



The Mulberry School Exclusions Policy

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Author: Zoe Kirby

1. Introduction

1.1 Purpose

This policy outlines the process which must be followed in the event of a proposed fixed term or permanent exclusion from education. In implementing the processes outlined in the Policy The Mulberry school aims to ensure that:

- › The exclusions process is applied fairly and consistently
- › The exclusions process is understood by staff, parents and pupils/students
- › Pupils/students in school are safe and happy
- › Pupils/students do not become NEET (not in education, employment or training)

1.2 Legal Framework

This policy is based on Education (Independent School Standards)

Regulations: 2014 <https://www.gov.uk/government/publications/school-exclusion>

It also takes into account guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#), the 'Timpson Review of School Exclusion' (May 2019) and 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](#)

IBC Children's services recognizes its duty under the Education and Inspections Act 2006 to establish and maintain a behaviour policy 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. This policy has been written following the DfE's latest guidance 'Exclusion from maintained school, academies and pupil referral units in England' which was effective from 1st September 2017 in addition to The Equality Act 2010 and the SEND Code of Practice 2014.

This policy recognises that it is the Head of School's responsibility to:

- Promote good behaviour and discipline on the part of the school's pupils
- Secure an orderly and safe environment for pupils and staff
- Provide a safe environment for pupils to learn

IBC Children's Services 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', 'Working together to safeguard children', and the Local Safeguarding Children Partnership's policies, procedures, guidance and protocols.

2. Scope

This policy applies to The Mulberry School Leicester.

3. Policy Statement

IBC Children's Services have a very clearly defined vision and ethos in relation to Positive Behaviour Support. The Mulberry school consistently promote the provision of appropriate support for children and young people who may present behaviours of concern. Personalised strategies for individual children and young people are developed from a thorough knowledge of the young person, their specific needs, prior information and a rigorous initial and ongoing assessment process. Our aim therefore is to ensure that the decision to exclude a pupil/student, either for a fixed period or permanently is always seen as a last resort, while always bearing in mind our duty of care to pupils/students and staff.

3.1 DEFINITIONS

Types of exclusion: There are 2 kinds of exclusion - fixed term and permanent.

Fixed term exclusion: A fixed term exclusion is where a child/young person is temporarily removed from school/college and is not allowed to return for a specified number of days. A child/young person can only be removed for up to 45 education days in one academic year, even if they have changed placement within that time.

Permanent exclusion: Permanent exclusion means that the child/young person may no longer attend the school/college and is removed from the site's register

For the purposes of exclusions, education day is defined as any day on which there is an education session. Therefore, INSET or staff training days do not count as an education day.

It is unlawful for a child/young person to be 'informally excluded' or 'off-rolled' from school, even where the child's parent/s or carer/s agree to the exclusion. 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."

3.2 The decision to exclude

Only the Head teacher, or their deputy in their absence, can exclude a pupil with agreement from Head of Children's services. A permanent exclusion will only be taken as a last resort. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- 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.')
- Review and evaluate the responses used to date, taking care not to overlook effective strategies.
 - Scrutinise the individual's Education, Health and Care (EHC) Plan and current provision.
 - Allow the child/young person to give their version of events.
- Consider whether an alternative approach may be more conducive to upholding our PBS ethos, by providing a therapeutic and restorative environment away from timetabled lessons, where children/young people can be supported to further develop self-regulation strategies and emotional management techniques.
- Gain approval from Head of Children's Services prior to taking action.
- Ensure that there is sufficient recorded evidence to support the decision
- Where the contract with the Local Authority states it as a requirement, an emergency review will be conducted prior to a permanent exclusion being decided
- Explain the decision to the pupil /student
- Contact the parents by phone or in person as soon as possible once the decision to exclude has been made, explain the decision and ask that the child/young person be collected or arrange for transport home
- Send a letter to the parents confirming the reason for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the individual's return. The letter will inform the parents that, during the first 5 days of exclusion, they must ensure that a pupil under the age of 18 is not present in a public place at any time during school hours, unless there is 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.
- Inform the LA, in writing, of the exclusion, the period of the exclusion, reasons for exclusion and any arrangements to hold a meeting regarding the exclusion

- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- Plan how to address the individual's needs on their return
- Plan a meeting with and pupil/student on their return and involve parents/carers for under 18 year olds or where appropriate for those in Further Education
- Record ALL exclusions, irrespective of duration, as part of the weekly report.

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

Reasons for exclusion:

As a school we recognise that students attending The Mulberry School may have experienced permanent exclusion from one or more educational settings already. It is therefore our policy that permanent exclusion should be avoided wherever possible. Our is that no student is permanently excluded from the school.

A fixed- term exclusion will normally only be considered when all other strategies have been exercised without success or where time is needed to review the support strategies being used with a student.

The school reserves the right to give a fixed-term exclusion peremptorily for a more serious breach of school discipline including:

- Bullying
- Sexual harassment
- Theft
- Possession of a weapon
- Intentional physical aggression towards another student
- Possession of illegal substances including alcohol, tobacco or drugs

The school reserves the right, to give a permanent exclusion peremptorily for an offence which involves an exceptionally serious breach of school rules and which puts staff or other students at the school at significant harm, including:

A serious physical assault on a member of staff or a serious physical assault on a fellow student which is premeditated and/or involves the use of an offensive weapon, dealing with drugs or arson

Before deciding whether to exclude a student permanently or for a fixed period the Headteacher will:

- Consider all the evidence available to support the allegations, taking into account the behaviour and equalities policy
- Ensure appropriate investigations have been carried out and written evidence is presented to the SLT
- Allow the student to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment

IF the Headteacher is satisfied that the evidence is sufficient to prove that the student did what he or she is alleged to have done, they will consider whether permanent exclusion is the most appropriate sanction, taking account of:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's behaviour policy
- The effect that the student remaining in the school would have on the education and welfare of other students.

- In response to serious or persistent breaches of the school's behaviour policy and procedures

- Risk of harm to the education or welfare of the pupil/student or others in the school/college
- Pupils/Students should not be excluded as a result of their special educational needs (SEN). Sites should ensure that reasonable steps have been taken so that individuals are not treated less favourably for reasons related to their disability. Reasonable steps will include:
 1. Differentiation in the site's local Behaviour Procedures
 2. Developing strategies to support individual positive behaviour
 3. Requesting external help with the child/young person
 4. Staff training

Where reasonable adjustments to policies and practices have been made, to accommodate a child/young person's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified, if there is a material and substantial reason for it

No exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation.

3.3 Fixed Term Exclusion

A fixed term exclusion will be used for the shortest time necessary to secure benefits without adverse educational consequences.

Exclusion for a period of time from half a day to 5 days 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/student
- Mentoring (adult support)
- Discussion with parents/local authority
- Setting targets and agreeing an individual action plan
- Checking on any possible provocation
- Mediation
- Counselling
- Multi-agency support

Exclusion will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

Reintegration meeting

After a fixed term exclusion the Head teacher will arrange a reintegration meeting at a time, date and location that is convenient to parents/carers, local authority representatives and other interested parties. This must not cause unnecessary delay in reintegrating the child or young person into school/college. The meeting will be documented and any actions or strategies agreed to reduce the likelihood of further exclusion recorded.

The purpose of the meeting, is to:

- talk about why the individual was excluded and the steps taken to try and avoid it;

- discuss ways in which the child or young person can be supported to change their behaviour;
- seek the views of the parents/carers, child/young person and local authority representatives
 - agree a strategy for reintegrating the individual into school/college and for managing their future behaviour.

3.4 Single Incidents

Exclusion may be used in response to a serious breach of school/college rules and policies or a disciplinary offence. In such cases the Head teacher will investigate the incident thoroughly, usually via the senior leadership team, and will consider all evidence to support the allegation, taking account of the site's policies. The pupil/student will be encouraged, and if necessary be supported by familiar staff or parents, to give his/her version of events. A member of the leadership team will check to find out whether the incident may have been provoked, for example by bullying or harassment. The Head teacher or Principal will consult the Head of Children's Services.

3.5 Permanent Exclusion

A permanent exclusion is a very serious decision. As with a temporary exclusion, it will 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/college rules and policies, such as:

- Serious actual or threatened violence against another child, young person, member of staff, or visitor to the site
- Possession or use of an illegal drug on the school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Persistent disruptive behaviour
- Significant criminal damage
- Significant safeguarding risks arising from the child's/young person's behaviour

3.6 Behaviour outside School/College

Pupils'/Students' behaviour outside the site, on transport in, on school/college trips and sporting events is subject to the site's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in school.

3.7 Marking Attendance Registers following Exclusion

When a pupil/student is excluded temporarily, he/she will be marked as absent using Code E.

3.8 Removal from the School for Other Reasons

The Head teacher may send a child or young person home, after consultation with the parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, e.g. because of a diagnosed illness such as a notifiable disease. This will not be classed as an exclusion and should be for the shortest possible time.

3.9. 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 and young people who may be at risk of exclusion.

Where we have concerns about a child or young person's behaviour, we will seek to identify any contributory factors and intervene as early as possible, in order to reduce the need for exclusion.

We take appropriate steps to escalate concerns, including with the placing and host local authority, their allocated social worker (where appropriate) and the police.

3.10 Procedure for Appeal

If parent/guardian/carers wish to appeal the exclusion then they must do so in writing to The Proprietor Nizam Bata, Unit S2 Troon way business park, LE4 9HA Leicester or Nizam.Bata@ibchealthcare.co.uk, within one week of the letter notifying the parents or guardians of the exclusion. The Proprietor will acknowledge the appeal and set up an Appeal Panel consisting of two senior leaders who were not involved in the initial decision to consider the appeal. The panel lead will schedule a hearing to take place as soon as practicable and normally within two working weeks.

The parents or guardian may bring a representative to the meeting.

Records relating to the decision to exclude and the parents' appeal will be copied to all parties 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 Head teacher has acquired during an investigation.

The parents or guardian or their representative may ask questions of the Headteacher or may raise any relevant matter for the consideration of the Panel. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence either of the parents or guardian or their representative, or in the absence of the Headteacher. At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend:

The exclusion is confirmed

The exclusion is rescinded

The exclusion be rescinded and replaced with an alternative sanction.

However, the final decision will always rest with the Proprietor, who may or may not accept the recommendations of the panel.

The recommendation shall be communicated to the parent/guardian/carers and the Headteacher. Every child and young person has a right to confidentiality – it will be kept in the strictest confidence and only disclosed to those who need to know. We appreciate that such sensitive matters must be dealt with in confidence. If the school or college decides (after completing the investigation or as a result of new evidence and further investigation) that it is necessary to extend a fixed period temporary exclusion or to convert it into a permanent exclusion, the Headteacher will write again to the parent/guardian/carers and LA with the reasons for this decision.

Any decision will be made and parents advised within 10 working days.

3.11. Complaints

Children, young people, staff, parents, carers, and any other adult with parental responsibility (e.g. social worker) or other local authority representatives are all able to complain, 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 'Child Protection Policy'.

4. Roles & Responsibilities

The Head teacher:

- Ensure the policy is implemented at site level.
- Ensure staff are aware of the policy, and its associated procedures

The Head of Children's Services:

- Ensure the Head teacher adheres to the policy
- Monitor and review exclusions
- In the case of permanent exclusions report the decision following the reporting up policy

The Governance Board

- Review IBC Children's Services Reporting Up Tracker on a termly basis
 - Monitor and review exclusion rates and implement actions and or recommendations to reduce
- Communicate lessons learned as a result of reviews to Headteachers

The Proprietor

- Set up appeals panels when necessary

5. Implementation

Headteachers are responsible for implementing this policy at their site

6. Support, Advice and Communication

Guidance on local procedures is provided by the Head of Children's services, further guidance can be provided by the governance team.

7. Review

This policy will be reviewed in conjunction with the Head teacher and the proprietor on an annual basis.

Appendix 1:

Informing parents/carers and other relevant parties

When excluding a child or young person, the Head teacher/Principal 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.

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;
- any terms or conditions agreed for the individual's return
- the arrangements for the continuing education of the pupil/student, including setting and marking of work.
- that during the first 5 days of exclusion, a pupil under the age of 18 should not be present in a public place at any time during school hours

The Head teacher will inform the referring/placing authority and Children's social care, where appropriate, in writing of:

- the reason(s) for the exclusion
- the duration of the exclusion,
- any arrangements to hold a meeting regarding the exclusion