Mylor Bridge School – Exclusion Policy

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| **Date Agreed:** | **January 2022** |
| **Review Date:** | **February 2023** |
| **Type of Policy:** | **Statutory** |

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Underlying Principles

Mylor Bridge School is an inclusive school committed to equal opportunity for all. It is felt that exclusions of Pupils from the school, whether fixed term or permanent, are damaging to both the Pupil and the whole school community. Consequently, a Pupil will only be excluded when other strategies have not been effective over time in dealing with persistent breaches of the behaviour expected, 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.

The school follows the legislation referring to exclusions as stated in the 2007 Education Act and “Exclusion from maintained schools, Academies and pupil referral units in England” guidance issued by the Department for Education.

Objectives

This policy has been compiled 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.

Guidelines

A Pupil can be excluded if:

1. The Pupil has committed a serious breach or persistent breaches of the school’s behaviour policy.

2. The Pupil is accused of a serious criminal offence.

3. For medical reasons, the Pupil’s presence in the school represents a serious risk to the health and

safety of Pupils and staff.

4. The Pupil has been involved with dangerous weapons, sexual abuse, actual or threatened violence, carrying an offensive weapon, or illegal drugs.

The Procedure

The exclusion of a Pupil is an extreme measure and is only administered by the Headteacher or in the absence of the Headteacher whoever is deputising for her/him. The Law of the United Kingdom allows a Headteacher to exclude a Pupil for up to 45 school days in any one school year.

Exclusions, whether fixed-term (usually 1-5 days but could be longer), or permanent, may be used where a Pupil has displayed unacceptable conduct which infringes that which is deemed to be acceptable in school.

A Pupil will be excluded immediately if there is an immediate threat to the safety of others in the school.

• Fixed-term exclusions

It is expected that most exclusions will be of a short (1-5 days), fixed-term nature. During an exclusion of up to five days the school will set work for the Pupil and arrange for it to be marked.

A fixed period exclusion may be extended or converted to a permanent exclusion.

• Permanent exclusions

A decision to exclude a Pupil permanently will only be taken in response to a serious breach, or

persistent breaches, of the school’s behaviour policy and if allowing the Pupil to remain in the school would seriously harm the education or welfare of the Pupil or others in the school.

Prior to a permanent exclusion a thorough investigation will precede the exclusion and, in the case of exclusion on the basis of persistent breaches of the behaviour policy it must be clearly shown that a range of strategies have been tried without sufficient success.

In the case of a single serious breach of discipline the Headteacher may decide to exclude a Pupil without having tried a range of strategies. In every case, all the evidence is carefully assessed and collated. Records are kept of all exclusion proceedings. A Pupil is allowed and encouraged to give her/his account of events. Staff investigate the causes of the incident fully.

In all cases where permanent exclusion is a possibility the Cornwall County Council exclusions officer is contacted and a meeting arranged with a member of the senior leadership of the school.

All exclusions are treated in the strictest confidence on a ‘need to know’ basis.

Any Pupil who is permanently excluded will not be removed from the school register until after any requested review has been completed, or the deadline for requesting a review of the decision to exclude has passed without a request being made.

Involvement of the Governing Body

The Governors’ Pupil Exclusion Panel and Exclusion Review Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

• the exclusion is permanent;

• it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion

to more than 15 in a term (a lunchtime exclusion counts as ½ school day in determining whether a

governing body meeting is triggered) or

• it would result in a pupil missing a public examination or national curriculum test.

The Chair of Governors will be informed within one school day of any exclusions meeting the criteria above, and convene a panel. The school will provide a copy of the letter sent to parents.

In addition, the Headteacher will inform the Chair of Governors of exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term, and the school will provide a copy of the letter sent to parents. For any other external exclusions the Chair of Governors will be informed. Informing the governing body of exclusions. A summary of exclusions will be reported to the full governing body once a term. Notifications include the reasons for the exclusion and the duration of any fixed-period exclusion.

Involvement of the Pupil’s parents or carers in an exclusion

In the event of an exclusion being carried out the Pupil’s parents are notified immediately by telephone where possible and then by letter.

The school will write to the parents notifying them of their duties during the first five days of the exclusion. (The parents are obliged to ensure that the Pupil is not present in public during normal school hours without reasonable justification. Failure to comply with this may lead to the parents being prosecuted). The Headteacher will arrange a reintegration interview with the parents of the excluded Pupil for any exclusion. The Pupil is expected to be present for all or part of the interview. A Parenting Contract may be offered to help the parents take responsibly for their child.

Informing the local authority

The Headteacher must, without delay, notify the local authority of:

• a permanent exclusion (including where a fixed period exclusion is made permanent);

• exclusions which would result in the pupil being excluded for more than five school days (or more

than ten lunchtimes) in a term; and

• exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the head teacher must notify the local authority once a term.

Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

Managed Transfers

One possible response to serious breaches of the school’s behaviour policy (including breaches which are serious enough meet the guidelines for permanent exclusion) is a managed move to another school to enable the pupil to have a fresh start in a new school. It enables a pupil to transfer directly to an alternative school. This should only be done with the full knowledge and co-operation of all the parties involved, including the pupil, parents/carer, and the Local Authority, and in circumstances where it is in the best interests of the pupil concerned.

Whenever a managed move is being considered, the Headteacher must contact the Cornwall County Council Exclusions Officer and work with them to follow the County Council protocol on Managed Transfers. This protocol is available on the Cornwall School Messenger website.

Any permanent managed transfers will be reported to the full governing body once a term. Notifications must include the reasons for the managed transfer. Challenging a decision to exclude If a parent or carer would like to request a review of the decision to exclude a Pupil, they should contact the chair of governors in writing. The method for requesting a review is written in the formal letter of exclusion.

• For exclusions of 5 school days or less in a term, parents can ask the governing body to consider their views, but may not challenge the exclusion decision unless the exclusion will mean that the pupil will miss a public exam.

• A fixed term exclusion may be challenged if a pupil has been excluded for more than 5 school days in a term or an exclusion will mean they will miss a public exam.

• A permanent exclusion may be challenged.

The challenge to a decision to exclude must be made within three weeks of the exclusion letter being received.

If a parent or carer does request a review of a decision to exclude a Pupil, the Governors’ Pupil Exclusion Panel and Exclusion Review Panel will be convened. The following parties will be invited to a panel meeting:

• The Headteacher or his/her representative

• The parents/carer of the excluded Pupil (who may be accompanied by a friend of representative)

• The excluded Pupil (whose attendance is optional and subject to parental consent and who may

be accompanied by a friend or representative).

The panel will endeavour to meet within two weeks of receiving the request to review the decision to exclude, and to have relevant written evidence and information circulated to all parties in advance of the meeting. The panel will make a decision to either uphold the decision to exclude or change the decision to exclude (either temporarily or permanently). The decision will be made no longer than three weeks after the request to review the decision was received.

If the decision to exclude is upheld by the appeal panel, the parent/ carer may appeal to Cornwall County Council. The Council will then convene an independent panel as set out in the “Exclusion from maintained schools, Academies and pupil referral units in England” guidance issued by the Department for Education. The parent or carer have the right to meet with the independent panel as set out in the “Exclusion from maintained schools, Academies and pupil referral units in England” guidance.

Challenging a managed transfer

There is no statutory right to appeal a managed transfer. However parents can ask the Governors’ Pupil Exclusion Panel and Exclusion Review Panel to consider their views on whether the school has followed the procedures set out in this Behaviour and Exclusions policy in arranging a permanent managed transfer. This must be done within three weeks of receiving written notification of the decision to arrange a managed transfer.

Monitoring, Evaluation and Review

The effectiveness of this policy is monitored both day to day and more strategically.

Ongoing monitoring:

 Monitoring and review of behaviour incidents logged on the Management Information System. Both in terms of effectiveness of recording system (i.e. are incidents logged?) and in terms of the number and frequency of incidents (i.e. are standards of expected behaviour being met?).

• Analysis of the patterns of poor behaviour (i.e. is it a few key individuals? A specific group? Etc.)

• Use behaviour incident records to determine if the culture of the school, combined with rewards and sanctions work to minimise poor behaviour. (Is poor behaviour repeated?)

• Informal Pupil feedback about behaviour and the extent to which the reality of school lives up to the goals of the school.

• Daily and weekly monitoring and analysis of attendance records. (i.e. what is the impact of the policy on poor attenders?)

2. Strategic:

• Formal evaluation of behaviour records and report to governing body

• Annual Pupil questionnaire

• Annual parent questionnaire

• The Governors will monitor the numbers of and reasons for exclusions and managed transfers.

The governing body will review this policy every year and asses its implementation and effectiveness