the Headteacher must have regard to any statutory requirements.

2.2. The School recognises that exclusion is a serious matter and has the potential to affect the pupil's life in a significant way. Decisions, with respect to exclusions, must not be taken lightly but only after careful consideration of the circumstances.

2.3. Pupils will only be excluded after all the relevant factors have been considered and when the Headteacher is satisfied that there is no alternative. The Headteacher must ensure that:

- a thorough investigation has been carried out;
- all the evidence has been considered;
- where appropriate, statements have been taken from witnesses;
- the accused pupil(s) had the opportunity to give his/her version of events.

2.4. The nature of the period of exclusion shall be proportionate having regard to the incident and other circumstances leading up to it.

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### 3. Fixed term and permanent exclusions

Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline. A serious offence could by itself justify a pupil's exclusion and there may be other situations where the Headteacher makes the decision that exclusion is an appropriate sanction. This may include, but is not limited to, an aspect of any of the following:

- Physical abuse towards an adult or child
- Verbal abuse / offensive language towards an adult or child
- Bullying
- Frequent high level disruption to lessons
- Frequent high level of non-compliance
- Frequent high levels of disrespect to adults who work in the school
- Unacceptable behaviour for which intervention and support has not been successful in modifying over time
- Serious breach of positive behaviour policy
- Actions which bring an school into disrepute
- Damage to property
- Theft
- Carrying an offensive weapon
- Arson

### 4. Procedure for Fixed Term Exclusion

4.1. The Headteacher will pursue the process set out at 2.3 before reaching a decision to exclude. The Headteacher will decide if exclusion is appropriate and the length of the fixed term exclusion.

4.2. Parent(s) will be contacted immediately once a decision has been made to exclude a child. The parent collecting the child will be given details of the exclusion and the start / end dates of the exclusion. If possible, the parent will be invited into the school to discuss the reasons for the exclusion.

4.3. School work is always provided for a child to cover the period of a fixed term exclusion of more than ½ day.

4.4. On a child's return to the school following a fixed term exclusion, the parent(s) are asked to accompany their child to meet with the Headteacher or a senior member of staff.

4.5. If the fixed term exclusion, or an accumulation of exclusions exceed 5 days (within a school term) a Pastoral Support Plan will be drawn up. This will be discussed and agreed with parent(s) and, where appropriate, the child.

4.6. During the course of a fixed term exclusion the child is not allowed on the school premises and it is the responsibility of the parent(s) to arrange daytime supervision for their child.

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4.7. For any fixed term exclusion that exceeds 6 consecutive days alternative educational provision must be arranged for the child.

4.8. Fixed term exclusions cannot exceed, when aggregated, a total of 45 school days in any one academic year.

## **5. Procedure for Permanent Exclusion**

5.1. 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:

- a) The first is a final, formal step in a concerted process for dealing with unacceptable behaviour following the use of a wide range of other strategies (that may also include involvement of other professional agencies) which have been used over time without success. It is an acknowledgement that all available strategies have been exhausted and is normally used as a last resort.
- b) The second is where there are circumstances of extreme behaviour causing a serious risk to either the pupil concerned, adults or other pupils.

5.2. Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will ensure that appropriate investigations are carried out as set out in paragraph 2.3 of this Policy.

5.3. The parent(s) will be immediately informed and where appropriate be asked to come into the school to meet with the Headteacher.

5.4. A formal letter will be sent in the post providing details of the reason for the permanent exclusion and outlining the formal procedures for permanent exclusion, provide details of organisations that support and provide exclusion information to parents and their right to appeal. The letter will also include a date for the meeting of a panel who will consider, based on all available evidence, the decision made by the Headteacher to permanently exclude a pupil. Parent(s) and their representatives are invited to this meeting.

5.5. The panel can make one of two decisions. They may either:

- Allow the child to return to the school by overturning the exclusion (a date will be agreed for the child to return).
- Uphold the Headteacher's recommendation for permanent exclusion.

## **6. Independent Appeal Panel following Permanent Exclusion**

6.1. Where a pupil has been permanently excluded and that decision has been upheld by the panel, parents have a right of appeal to an Independent Review Panel.

6.2. The decision letter of the panel will contain the relevant information for exercising that right of appeal and the relevant timeframes for doing so.

6.3. Full details of the Independent Review Panel process is set out in the Secretary of State's Guidance on exclusions and can be found on their website at the following link:  
[www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)

6.4. None of the Independent Review Panel will have links with the school. The School will usually delegate the task of forming the Independent Review Panel and clerk to an independent clerking service.

6.5. Any Independent Review Panel will be impartial, constituted in accordance with the Secretary of State's Guidance on exclusions and will have regard to that guidance when exercising its functions.

6.6. An independent review panel does not have the power to direct a Proprietor to reinstate an excluded pupil. However, where a panel decides that the school's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Proprietor to reconsider their decision.

- Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

Statutory guidance to SEN experts on their conduct during an independent review panel

- The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEN expert believes that this was not the case he / she should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

6.7. The Independent Review Panel's decision is final and binding on the school

6.8. Following the school's implementation of the Independent Review Panel's recommendation, if the parents or carer remain dissatisfied they may seek a judicial review of the decision.

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## **7. Accountability**

The School is rigorous in the recording and reporting of the number of exclusions (fixed term and permanent) on a termly basis to its governing body.

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