



# Exclusion Policy

<b>Review Date</b>	<b>March 2021</b>
<b>Owner</b>	<b>Headteacher</b>

## Exclusion Policy

### Medway Green – Exclusions of Pupils Policy

#### What legislation does this policy relate to?

The principal legislation to which this policy relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.
- SEND Code of Practice 2014
- The Equality Act 2010
- DfE's latest guidance 'Exclusion from maintained school, academies and pupil referral units in England' which was effective from 1<sup>st</sup> September 2017

#### Introduction

Medway Green is committed to being a fully accessible and an inclusive organisation, welcoming and respecting the diversity of its pupils, staff, community and visitors to the school.

This policy supports Medway Green ethos to strive to provide a nurturing, structured person centred learning environment in which all pupils can develop academically, socially and emotionally, to their full potential, and in which pupils and staff feel safe, secure and valued.

The policy recognises that it is the Headteacher and Deputies to:

- to ensure the safety and well-being of the whole school community
- to maintain an appropriate educational environment in which all can learn and achieve.
- promote good behaviour and discipline on the part of the school's pupils.

The policy recognises that to in order to meet these responsibilities the Headteacher may have to exclude pupils, whether for a fixed term or on a permanent basis, and seeks to clarify the circumstances under which this might take place and the procedures to be followed.

Exclusion will be used when 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, considering all the evidence available.

## **Aim**

This policy aims to ensure that the exclusion of pupils operates in a fair and reasonable manner. We have an overall aim of reducing the need to use exclusion as a sanction.

## **Objectives**

The objectives of this policy are:

- To ensure a shared understanding of the exclusion process
- To identify the circumstances under which a pupil may be excluded
- To identify the circumstances under which a pupil will not be excluded
- To ensure a consistent approach to the exclusion of pupils

## **Implementation**

Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Assistant Headteacher who is acting in that role). A decision to exclude a pupil will only be taken:

- In response to a serious breach or breaches of the school's Behaviour policy if allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the school.

The decision to exclude a pupil, whether for a fixed term or permanent, is a serious one. The decision to exclude on a permanent basis is extremely serious and should normally be the final step in the process when the use of a range of alternative strategies has proved unsuccessful.

In excluding a pupil permanently the school is acknowledging that it has exhausted all available strategies for dealing with that pupil. Hence it should normally be only used as a last resort.

There are, however, circumstances where a pupil may be permanently excluded for a first or one off offence. These include:

- Where actual or threatened violence against another pupil or member of staff has been committed;
- Sexual misconduct;
- Supplying an illegal drug. (*This should take account of how far the pupil might have been vulnerable to pressure and/or bullying from peers and/or others. However, where it is clear that drugs have been supplied for profit or repeated use has taken place on the premises then this constitutes both a serious breach of school rules and a danger to other pupils and as such justifies a permanent exclusion*);
- Carrying an offensive weapon.

The decision to exclude either permanently or for a fixed term should be based upon:

- A consideration of all the relevant facts and such evidence as may be available to support the allegations made, taking into account the school's behaviour and equal opportunities policies;
- A review of the pupil's version of events;
- Checking whether the incident may have been provoked, for example by racial or sexual harassment;
- A consultation with any other relevant parties.

A pupil should not be excluded for:

- Minor incidents;
- Poor academic performance;
- Lateness or truancy;
- Pregnancy;
- As a result of the behaviour of their parents, for example as a result of parental abuse or violence against members of the school community.

A pupil may be excluded for behaviour outside school if there is a clear link between the misconduct in question and the promotion of good behaviour and discipline in the part of the schools' pupils.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the School. The first is a final, formal step in a concerted process for dealing with disciplinary issues 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 e.g. repeated bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises.

### **When does tolerance end?**

There is no easy answer to this question. Each situation must be assessed on its own circumstances; each pupil's individual reactions and needs must be taken fully into account.

We have never adopted 'standard procedures' for all pupils in these situations. We do not generalise from the particular where our pupils are concerned. Where we have concerns about the behaviour, or risk of exclusion of a pupil we will consider that additional support or alternative placement may be required. This will involve assessing the suitability of our provision against a child's SEND. We will consider requesting an annual review or interim/emergency review. There are circumstances,

however, in which the only decision left to us (and sometimes the best course of action in the situation we face) is to make a decision to exclude the pupil.

### **Fixed term exclusions over five days**

According to DCFS guidance school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.

The school will consult with the LA officers for any exclusion of more than five days in order that appropriate full time education and transport is arranged.

The school will provide education by working with:

- The Local Authority
- Parents/carers
- Social workers

The school will liaise with the outside education provider to ensure that the student continues with their programme of study. In most cases the school will set the work to be completed and ensure that it is completed appropriately.

### **Permanent Exclusion**

The decision to exclude a student permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary issues 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 e.g. repeated bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises or health and safety breaches.

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

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."*

### **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 the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour policy and 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 tests of appropriateness will form the basis of the deliberations at a Governors exclusion appeals hearing/meeting, when it meets to consider the Headteacher's decision to exclude.

### **Alternatives to Exclusion**

- **Behaviour Outside School**

Student behaviour outside School on school "business" for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If student behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate 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.