



## **EXCLUSION POLICY**

Current Policy date: July 2024

Review Date: September 2025

## **Longdon Park School– Exclusions of Pupils Policy**

This policy has been written following the 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 in addition to The Equality Act 2010 and the SEND Code of Practice 2014. The notion of excluding children from school has become more familiar within education over recent years. It is now a commonly accepted procedure in most educational contexts. The older and more traditional methods of reacting to problem behaviours in schools have come under criticism. Traditional punishment systems and disciplinary measures have been challenged. In many schools these methods have been set aside. Ideological pressures have also built up through contemporary legislation. This has led many schools to place far greater reliance upon procedures which take the child out of the school setting for a period of time. This approach has some advantages. It also has some disadvantages.

### **Our Attitude**

1. We are a school which caters for pupils with Special Education Needs, many of whom have a diagnosis of Autism. As part of their SEN we accept that many of our pupils communicate through behaviour. We accept our coping capacity and skills in management has to be sufficient to cope with most challenging behaviours we encounter.
2. We have many skills and resources which enable us to manage and support pupils who exhibit periods of difficult behaviours.
3. The notion of acceptance, effective management and therapeutic intervention are central to our philosophy.
4. We have always taken the stance that the pupils we accept remain with us. Their acceptance is not conditional upon 'good behaviour'. Their difficult behaviours are part of the SEN which have caused their referral.
6. We work with challenging behaviours wherever possible and to the extremes of our professional tolerance. This is the nature of our therapeutic and educational resilience as experienced practitioners. It is part of our professional obligation in working with pupils with SEN.
7. Exclusion, therefore, is very rarely used in our school and should always be considered as a last resort.

### **Where 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 SEN. 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.

### **Possible Criteria for Considering Exclusion (Permanent and Fixed Term)**

1. A pupil who threatens the personal safety of other children. Attacking other children cannot be tolerated. Neither can any form of sexual abuse or drug abuse.
2. A pupil who is constantly creating serious dangers for himself and/or for others (is constantly devising, organising and implementing dangerous, destructive and/or antisocial behaviours. The deliberate and persistent 'leader' for mischief).
3. The child with a persistent and active compulsion towards arson.
4. A pupil who is a genuine threat to staff.
5. A pupil who engages in persistent and serious crime.
6. Behaviour of a pupil outside school can be considered grounds for an exclusion.

The Headteacher reserves the right to extend a fixed term exclusion and convert to a permanent exclusion, following opportunities to review the young person's behaviour record.

A decision to permanently exclude a pupil will only be taken:

- In response to a serious breach or persistent breaches of the school's Promoting Positive Behaviour & Discipline Policy
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school

These criteria are not the only factors which can contribute to decisions about exclusion. There may be deeper clinical and psychological considerations; periodic errors may occur in selection and assessment; there may be insuperable pressures from the family and home contact; unexpected deteriorations in a child's psychological condition can occur; and so on. Again, the important thing is to make careful and informed decisions which are in the best interest of the child, the school community and other pupils. These collective interests cannot always be reconciled, of course. We are well aware of this and we accept the fact that on some occasions the collective good will have to prevail over individual considerations.

Any decision is made in line with administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair and proportionate.

#### **Some Advantages of Exclusion**

1. It takes pressure off the school atmosphere, other pupils and off the staff.
2. It can give a child a 'breathing space' away from the immediate pressure they face. It can offer a chance for emotional relaxation and personal recovery in a context less fraught with situational anxiety.
3. It can give a pupil a chance to reconsider their present attitudes and their future intentions.
4. It gives the school a chance to involve parents and other agencies in the problem and its resolution.
5. The investigation process is sometimes better conducted away from the school setting, away from the pressure of recent difficulties.
6. Exclusion can lead to a more realistic formulation of goals and a better working relationship based on negotiation between the school, pupil and the family (I refer here to exclusions of a temporary nature).
7. Precipitous actions, taken in the heat of very difficult situations, can be avoided if we know that exclusion is a viable alternative within the school's procedures. This can provide an alternative to serious confrontation with some pupils.
8. For many children, who genuinely like the school, the possibility of being excluded holds no attractions. It can be a real deterrent to bad behaviour for some pupils.

#### **Some Disadvantages of Exclusion**

1. Exclusion can create many additional pressures and difficulties.
2. It takes the child out of the educational and therapeutic support of the school.
3. It takes the child out of a structured and controlled environment and (often) places them in a difficult home or alternative context.
4. It often places the family under additional difficulties.
5. It can create parental resentments.
6. It can damage still further the child's place in the family and lead to a further breakdown in family relationships.

7. It may place the child in a home situation where there is less ability to handle their behaviour than there is at the school.
8. It may place the referring agencies (LA, Social Services, and Psychological Services) under increased pressure.
9. It may encourage the notion amongst other pupils that bad behaviour provides a possible 'way out' from the school.
10. Being seen to be 'sent home' is a very attractive idea to a few pupils. There are some who might even see it as a 'reward' for bad behaviour.
11. It could prove to be totally counter-productive if it is used too frequently. This might produce a tendency to 'offload' problems rather than to contain them and work them through.

Should exclusion become necessary however, it is important to follow our internal procedures. These will help to limit adverse effects and protect the pupil, the school and the family.

### **Head of School's duty to inform parties about an exclusion and Procedures for Exclusion (Permanent and Fixed Term)**

1. There must be full consultation and full investigation of any precipitating circumstances. This process will include senior staff, together with any other staff member involved and any other child involved. When establishing the facts in relation to an exclusion decision the head teacher 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 Head of School should accept something happened if it is more likely that it happened than it did not happen. In cases of alleged sexual/physical/drug abuse the Head of School will make the initial assessment and then communicate with appropriate outside agencies.
2. The Head of School must, without delay, notify the parent of the exclusion and the reason for it. Initially this will be via telephone or email but then followed up with a formal letter to include all statutory arrangements (see appendix A).
3. The Head of School will inform the Governing Body and Local Authority of any exclusions.
4. The Head of School will ensure suitably differentiated educational work is provided for pupils excluded for a period of 5 days or less.
5. A planned reintegration meeting must take place following any fixed term exclusion. This will involve any relevant teaching staff, a member of SLT, the young person, parents/carers and any other agency representative deemed appropriate

### **The Local Authority's Duties:**

1. For permanent exclusions the 'home' local authority must arrange suitable full-time education to begin no later than the sixth day of the exclusion which may include reviewing/reassessing their EHC plan, in consultation with parents, with a view to identifying a new placement.
2. The Governing Body has a duty to consider parent representations. Parents wishing to do this should contact the Chair of Governors within 10 working days.

### **Conclusion**

We expect to use the above procedures very infrequently. It is, however, a response which we reserve the right to use in certain circumstances. It will always be used in a constructive spirit with careful attention paid to striking a balance between the needs of the pupil concerned, his family, the school, our staff and our remaining pupils.

## Appendix A – Parental Suspension/ Exclusion Letter

Dear Parent/Carer

Following our discussion earlier today I am writing to inform you of the decision to suspend/ exclude your child \_\_\_\_\_ from Longdon Park School for a fixed period of \_\_\_days. \_\_\_\_\_ must not attend school on \_\_\_\_\_. They will be expected to return on \_\_\_\_\_.

### Rationale

\_\_\_\_\_ has been suspended/excluded in accordance with Longdon Park's exclusion policy because of \_\_\_\_\_

I understand that the decision to sanction \_\_\_\_\_ with a fixed term suspension/ exclusion for \_\_\_\_\_ days may be disappointing for you, however I can assure you that the decision has not been taken lightly. I explained that the suspension/exclusion will allow \_\_\_\_\_ the opportunity to consider their present attitude and behaviour and their future intentions. In addition to this it allows us to reflect upon information from the incident today and to help find a resolution for helping \_\_\_\_\_ communicate positively in the future.

### Your Duties

I have a duty to inform you of your duties, in accordance with relevant legislation. You have a duty to ensure that \_\_\_\_\_ is not present in public places during school hours during his fixed term suspension/exclusion. You may be prosecuted or presented with a penalty notice from the local authority should \_\_\_\_\_ be present in a public place without reasonable justification.

The school will set work during the fixed suspension/exclusion period and \_\_\_\_\_ will e-mail this directly to yourself.

We have agreed that his reintegration meeting will take place \_\_\_\_\_ with a view to \_\_\_\_\_ meeting with me for further reflection time when he arrives in school in order to support him to return to school in a positive manner.

### Your Rights

You have the right to make representation regarding the decision to exclude by requesting a meeting with the school's Chair of Governors within 10 working days. Should you wish to arrange such a meeting please contact the school office for details. Please be aware that the Chair of Governors have no power to reinstate \_\_\_\_\_ however they will consider your representations and may place a copy of the finding on your child's school record.

You also have a right to see a copy of \_\_\_\_\_ school record. Due to confidentiality restrictions you will need to notify me in writing, or via e-mail if you wish to be supplied with a copy.

Should you consider the decision to exclude related to disability discrimination you have the right to appear and make a claim to the First Tier Tribunal. Additional sources of information and support can be found at:

- ACE Education (<http://www.ace-ed.org.uk/>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10:00am to 1:00pm during term time
- The Information Advice & Support Services Network (formerly known as a the local parent partnership)

- The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk))
- Independent Parental Special Education Advice (<https://www.ipsea.org.uk>)
- You may also find it useful to contact the Children's Legal Centre. They aim to find free legal advice and information to parents on state education matters. Their contact details can be found at <http://www.childrenslegalcentre.com/>

### **Conclusion**

To confirm \_\_\_\_\_ has a \_\_\_\_\_ day fixed term suspension/exclusion from \_\_\_\_\_ and is expected to return to school on \_\_\_\_\_.

Yours sincerely

Ed Barnes

Acting Headteacher