





Exclusion Policy (WHOLE SCHOOL)

Approved	January 2017		
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Signed (Chair of Local Governing Body)		Name	Jeff Brunton

References and link to other policies:

- Teaching and Learning
- Special Educational Needs
- Equal Opportunities
- Health and Safety
- Behaviour
- SRE
- Safeguarding
- Admissions

Rationale

Burnley High School (BHS) is committed to the philosophy and practice of inclusion. Therefore we believe our exclusions policy should be an overarching policy, true to the school's visions and values. Consequently it sets out to make clear the importance of:

- Leadership
- The culture within the school
- Policy and practice

The Leadership Team has agreed that the shared vision and ethos will be given high priority and all stakeholders will be aware of our whole school commitment.

We aim to provide a stimulating learning environment that varies according to age of the learner across the whole curriculum. We recognise that the curriculum is subject to imposed and developing change. We aim to be in a position to maximise the individual potential and ensure that pupils of varied abilities level and attitudes to learning within our high ability context and staff at differing stages of their career are well equipped to meet the challenges of education, work and life.

This will be achieved by:

- Designing a curriculum to promote a full range of learning, thinking and life skills
- Providing a board, balanced, relevant and challenging curriculum
- Using flexible and responsive teaching and learning styles linked to an understanding of assessment for learning practices and higher order questioning skills
- Equipping pupils with the skills, knowledge and attitudes necessary to fulfil their potential and develop as forward thinking and resilient members of society
- Developing a close partnership within and with the whole community, including all stakeholders

We aim to provide a challenging curriculum that meets the high academic aspirations of all pupils, individuals and groups by:

- Setting challenging learning experiences
- Responding to pupils' diverse learning needs
- Overcoming potential barriers to learning and assessment

We aim to provide a happy, healthy and safe school by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our pupils and staff members
- Providing a high quality pastoral care, support and guidance, driven by the leadership team

- Safeguarding the health, safety and welfare of pupils and staff
- Listening and responding to the concerns of learners and parents
- Taking care to balance the needs of all members of the school community

We will secure inclusive education for our pupils by constant review and evaluating what is done through the following questions:

- Does each pupils achieve as much as they can?
- Are there differences in the achievement of different groups of pupils?
- What is in place for pupils that are not achieving their potential?
- Are our actions effective?
- Are all our pupils happy to be in school?
- Are all our members of our community valued, do they feel secure and are they offered opportunities to learn? Are structures in place to support inclusion if they cannot?

In any circumstances where it becomes necessary to exclude a pupil the statutory guidelines and regulations will be stringently followed.

Exclusion would normally be used:

- For a major first offence, such as a serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon
- Where allowing a pupil to remain in school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff or of the pupil him/herself
- More usually it follows a series of breaches of the school's disciplinary code and after a range of strategies to resolve the pupil's disciplinary problems have been tried and have failed.
- When the behaviour of pupils outside school is such that it can be considered as grounds for exclusion

The principles of our Exclusion Policy

- Only the Headteacher or acting Headteacher may exclude a pupil
- The power may not be delegated to anyone else
- Any decision the Headteacher makes to exclude a pupil must be:
 - Lawful
 - Rational
 - Reasonable
 - Fair
 - Proportionate
- When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof i.e. on the balance of probabilities
- We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010
- The school will always have due regard to its public sector equality duty

- We will not exclude any pupil for non-disciplinary reasons
- Exclusion will never be used informally or unofficially. This is against the law
- The Headteacher does, however, have the right to direct a pupil for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason, but this will only be considered when there has been full consultation and agreement with parents and the receiving institution
- Where practical, the Headteacher will give the pupil an opportunity to present their case before taking the decision to exclude
- When considering exclusion, the Headteacher will take into account:
 - Possible short term mitigating circumstances such as bereavement, mental health issues etc.
 - Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g. pupils with SEN, FSM, LAC) and whether all preventative strategies have been fully utilised.
 - Whether a pupil has already had a number of fixed term exclusions which appear to be ineffective

Exclusion for any period of time for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the pupil
- Mentoring (adult support)
- Discussion with parents
- Setting targets and agreeing an individual action plan (Intensive Behaviour Plan IBP)
- Checking on any possible provocation
- Mediation
- Counselling
- Internal seclusion
- Multi-agency support

Duration of exclusions

- The Headteacher may exclude a pupil for one or more fixed periods not exceeding a total of 45 days in any one school year
- If a pupil is excluded for lunchtimes only, each lunchtime counts as a half day
- The Headteacher may exclude a pupil permanently if he/she judges the circumstances to warrant it

Action following any exclusion

Following any exclusion of whatever type or duration, the Headteacher will:

- Inform the parents of the period and nature of the exclusion
- Give the reasons for the exclusion
- Advise the parents about rights or representation about the exclusion to the governing body and how these representations may be made
- Take account of his/her legal duty of care when sending a pupil home following an exclusion, 'holding' arrangements until the pupil can be collected may be necessary

- Make arrangements to provide suitable full time education from the sixth day onwards for pupils who have been given a fixed period exclusion from the sixth day of the exclusion, the Headteacher must by law inform the parents without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start
- If the excluded pupil is in year 11 and has completed all public examinations, no alternative provision after six days is necessary
- This information must be put in writing and will be sent either by email, by text, by delivering a letter directly to the parents, leaving it at their last known address or by posting it to this address. The information can also legally be sent home with the excluded pupil, but in this case we will always send a duplicate copy by a reliable alternative method. The information provided to parents will be clear and free of unnecessary jargon.
- Where the excluded pupil is of compulsory school age, the school will also notify parents without delay and by the end of the afternoon session that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so
- Parents must be informed where a fixed term exclusion has been extended or converted to a permanent exclusion. In such cases, the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required

Internal Exclusion – REFLECTION

Referrals to REFLECTION must come through a member of the SLT. All referrals must be communicated clearly to the Head of Pastoral and Assistant Head of Pastoral

An initial placement in REFLECT is usually for 1 -2 days and the length will be determined by the Headteacher and dependant on the reason for the sanction being placed. During this time, pupils will be asked to consider their behaviour and opportunities to address the behaviour will be discussed. Parents will be informed of a decision to place a pupil in REFLECTION if it is for a full day or longer. A telephone call will be made, if contact is not made then a letter will also be sent home. Occasionally, it may be deemed appropriate to place a pupil in REFLECTION whilst investigations are undertaken or to facilitate a cooling off period. All such referrals must be made by Pastoral staff or any member of the SLT.

Work for pupils in REFLECTION will be taken directly by the class teacher or emailed to REFLECTION by the class teacher. Pupils in REFLECTION will operate a different timetable from other pupils in the school. Pupils will need to report to Reception at 8.00am and wait to be escorted, by the Head of Pastoral, Assistant Head of Pastoral or a member of SLT, to the inclusion unit. Break and lunchtimes will be separate from the mainstream school times and pupils will leave the school at 3.00pm via the main Reception under the instruction of the REFLECTION manager at that time.

The offences below may trigger this sanction but this is not an exhaustive list:

- continued disruption to lessons
- aggressive or threatening behaviour to another pupil

- racial, sexual or homophobic harassment
- bullying
- theft
- verbal abuse to a member of staff
- disruptive behaviour out of lessons
- damage to school property or vandalism possession of a banned item
- possession of a banned item
- inappropriate use of a mobile device
- inappropriate use of social media.

Joint Partnership Placements

Currently the school is part of a Joint Partnership Placement with other schools within Padiham and Burnley. This allows pupils to spend time in another school's behaviour/inclusion unit. Parents/carers will be notified by telephone and letter of the location, period and timings of the placement at another school. It is the responsibility of parents or carers to make sure that their child attends as outlined in the letter. Failure to do will lead to any absence being recorded as unauthorised and may lead to a fixed penalty notice being issued for non-attendance.

Alternative Education

It is sometimes necessary that, to meet the needs of a pupil, a venue outside of the school may be appropriate to provide short-term or longer-term education for the pupil. Such places as Coal Clough Academy in order to provide specialist intervention to meet the needs of such pupils. Decisions to refer a child for placement to an alternative establishment will be made by SLT and then be communicated to parents. Sometimes short-term courses run via these providers on a part-time basis with the pupil remaining at the school for the remainder of the week.

Managed Move

In some circumstances, where a pupil is in danger of permanent exclusion or where relations have broken down, it may be appropriate to offer a Managed Move to another educational establishment. Such placements are entirely at the discretion of Headteacher and are for an initial period of up to 6 weeks. After this, it is up to the receiving establishment to determine if they wish to extend the offer of a permanent placement to the pupil. If the school chooses not to accept the pupil on a permanent basis they will return to the school and be subject to further sanctions should behaviour of the pupil continue to not meet school expectations.

In the same way that pupils can be sent from the school, the Headteacher may agree to take a pupil on a Managed Move. Such pupils will be monitored and a final decision made on whether to offer a permanent place will be made within a 6-week period. Where a pupil does not meet school expectations s/he will be returned to her/his original place of education.

Informing other bodies

- The Headteacher will discuss any potential exclusion with the Chair of Governors prior to a decision being made
- The Headteacher will provide a written termly report to the Governing Body and the Chief Executive of Chapel St Trust covering:
 - The number and type of exclusions
 - The reasons, gender, ethnicity and age of pupils and whether they were already on Individual Education Programmes or Pastoral Support Programmes
 - Repeated exclusions and the school's response to them
 - Links with parents
 - Truancy, punctuality and attendance figures
 - Follow-up action, including what has subsequently happened to permanently excluded pupils

The powers of the Governing Body

The governing body may review all the various categories of exclusions and will consider any representations made by the parents of the excluded pupil.

The governing body has no power to increase the severity of an exclusion. It can, however, uphold an exclusion or direct the pupil's reinstatement, either immediately or by a particular date

However, in the case of fixed term exclusion that does not bring the pupil's total number of days of exclusion to more than five days in a term the governing body cannot direct reinstatement and is not required to arrange a meeting with parents

Procedure for appeal

The governing body has established a discipline/appeals committee to which it delegates its functions in respect of exclusions. (Hereafter referred to as 'the committee')

If parents wish to appeal against the decision to exclude, the matter will be referred to the governing body. Two governors, who were not involved in the initial decision to exclude, will acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within five days

Records relating to the decision to exclude and the parent's complaint will be copied to all parties no later than two days prior to the hearing. In no circumstances however, will the school or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Headteacher has acquired during an investigation.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher, friend or Parents Support Advisor. Legal representation will not normally be appropriate. If possible the governors will resolve the parents' complaint

without the need for further investigation. Where further investigation is required, governors will decide how it should be carried out. After consideration of all facts considered to be relevant, the governors will reach a decision on whether to uphold or rescind the exclusion or make other recommendations. This decision will be made within ten days of the hearing.

Parents will be informed in writing of the governors' decision and the reasons for it. Their decision will be final. The governors' findings and any recommendations will be sent in writing to the parents, Headteacher and governing body.

Parents are entitled to appeal against a governing body's decision if it has upheld the Headteacher's decision to **permanently exclude** their child; even if they did not make a case to, or attend, the governors meeting.

Permanent exclusions

We follow government guidance which sets out why it would normally be inappropriate to reinstate a pupil. These are:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying illegal drugs
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules

When the committee decides to uphold a permanent exclusion, a letter to the parents will state:

- The reason for their decision
- The right of the family to appeal to an independent review panel, together with the name and address of the person to whom any requests should be sent
- The date by which any request for a review should be lodged
- That any request for a review must set out the grounds on which the request is made
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a first tier tribunal or a County Court

If the committee decides to overturn the exclusion, again as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the governing body's views on the exclusion will be placed on the pupil's school record with copies of relevant papers.