Currently Under Review

Doucecroft School Services

A policy for School Exclusion

Last Reviewed by: J Smart
Date: March 2019
Ratified by Governors
Pending March 2019
Next Review date: March 2020

Within this policy, Doucecroft School Services relates to the school day and residential services.
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1. **Doucecroft School Policy and Procedures for School Exclusion**

**Ethos**

We welcome individuality and provide a safe and positive learning environment, to enable our students to thrive and meet their full potential preparing them for their future.

**Our Mission**

At Doucecroft School Services our mission is that our students are/have:

- Developing – Independence and life skills
- Opportunity – to experience and learn new things
- Understanding – to be understood and valued as an individual
- Creativity – to express myself as an individual
- Encouraged – to try new things and realise my potential
- Confidence – to achieve and develop my self-esteem
- Respect – to feel accepted and accept others
- Openness – to share experience and feelings with others
- Fairness – to be recognised for achievement
- Tolerance – accept that everybody is different

**Aims**

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

1. The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all can learn and succeed;

2. The second is to realise the aim of reducing the need to use exclusion as a sanction. Exclusion as a sanction is used alongside our Positive behaviour approach see Positive Behaviour Policy).
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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. Doucecroft School is an independent school but strives to follow guidance for maintained schools as closely as possible and will follow schedule 4 of the National Schools contract – Exclusion on Disciplinary grounds

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
- Sections 64-68 of the School Standards and Framework Act 1998

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’

3. Excluding a Student

The decision to exclude a student will be taken in the following circumstances:

(a) In response to a serious breach of the school’s Positive Behaviour Policy

(b) If allowing the student to remain in school would seriously harm the education or welfare of other persons or the student him/herself in the school.

Exclusion is an extreme sanction and is only administered by the Head teacher, Assistant Head Teacher or Care Manager (from residential setting only)

Exclusion, for a fixed term may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school’s Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
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- Theft
- Serious, actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student’s behaviour.

This is not an exhaustive list and there may be other situations where the Head teacher, Assistant Head Teacher or Care Manager makes the judgement that exclusion is an appropriate sanction.

At all times when deciding to exclude a student the Head Teacher, Assistant Head Teacher or Care Manager will consider the student’s ability to understand what they have done and why they are being excluded. This will therefore vary from one student to another reflecting the range of cognitive ability and degree of autism within the student cohort.

4. Exclusion Procedure

On the rare occasions when exclusion is a procedure decided on as a sanction for extreme misbehaviour the following process is followed.

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DfE regulations allow the Head teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Exclusions will only take place once parents have been consulted and have met with the Head Teacher, Assistant Head Teacher or Care manager. If this meeting is not possible then a telephone/email consultation with parents may take place. At this meeting the reason for exclusion will be explained as will the time period.

A letter will be sent by post giving details of the exclusion and the date the exclusion ends if this is not handed to the parents/carers at the exclusion meeting.

The Chair of the Governing Body and the student’s placing authority will be informed of the exclusion as will the social worker if the student is a residential student.

Parents have a right to make representations to the Governing Body and the Local Authority as directed in the letter.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate. During this meeting, where the student will also be present, a plan to support the development of positive behaviour will be shared and if appropriate signed by all parties.
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During a fixed term exclusion where the Student is to be at home, parents are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. If appropriate, work will be provided for the student to complete during this period. Parents will be asked to support the student reflecting on their behaviour.

Where possible internal exclusion will be considered before excluding a student from school. Parents must be consulted regarding internal exclusion in the same way as for fixed term exclusion. Internal exclusion as a sanction should not be confused with providing an individual learning environment for a student due to their learning needs. Records relating to exclusions will be stored confidentially.

The Process during School Holidays or Weekends

For a student who is a 42-week boarder careful consideration must be made as to whether exclusion is the best option to support that student. Before a fixed term exclusion is considered internal exclusion should be ruled out as an option. Fixed term exclusion during the residential time must not exceed total exclusion periods for that student during any single term. The decision to exclude from the residential setting can only be made by the Care Manager.

The process to exclude a student from residential should follow the same process as during the school day. The student’s social worker must be informed as part of the placing authority notification.

The Care Manager should liaise with the Head Teacher/Assistant Head Teacher as soon as is practical and before the student is due to return to the Education setting. Exclusion of a residential student in the care of the local authority must consider The Children’s Act 1989 (including care planning, Placement and care Review Regulations 2010).

Looked After Children

The decision to exclude a looked after child must only be taken if all other options have been exhausted and must be done in close consultation with the child’s social worker and foster/other care placement.
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Permanent Exclusion

The decision to exclude a student permanently is a serious one. At Doucecroft it is unlikely that this route to support a student will be taken, if however, following fixed term exclusion there are ongoing safety issues with the student's placement at Doucecroft the placement may be terminated in line with the National Schools Contract.

If it becomes apparent that the school services can no longer meet the needs of a student despite significant adaptations to the placement then the placement will be terminated in line with the National Schools Contract.

Monitoring and Recording

Internal, Fixed Term and Permanent exclusions will be monitored by the Governing body.

A record of Exclusions is held in the Head Teachers office and on the individual students file.
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5. Record of exclusion

<table>
<thead>
<tr>
<th>Name</th>
<th>DOB</th>
<th>Date of Exclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>Class</td>
<td>Length of exclusion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Days excluded this term</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SEN. Yes/no</th>
<th>LAC. Yes/no</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Funding Authority contact</th>
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</table>

<table>
<thead>
<tr>
<th>Reason for Exclusion</th>
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<table>
<thead>
<tr>
<th>Parents contacted</th>
<th>By whom</th>
<th>how</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Letter sent</th>
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</table>

<table>
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<th>Governing Body</th>
<th>Local Authority</th>
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</thead>
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<tr>
<td>Governing body informed:</td>
<td>LA informed:</td>
</tr>
<tr>
<td>Contact:</td>
<td>Education</td>
</tr>
<tr>
<td>Position:</td>
<td>Social Care</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>By whom:</th>
</tr>
</thead>
</table>

Notes or further action:

Form completed by: signed:
6. Model letter to be amended as appropriate

Model Letter 1

From Head Teacher, Assistant Head teacher or Care manager notifying parent of a fixed period exclusion of 5 days or fewer in one term, and where a public examination is not missed.

Dear [parent’s name]

I am writing to inform you of my decision to exclude [child’s name] for a fixed period of [number of days]. This means that he/she will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child’s name] has not been taken lightly. [Child’s name] has been excluded for this fixed period because [reason for exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child’s name] to be completed on the days specified in the previous paragraph. [Detail the arrangements for this]. Please ensure that work set by the School is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Body. If you wish to make representations please contact [Name of contact] on/at [contact details – address, phone number, email] as soon as possible. Whilst the Governing Body/Management Committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child’s school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the Governing Body.

You [and your child] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child’s return to school can be managed. Failure to attend a
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reintegration interview will be a factor taken into account by a magistrates’ court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of [child’s name]’s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [child’s name]’s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact DELETE AS APPROPRIATE Julie Millar-Robinson-03330 131150 [South & West] or Samia Uddin – 03330 131157 [Mid and N/E] from the Local Authority Alternative Education Commissioning Service who can provide advice. You may also find it useful to contact The Coram Children’s Legal Centre on 0345 345 4345 for education legal advice for those eligible for Legal Aid. Lines are open from 9.00am to 8.00pm Monday to Friday and from 9.00am to 12.30pm Saturday. www.childrenslegalcentre.com

[Child’s name]’s exclusion expires on [date] and we expect [child’s name] to be back in school on [date] at [time].

Yours sincerely

[Name]
Head teacher/Assistant Head teacher/Care Manager
Model Letter 2

From Head Teacher, Assistant Head teacher or Care manager notifying parent of a fixed period exclusion of more than 5 days (up to and including 15 school days) in a term.

Dear [Parent's name]

I am writing to inform you of my decision to exclude [child's name] for a fixed period of [number of days]. This means that he/she will not be allowed in school for this period. The exclusion will start on [date] until the [date]. Your child should return to school on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [Child's name] has been excluded for this fixed period because [reason for exclusion].

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on [specify dates]. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

We will set work for [child’s name] during the [first 5 or specify other number as appropriate] school days of his/her exclusion [specify the arrangements for this]. Please ensure that any work set by the School is completed and returned to us promptly for marking.

From the 6th school day of the pupil’s exclusion [specify date] until the expiry of his/her exclusion we will provide suitable full-time education. [Set out the arrangements if known at time of writing, if not known say that the arrangements for suitable full-time education will be notified shortly by a further letter]

On [date] he/she should attend [give name and address of alternative provider] at [specify the time] and report to [staff members name].

As the period of exclusion is more than 5 school days in a term, you have the right make representations to the School’s Governing Body and request that my decision to be reviewed. The latest date by which the Governing Body must meet is [specify date – no later than the 50th school day after the date on which the Governing Body were notified of this exclusion]. If you wish to make representations please contact [Name of contact] on/at [contact details – address, phone number, email] as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter at the meeting.

The Governing Body must consider reinstatement where possible. If the pupil has returned to school before the Governing Body meet, they must still place a copy of their findings on the pupil’s school record.
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You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Making a claim would not affect your right to make representations to the School’s Governing Body.

You and [child’s name] are requested to attend a reintegration interview with me [alternatively, specify the name of another staff member] at [place] on [date] at [time]. If that is not convenient, please contact the School to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child’s return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates’ court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of [child’s name]’s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [child’s name] school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

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[Child’s name]’s exclusion expires on [date] and we expect [Child’s name] to be back in school on [date] at [time].

Yours sincerely

[Name]

Head teacher/Assistant Head teacher/Care Manager