

“Unlocking the undiscovered potential in every child!”

Exclusion Policy

50-50 SYNC CIC Specialist Education Provider

Policy Date:	September 2022
Date Ratified by Governors:	September 2022
Next Review:	July 2023

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AIMS:

This policy deals with the policy and practice which informs the provision’s use of exclusion. It is underpinned by the shared commitment of all members of the provision’s community to achieve two important aims:

- Ensure the safety and well-being of all members of the provision’s community and to maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.

An Exclusion, within this document may be one of three types:

- Internal Exclusion - when a pupil is excluded from normal lessons but remains within the provision. This can be achieved by pupils being temporarily moved to another room or area within the building.
- Fixed-Term Exclusion - when a pupil is excluded from provision’s premises for a number of days.
- Permanent Exclusion - where steps are taken to permanently remove the pupil from the provision.

INTRODUCTION:

“Permanent exclusions must only be taken as a last resort:

- In response to serious breach, or persistent breaches of our provision’s behaviour policy; and
- Where allowing the pupil to remain in provision would seriously harm the education or welfare of the pupil or others in the provision” DfE-Statutory Guidance for Exclusions 2017
- A serious incident of violence toward another member of the provision’s community.
- Please note, that before a permanent exclusion is considered, a ‘Managed Move’ may be resorted to, if appropriate.
- This would only happen in alignment with the referring schools policies and/or the local authorities complete involvement.

For further detail, see below:

RESPONSIBILITY FOR EXCLUSION:

An exclusion is only administered by the Lead Director in coordination with the Headteacher from the pupils referring school and/or designated lead local authority officer.

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CAUSES FOR EXCLUSION:

Exclusion, whether Internal, 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 provision’s Mood Management and Behaviour Policy:

- Actions which put the pupil or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to pupils
- Bullying and intimidation of others online
- Continued bullying and intimidation of others
- 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 or sexually harmful behaviour to others
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which provision sanctions and other interventions have not been successful in modifying the pupil’s behaviour

This is not an exhaustive list and there may be other situations where the Lead Director makes the judgment that exclusion is an appropriate sanction.

EXCLUSIONS PROCEDURES:

Internal Exclusions:

An Internal Exclusion will be implemented for a misdemeanour of sufficient seriousness as to warrant a pupil being removed from lessons, but not so serious as to warrant removal from provision. As stated above, all efforts will be made to keep the pupil in provision, to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term or Permanent Exclusions. Pupils will be accommodated at the provision for the purposes of internal exclusions.

Added to this a pupil might be sent home in early from the provision to avoid further escalation and to reset for the next day – fresh start process. This will be advised at the beginning of a referral with the parent/carer and referring body. WE will always attempt to work to keep the pupil onsite. There may be occasions in this instance where we will support the pupil at home to then reintegrate them back on site.

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Fixed Term Exclusions:

A Fixed Term Exclusion is of short duration (usually between one and three days) and may be necessary if a pupil's actions and behaviour is considered sufficiently serious.

This decision is not taken lightly and it is the ethos of 50-50 LAB HUB to **always** do our best to find a way to keep children in the provision.

Pupils on fixed term exclusion will not be allowed to attend the provision or being in the vicinity of provision for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded and ensure that they are not in a public place without good reason during provision hours within the first five provision days of any exclusion. If they do not, the provision or local authority may issue a penalty.

Parents/carers must also ensure that their child attends the suitable full-time education provided by the governing body or the local authority from the sixth day of exclusion. This is usually through online lessons or where possible education will continue at our other site.

The provision will provide work through the online platform or send work home for pupils who are excluded, which will be marked by their referring organisation when the pupil returns. The provision will inform parents immediately by phone call by our provision or the referring organisation when the decision has been taken to 'Fixed-term Exclude' a pupil.

This will be followed, subsequently by a letter in which the terms of the Exclusion are set out, together with the time and date of the re-admission meeting. Parents/Carers are also informed that they have a right to make representations to the Lead Director if they wish to challenge the terms of the exclusion or accordingly with the referring schools own Exclusion guidance and policy.

Permanent Exclusion:

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a pupil's life chances and cause further trauma to our pupils who have already encountered rejection from other education settings.

Permanent Exclusion will not be sought, unless there are exceptional circumstances and when no other course of action is deemed appropriate and a range of restorative measures has been undertaken.

There are two main types of situations in which permanent exclusion may be considered.

- A final, formal step in a concerted process for dealing with serious incidents of unacceptable and dangerous behaviours following the use of a wide range of other strategies (including restorative processes, 'Managed Move' or police involvement where appropriate). It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and dangerous behaviour, including bullying or repeated possession and/or use of an illegal drug on the Provision's premises.
- 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 violence against another pupil or a member of staff.

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- Sexual abuse or assault/harmful sexual behaviour
- Supplying an illegal drug.
- Carrying an offensive weapon*
- Arson.

The Provision 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 wellbeing of the Provision.

Before deciding whether to exclude a pupil either permanently or for a fixed period the Lead Director will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations have been collated, taking into account the provision’s Behaviour, Mood Management and Equality Policies.
- The pupil has been allowed to give her/his version of events.
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Lead Director is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion may be the outcome. This again will be achieved with the full involvement of the referring organisation, who may undertake matters directly through their own Exclusion Policy and school protocol. We will provide all the relevant details and reports as requested.

EXERCISE OF DISCRETION:

In reaching a decision on temporary or permanent exclusion, the Lead Director 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 Lead Director will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Behaviour Policy and Mood Management Policy
- The effect that the pupil remaining in the provision would have on the education and welfare of other pupils and staff.
- Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the provision’s usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

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In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors Exclusion Panel when it meets to consider the Lead Directors decision to permanently exclude.

This Committee will require the Lead Director to explain the reasons for the decision and will look at appropriate evidence, such as the pupil’s provision record, witness statements and the strategies used by the provision to support the pupil prior to permanent exclusion. The provision will inform parents immediately by phone call when the decision has been taken to seek ‘Permanent Exclusion’ for a pupil. This will be followed by a letter in which the terms of the Exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion.

REVIEW OF EXCLUSIONS:

The Directorship review all permanent exclusions from the provision and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a provision term or missing a public examination. The likelihood of this would be deferred completely to the referring organisation to make this their final decision.

The Directorship review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a provision term where a parent/carer has expressed a wish to make representations. This will be in accordance to the guidance from the referring organisations Exclusion Policy and protocol.

REINTEGRATION MEETINGS:

Following a Fixed-Term Exclusion, parents/carers are invited into provision to attend a re-admission meeting.

Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed period exclusion of more than five days. At the meeting, the incident and its antecedents, the pupil will be set specific goals in order to help him/her avoid the behaviour that led to exclusion. If a pupil has served a fixed term exclusion of greater than five days or an accumulation of exclusions exceed five days, the pupils PHP will be reviewed and specific targets set with the referring organisations involvement. This will be agreed with the provision, pupil, parents/carers and referring organisation.