

# **Exclusions Policy**

*“Myles Academy is committed to safeguarding and promoting the welfare of children and requires all staff to act in the best interests of our children at all times.”*

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- **Introduction**

Myles Academy recognises its duty under the Education and Inspections Act 2006 to establish and maintain a behaviour policy for the school that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the Education Act 2002. We also comply with The Education (Independent School Standards) Regulations 2014 and have regard to the DfE guidance 'Exclusion from maintain schools, academies and pupil referral units in England' (2017), DfE guidance 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak' (May 2020) and the 'Timpson Review of School Exclusion' (May 2019).

Myles Academy acknowledges the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010. We also follow current DfE guidance 'Keeping children safe in education' (2020), 'Working together to safeguard children' (2018), HM Government advice 'What to do if you're worried a child is being abused' (2015) and the Local Safeguarding Children Partnership's policies, procedures, guidance and protocols. We will take immediate action, where we believe an individual may be at risk, or it is alleged that a child is suspected of being abused. Our primary concern, at all times, is the welfare and safety of all members of Myles Academy's community including children, staff and visitors.

- **Definitions**

Exclusion involves a child not being allowed to attend school for a defined period of time. There are two kinds of exclusion:

- A **fixed term exclusion** is where a child is temporarily removed from school

and is not allowed to return for a specified number of days.

- **Permanent exclusion** means a child's name will be removed from the school register and they will not be allowed to return to that school at all.

#### Underlying principles

Myles Academy is an inclusive school committed to equal opportunity for all. We recognise that our pupils, due to their special educational needs and possible behavioural difficulties, require considerable amounts of support and guidance around appropriate behaviour – our curriculum and all approaches are designed and implemented with this in mind. It is felt that exclusions of pupils from the school, whether fixed term or permanent, are the last resort. Consequently, a pupil will only be excluded when other strategies and sanctions have not been effective over time, or when there has been a single, clear and serious breach of discipline, or if allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or other pupils in the school.

Excluding a pupil is a very serious and extreme sanction. However, reserving this as an option in our school demonstrates our commitment to whole school safety and learning. This also reflects the expectations of our society in terms of boundaries of acceptable conduct and consequences for which we are preparing our pupils. When deciding if and when to exclude all the following will be very carefully considered;

- The learning and behavioural needs of the child, including their cognitive abilities.
- Any mitigating and contextual circumstances, including any relevant factors that may be impacting from outside of school.
- The attitude of the pupil concerned following the incident/s, particularly with regard to remorse expressed.
- The range and extent of support strategies utilised prior to the incident/s and the willingness of the pupil to engage with these.
- The likely impact on the individual pupil and his/her family and local community.
- The likely impact on the whole school community of both the incident/s and decision to exclude or not.

Our Behaviour policy provides detailed guidance about our approaches to supporting pupils to manage their behaviour positively.

As an independent school we are not bound to follow DfE legislation, however this policy does follow all the key aspects of their best practice guidance. During the decision-making process the Head Teacher will also consider all the evidence available to support the allegation(s) taking in to account the Equal Opportunities Policy, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended.

The aim of this policy is to provide all staff with a clear framework to enable the effective handling of pupil exclusion issues and to inform all stakeholders of the procedures. It is crucial that pupils, parents and carers understand the information and processes in this policy in order to work collaboratively with us to ensure the safety, well-being and achievement of our pupils and staff.

- **Decision to exclude**

The decision to exclude a child is a last resort and will only be taken after a full range of

alternative strategies have been tried and have failed or would be likely to fail. A pupil can be excluded if:

- Persistent disruptive behaviour that has a negative impact upon the learning of the pupil and of others.
- The pupil has committed a serious disciplinary offence, notably incidents involving threatened or actual violence towards others.
- The pupil is accused of a serious criminal offence.
- For medical reasons, the pupil's presence in the school represents a serious risk to the health and safety of pupils and staff
- The pupil has been involved with using items as weapons, sexual abuse, criminal damage, actual or threatened violence, carrying an offensive weapon or illegal drugs.
- In response to a serious breach or persistent breaches, of the school's behaviour policy.
- where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the school.

When establishing the facts concerning 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 Teacher should accept that something happened if it is more likely that it happened than that it did not happen.

Only the Head Teacher has the authority to exclude a pupil, but, where practical, the Head Teacher will give the child an opportunity to present their case before deciding whether to exclude. Myles Academy acknowledges that all children have a right to education and will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year. However, if a child reaches 15 days of (cumulative) fixed period exclusions, the Head Teacher will consult with the proprietor.

The purpose of this consultation is to:

- Identify and explore the child's behaviours of concern, associated functions, and the known/potential consequences.
- Review and evaluate the responses used to date, taking care not to overlook effective strategies.
- Scrutinise the child's education, health and care (EHCP) plan and current provision.
- Identify and record any possible amendments to the provision and/or alternative strategies.

**ALL exclusions, irrespective of duration, must be recorded.**

- **Informing parents/carers**

When excluding a child, the Head Teacher must notify the parents/carers of the period of exclusion and the reason(s) for it, without delay. The Head Teacher will also notify the pupil's parents that, during the first 5 days of exclusion, they must ensure that the pupil is not present in a public place at any time during school hours, unless there is a good reason. Any parent/carer who fails to comply with this duty, without reasonable justification, commits an offence and may be given a fixed penalty notice or be prosecuted. For further information on Informing parents/carers and other relevant parties, see Appendix 1.

Post exclusion

The Head will arrange a reintegration interview at a time, date and location that is convenient to the pupil, parents/carers, local authority representatives and other interested parties to welcome them back into school for a 'fresh start' and confirm expectations around behaviour for learning. The pupil should be present for all or part of the interview. This must not cause

unnecessary delay in reintegrating the child into school.

The purpose of the meeting is to:

- Talk about why the child was excluded and the steps taken to try and avoid it.
- Discuss ways in which the child can be supported to change their behaviour.
- Seek the views of the parents/carers, child and local authority representatives.
- Agree on a strategy for reintegrating the child into school and for managing their future behaviour.

For some pupils a phased re- integration into school may be appropriate to ensure that they have maximum chance of going forward successfully and this can be discussed during the reintegration meeting. Return and ongoing support strategies will also be discussed and in some cases, pupils may still be required to complete reparation or restorative tasks regarding the exclusion incident.

#### Behaviour outside school

Behaviour outside school, whilst on school trips, placements or other visits, are covered by the school's Behaviour for Learning policy and this Exclusions policy. Behaviour, which is considered to be unacceptable, will be dealt with as if it had taken place in school.

A pupil may still be excluded if the pupil was outside school and not on school business, if there is a clear link between that behaviour and maintaining good behaviour and discipline amongst the school body as a whole.

- **Equality and diversity**

The decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. Our exclusion criteria are applied consistently to every child, irrespective of any protected characteristic including disability, gender reassignment, pregnancy and maternity, race, religion, belief, sex or sexual orientation.

#### Removing pupils from school site

In addition to exclusions there are four circumstances outlined in national legislation where a pupil may be required to leave the school site:

- The pupil is accused of a serious criminal offence, which took place outside the school's jurisdiction. The Head teacher may decide in the interest of the pupil and the wider school community, for the pupil to be educated off site for a limited period. The pupil's education must continue under periodic review, whilst off site. This is not an exclusion.
- The pupil has been offered leave of absence by the Head teacher to remedy breaches of the school's rules on appearance or uniform. This should be no longer than necessary to remedy the breach. This is an authorised absence. If the pupil continues to breach the uniform rules, the absence may be recorded as unauthorised. This is not an exclusion.
- For a medical reason. The pupil's presence on the school site may represent a serious risk to the health or safety of others. This is not an exclusion.
- Section 154 of the Education and Skills Bill 2008 amended Section 29(3) of the Education Act 2002 -- this now allows pupils to attend off--site provision specifically aimed at improving behaviour. This process must be kept under regular review. This is not an exclusion.

- **Multi-agency partnership**

We are committed to working with parents, carers, local authority representatives, the police and other interested parties in a positive and constructive relationship to support children who may be at risk of exclusion. Where we have concerns about a child's behaviour, we will seek to identify any contributory factors and intervene as early as possible, to reduce the need for exclusion. We take appropriate steps to escalate concerns, including with the placing and host local authority and the child's allocated social worker (where appropriate) and the police.

#### Permanent exclusion

As part of Myles Academy ethos, we do not want to have to permanently exclude children. Should there be extreme circumstances where it is deemed the only outcome the following would apply:

- Warning must be given by Head Teacher to parent stating that permanent exclusion is possibility if behaviour does not improve.
- Multi Agency Meeting prior to permanent exclusion should be convened if child has an EHCP, is in an ethnic minority group, is a looked after child, the pupil's health or domestic circumstances is causing concern.
- Letter to contain information as for fixed term exclusions.
- All this information should be covered in the exclusion letter

- **Seeking the views of children, parents, carers, local authorities and staff**

Regular enquires are made of all children as to how safe they feel at Myles Academy and ways in which services and outcomes can be improved. The views of parents, carers, local authorities and staff are also sought through existing mechanisms for consultation and feedback. Records are kept of these enquiries as well as any associated actions.

- **Safeguarding and child protection**

Myles Academy will always consider whether a child's behaviour gives cause to suspect that they are suffering, or is likely to suffer, significant harm; or whether their behaviour might be the result of unmet educational or other needs. All child protection concerns will be addressed in accordance with our 'Safeguarding and Child Protection Policy'.

- **Police involvement**

Careful, child-centred decision-making is made about reporting their behaviour to the police, though appropriate notifications are always made and clearly documented. If the behaviour could be criminal or poses a serious threat to a member of the public, the police should always be informed. "*NPCC When to call the police: Guidance for schools and colleges*" should help senior staff understand when they should consider calling the police and what to expect when they do. A decision whether or not to involve the police will be made by the Head Teacher.

- **Complaints**

Children, staff, parents, carers, and any other adult with parental responsibility (e.g., social worker) or other local authority representatives are all able to complain to Myles Academy if they are unhappy with any aspect of the education or care provided (including exclusions).

All complaints are taken seriously and will be dealt with without delay. For further information, see our 'Compliments and Complaints Policy'. All complaints concerning allegations of child abuse will always be addressed in accordance with our 'Safeguarding and Child Protection Policy'.

- **Implementation, monitoring, evaluation and review**

The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Exclusion Policy' is the Head Teacher. The designated member of staff is also responsible for ensuring that all children, staff, parents, carers and placing local authorities are aware of our policy. Additional support would also be provided to any parent or significant person, wishing to know more about the policy and procedures outlined above. This policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

## **Appendix 1**

### **Informing parents/carers and other relevant parties when excluding a child**

The Head Teacher must notify the parents/carers of the period of exclusion and the reason(s) for it, without delay. This will normally only be done by telephone, and the telephone call will be followed by a letter posted First Class within one school day. The letter will include information about:

- The reason(s) for the exclusion and the steps taken to try and avoid it.
- The duration of a fixed period exclusion.
- The arrangements for holding a reintegration meeting to review the situation
- The arrangements for the continuing education of the pupil, including setting and marking of work.

Relevant issues will always be brought to the notice of:

- The referring/placing authority, including children's social care, where appropriate.
- Proprietors of Myles Academy.
- In the case of Looked After Children the Social Worker and Virtual Head Teacher should be notified immediately of an exclusion.

Parents/carers should ensure that their pupil does not enter the school premises for the duration of the exclusion, unless authorised to enter the grounds. Parents/carers should be aware that the Head teacher could take out legal action against any trespassers, including

excluded pupils and the Police may be involved.