

IncludEd Learning

Independent Specialist Education Provider



EXCLUSIONS POLICY

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Strategies for Behavioural Change

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→ 1. Introduction

IncludEd is committed to valuing diversity and equality of opportunity. We aim to create and promote an environment in which students, parents/carers and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

Parents/carers working in partnership with the school consistently reinforcing the school's expectations is an important factor in every student's success. At IncludEd, we will work in partnership with parents/carers to ensure that expectations are clear and parents/carers can reinforce them with their children. This includes ensuring that parents/carers are kept informed about decisions made in response to their child's conduct so that we can work together in the best interests of the child and to ensure expectations for behaviour are made clear. The school is responsible for communicating to parents/carers and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Positive Behaviour and Communication Policy
- Anti-Bullying Policy
- Home-School Agreement
- Weapons Policy
- E-Safety Policy

→ 2. Support

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All students can go through times of inappropriate behaviour, and we strive to never “give up” easily on a student as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We will use behaviour data to assess patterns of challenging behaviour in students. Where patterns emerge, we will systematically intervene, drawing up an action plan with the student, parent/carer and teacher. The Head of Centre has overall responsibility for sharing data with all staff and analysing the data. It is the class teacher, parent/carers and the student’s responsibility to ensure the action plan is followed. No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a detailed staff debrief, followed by consultation with the Head of Centre.

→ 3. Reasons for Exclusion

A decision to exclude a student, either internally, for a fixed period or permanently is seen as an absolute last resort by the school. The physical and emotional health of our students and staff is our primary concern, and we therefore accept that in some serious situations, exclusion may be necessary, if all other strategies have been exhausted. The decision to exclude will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another student or a member of staff.
- Possession or use of an illegal drug on school premises.
- Possession of/bringing a weapon on to school premises.
- Persistent bullying.
- Persistent prejudice-based harassment or hate-based acts.
- Ongoing refusal to engage in learning and deliberately sabotaging the rest of the studentren's learning.
- Damage to school property.

Exclusion may be the result of persistently poor behaviour or a serious single incident. Any exclusion will be at the decision of the Head of Centre, usually in consultation with other members of the staff team (particularly if they were involved in debriefing the incident) and the referring school.

→ 4. Types of Exclusion

Internal Exclusion/Time Out

Internal exclusion or Time Out is when a student is excluded from the rest of the school group and must work and reflect, away from their class for a fixed amount of time. An internal exclusion/reflection time is a discretionary measure, where a student's behaviour is escalating and more serious measures need to be taken, but there are not yet grounds for an external, fixed-term exclusion.

Typically, a student receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the teacher and or the therapist, meetings with parent/carers etc).

Persistent or Cumulative Problems

Modified Timetables or Twilight Sessions may be used in response to persistent poor behaviour which breaches school rules and policies. These would be imposed only when the school had already offered and implemented a range of support and management strategies. These could be joint action plans with parents/carers, students and the referring school, behaviour intervention with the teacher, target setting, home/school communication report etc.

Modified Timetable

Any student who is unable to manage their behaviour or is experiencing a number of incidents on a daily basis may need to have their timetable modified. This could mean that they are in education for part of the day to be able to allow staff to work with them to manage their behaviour. Modified timetables will be reviewed fortnightly and the aim is for the student to return to a full time timetable as soon as possible.

Reasons for modified timetables may include the following: (this is not an exhaustive list):-

- student is not attending regularly
- student is leaving site without permission
- student is unable to manage a full day without experiencing a number of incidents
- student is disrupting other students during learning
- student is having experiencing problems with other students
- student is refusing to follow staff instructions
- student is challenging staff resulting in disruption of the school day
- student is physically or verbally abusive/disrespectful towards staff

Twilight Sessions

Any student who is unable to manage their behaviour or is experiencing a number of incidents during the school day may need to have their timetable modified. This could mean that they are placed on twilight sessions which would require them to attend for one hour a day after all the other students have left for the day to allow staff to work with them to manage their behaviour. Twilight sessions will be reviewed fortnightly and the aim is for the student to return to a full time timetable as soon as possible. Reasons for twilight sessions may include (this is not an exhaustive list):

- student is not attending regularly
- student is leaving site without permission
- student is unable to manage a full day without experiencing incidents
- student is disrupting other students during learning
- student is having experiencing problems with other students
- student is refusing to follow staff instructions
- student is challenging staff resulting in disruption of the school day
- student is physically or verbally abusive/disrespectful towards staff

Temporary / Fixed-Term exclusion

A temporary / fixed term exclusion is when a student is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the student's education, whilst mindful of the seriousness of the breach of policy. Wherever possible, a reintegration meeting with the parent/carer, student and referrer should be held on or before the day of return to school. However, the period of exclusion must not be extended to accommodate this.

The length of an exclusion will depend upon a number of factors, such as the severity of the incident, and the likely impact on the student's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the student, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way. Single incident internal and temporary / fixed-term exclusions may be used in response to a very serious breach of school rules and policies or a disciplinary offence.

Placement Withdrawal

In the most serious cases where a problem persists and there is no improvement, a placement withdrawal may be necessary. In such cases the Head of Centre will investigate the incidents/concerns and consider all evidence to support taking account of the school's policies. The student will be encouraged to give their version of their circumstances/incidents and the Head of Centre will check whether the incident/s may have been provoked, for example by bullying or racial harassment.

A placement withdrawal is when a student's placement is permanently withdrawn from school and not allowed to return. This is a very serious decision and the Head of Centre will consult with IncludEd staff. The referring school will be consulted before a decision is made.

→ 5. The Decision to Exclude

A deliberate breach of this policy will be dealt with as a disciplinary matter using
If the Head of Centre decides to exclude a child, they will:

- Ensure that there is sufficient recorded evidence to support the decision.
- Explain the decision to the student, if the student is in the state of mind to listen to the decision.
- Contact the parents/carers, explain the decision and ask that the child be collected or be at home to receive them.
- Send a letter to the parents/carers confirming the reasons for the exclusion, whether it is a permanent or temporary/fixed term exclusion.
- The length of the exclusion and any terms or conditions agreed for the student's return.
- Plan how to address the student's needs and integration back into the school site on their return.
- Plan a meeting with parents/carers and the student on their return to be conducted by a suitable member of staff, prior to their return wherever reasonably practical. This may also happen over the telephone.

→ 6. Safeguarding

An exclusion will not be enforced if doing so may put the safety of the children at risk.

In cases where parents/carers will not comply with; for example, refusing to collect the child, or being at home to receive the child, then the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the student off site.

→ 7. Reintegration Meeting

After every period of fixed term exclusion, the student and parent/carer will be offered a reintegration meeting with a senior member of staff and the referring school. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will also be discussed. The meeting will be recorded, and a copy retained by the parent/carer, student and schools. This meeting may well be held over the telephone, due to the distance away from the student's home.

→ 8. Work Set

When a student is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over.

If a student is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning. A student can be excluded for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education for the student, which could be via remote learning online or through an hard copy education pack.

→ 9. Behaviour Outside School

A student's behaviour outside school on school business e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; additionally, this includes any serious breach of policy which could 'bring the school into disrepute'.

The school must take account of any special educational needs when considering whether or not to exclude a child. The Head of Centre should ensure that reasonable steps have been taken by the school to respond to a student's disability so the student is not treated less favourably for reasons related to the disability.

→ 10. Managed Move

In cases where the Head of Centre, partner school and parents/carers agree that the progress of the child has been unsatisfactory and the child is unwilling or unable to profit from the educational opportunities offered, or if a parent's/carers failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Head of Centre may consult with the referring school and propose a managed move to another school. This is not exclusion and in such cases the referring school will assist the parents/carers in placing the child in another school.

→ 11. Removal from the School for Other Reasons

The Head of Centre may send a student home, after consultation with the student's parents/carers, if the student poses an immediate and serious risk to the health and safety of other students and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time. A student cannot be 'sent home' for other reasons, including poor behaviour.

→ 12. Equal Opportunities

The school recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the school's aim that no-one at IncludEd should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

→ 13. Procedure for Appeal

If parents/carers wish to appeal the decision to exclude, the matter will be referred to the Advisory Panel and the referring school for further guidance and support.

Date of Adoption: March 2022

Date of Review: March 2024

We have adopted MSPRU policies to work in line with MSPRU policies and procedures see Appendix A.

→ Appendix 1: MSPRU Exclusion Policy



Exclusions Policy

Date of Adoption: February 2022|
Date of Review: February 2024

MSPRU EXCLUSIONS POLICY

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1. Aims

Our school aims to ensure that:

- The suspensions (formerly known as exclusions) process is applied fairly and consistently;
- The suspensions process is understood by governors, staff, parents, and students;
- Students in school are safe and happy;
- Students do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students;
- Section 579 of the Education Act 1996, which defines 'school day';
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 .

3. Definition

The DfE Exclusion guidance provides the following definitions:

- 'Parents' refers to parent(s)/legal guardian(s)/foster carer(s) of students under 18, as well as to students over 18.
- A suspension is when a student is barred from the school for a fixed amount of time (including suspensions during lunchtime).
- A permanent exclusion is when a pupil is permanently barred from the school premises.
- The school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

4. The decision to exclude

A suspension must be '**lawful, reasonable, fair, and proportionate**' 'in response to a serious breach or persistent breaches of the school's behaviour policy' or 'where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school' (*Department for Education (2017) Exclusion from maintained schools, Academies and pupil referral units in England, para.16, p10*)

'Informal' or 'unofficial' exclusions are unlawful. We must formally record all suspensions, even if they only happen for a short period of time. This means that 'informal' suspensions, like sending a student home to 'cool off', still count as a formal suspension.

A suspension may be considered 'lawful, reasonable, fair, and proportionate' if we can answer 'yes' to the following questions:

- Have we established the facts and there is enough evidence that they are **more likely to have happened than not** (this is called the 'civil standard of proof')?
- Have we met our responsibilities under the Equality Act 2010? **We must not discriminate** against students because of their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment.
- Are there **no external factors** that may have contributed to the behaviour incident? For example, the student may have suffered a bereavement or been subject to bullying.
- Is the student **not part of a group** with disproportionately high exclusion rates? We need to consider current and potential interventions and extra support for the student before excluding them.
- Have we given the student an opportunity to present their case **before** we decide to suspend them?

5. Assessment process

At MSPRU, Heads of Centre (HoC) or Learning Centre Coordinators (LCC), manage all potential and actual behaviour incidents. Incidents that can be characterised by the following **may** be considered for a suspension:

- Physical aggression towards a peer or staff member.
- Discriminatory behaviour.
- Harmful sexual behaviour.
- Use of prohibited items on site, such as smoking paraphernalia, drugs, weapons.
- Intentional destruction of or damage to property.

This list is not exhaustive.

Immediately following an incident, the HoC/LCC will undertake a risk assessment to establish if, with additional support, it is possible for the student(s) to remain on site **whilst** the investigation into the incident is carried out. Wherever possible, MSPRU protocol is to carry out the investigation **whilst the student remains on site** before reaching a decision to suspend or not.

If the assessment concludes that allowing the student(s) to remain in school would seriously harm the education or welfare of the student(s) or others in the school, and that the student(s) must be sent home, **a suspension must be issued based on the evidence available**. This suspension **cannot be extended** unless, in exceptional cases, where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends. Conversely, the Headteacher may withdraw a suspension that has not been reviewed by the governing body.

All staff **must** ensure that both student and staff statements plus any supporting evidence (such as photos of damage) are completed and submitted to the HoC/LCC **by 3:45pm on the same day**. The online monitoring system IRIS is used to collect and store all evidence. Once the evidence has been gathered and submitted, the HoC/LCC will recommend next steps which **may or may not** include a suspension dependent on the evidence presented.

All suspensions will be submitted for initial approval by the Assistant Headteacher for Behaviour before being referred to the Headteacher.

6. Statutory duties

Notifying parents

In the event of a suspension, parents must be notified without delay of:

- the period of the suspension and the reason(s) for it;
- parents' right to make representations about the suspension to the governing board and how any representations should be made;
- the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

Notification should be in person or by telephone in the first instance to give parents an opportunity to ask any initial questions or raise concerns.

Sending a student home following an exclusion

If it is not possible for a student to remain on site, parents must be contacted and asked to collect the student from school. If parents are unable to collect, they may provide verbal or written permission to send the student home independently. They **must** confirm that there will be an adult present at home to supervise the student.

Parents are able to give permission for the student to travel home alone as long as the student usually travels home alone as part of a prior agreement with the school. Parents **must** still confirm that there will be an adult present at home.

Students' right to education

Our students' right to education is protected by the European Convention on Human Rights (Article 2, Protocol 1). Therefore, a student may **only** have this right removed (i.e. sent home from school) through the suspension process as set out in this protocol.

In the event of a suspension, the attendance code 'E' **must** be used for all sessions for which the student has been suspended. If a suspension occurs *before* afternoon registration is closed, a **half day** suspension may be issued and an 'E' code used to represent the suspension for the afternoon session. If a student has been suspended *after* afternoon registration has been closed, a note must be placed on the register indicating the time the student has left site and a minimum of one full day suspension **must start the following day** using the 'E' code.

In addition, during this period schools should take reasonable steps to set and mark work during the period of the suspension.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

7. Returning from a suspension

MSPRU seeks to employ a restorative approach to resolving conflict and preventing harm. Restorative practice focuses on building positive relationships based on responsibility, respect, fairness, and an understanding of the impact of your own behaviour on others.

Our reintegration process provides students with structured and skilled adult mediated opportunities to explore how parties involved in an incident relate to each other and how they can find positive ways of repairing harm caused, rather than focusing solely on punishing poor behaviour or individuals avoiding taking responsibility for their actions. Students and adults are encouraged to put things right together.

Following a suspension, a reintegration meeting will be held involving the student, parents, and either the HOC/LCC or a member of the Engagement Team during which the following questions are discussed:

1. What happened?
2. What do you think and feel about that?
3. Who has been affected and how?
4. What are the needs of those involved?
5. What do you think needs to happen next/to make things right with the other parties and with the school community?

6

An agreement is reached between the student and school which identifies:

- assessments required to explore potential underlying need and function of the behaviour;
- independent strategies that the student can implement in order to prevent a recurrence of the behaviour;
- support and intervention that the school will put in place in order to prevent a recurrence of the behaviour;
- timescales and support required in order to facilitate a successful restorative post-incident process between all parties involved.

8. Monitoring arrangements

The Assistant Headteacher with responsibility for Behaviour monitors the number and type of suspensions every half term and reports directly to the Executive Headteacher.

This policy will be reviewed by the Assistant Headteacher for Behaviour annually. At every review, the policy will be shared with the Executive Headteacher and the school's Governing Board.

9. Links with other policies

This Exclusions policy is linked to and should be read alongside the school's:

- Statement of Behaviour Principles.
- Behaviour and Communication policy.
- Attendance policy.
- Safeguarding and Child Protection policy.
- SEND policy and information report.