



## KCSP Exclusion Policy

<b>Approving Body</b>	Achievement Committee
<b>Approval Date</b>	January 2017
<b>Review Date</b>	January 2018

***“When the Lord corrects you, do not treat it lightly, but do not get discouraged when he reprimands you. For the Lord trains the ones that he loves.” Hebrews 12/5-6***

## **1. Introduction**

- 1.1 This document outlines the KCSP policy relating to the exclusion of pupils from its academies. It draws on the Department for Education’s (DfE’s) ‘Exclusion from maintained schools, academies and student referral units in England: A guide for those with legal responsibilities in relation to exclusion’ (2012)<sup>1</sup>. Please see this document for procedural guidance on managing the exclusion process.
- 1.2 The Kent Catholic Schools’ Partnership (KCSP) has the highest expectations of its pupils, staff, governors, other volunteers and parents<sup>2</sup>. Our vision is: for Catholic schools across Kent to deliver outstanding spiritual, moral and learning outcomes for children and young people by collaborating as a Catholic community of academies, working together and with others, and based on excellent leadership and teaching, with Gospel values at its heart.

## **2. Rationale**

- 2.1 Good behaviour is best maintained by the effort of pupils, parents, staff, volunteers and clergy working together to ensure adherence to the academy’s ethos and Behaviour Policy, to ensure that all members of the academy community enjoy a safe and productive learning environment. In the interest of keeping good discipline and as a result of serious offences, it is sometimes necessary for a Headteacher<sup>3</sup> to exclude a pupil from an academy. This is a serious step to take and reflects the importance of respect for the academy’s values and its members.
- 2.2 However, disruptive or persistent low level poor behaviour can be an indication of unmet needs. Where an academy has concerns about a pupil’s behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce its escalation and the possible need for a subsequent exclusion.

## **3. What is exclusion?**

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269681/Exclusion\\_from\\_maintained\\_schools\\_academies\\_and\\_pupil\\_referral\\_units.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269681/Exclusion_from_maintained_schools_academies_and_pupil_referral_units.pdf)

<sup>2</sup> In this policy ‘parent’ refers to person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

<sup>3</sup> In this policy ‘Headteacher’ refers to the most senior member of staff which may be an Executive Headteacher, Headteacher, Head of School or ‘acting’ Headteacher.

- 3.1 Exclusion from an academy operates within a framework set down in law and in accordance with guidance from the DfE. Exclusion is the formal removal of a pupil/student from an academy and has to be authorised by the Headteacher of the academy.
- 3.2 Exclusion can give a pupil space to reflect on their behaviour and its impact on their community; it acts as a deterrent to other pupils, can mean other pupils and adults are safer, and clearly communicates the values upon which the trust and academies are based.
- 3.3 There are two types of exclusion:
- Fixed Term - up to a maximum of 45 days in one academic year
  - Permanent – where a pupil is permanently excluded from the academy

#### **4. When is exclusion used?**

- 4.1 Exclusions can only be used for a breach of the academy's Behaviour Policy or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils, teachers or others in the academy. Permanent exclusion can be used for serious "one-off" offences such as:
- Serious actual or threatened violence against a pupil or a member of staff
  - Activities involving drugs or substance abuse
  - Criminal offences
  - Bringing offensive weapons onto the academy site
  - Sexual abuse or sexual assault
- 4.2 Permanent exclusion may also be used in response to repeated breaches of the Behaviour Policy, often following a number of previous fixed term exclusions.
- 4.3 For both permanent and fixed term exclusions the behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the academy's published Behaviour Policy.
- 4.4 Only a Headteacher can exclude a pupil/student and when doing so s/he should judge each case on its own merits as well as bearing in mind continuity of sanction for similar incidents in the past. When establishing the facts in relation to exclusion the Headteacher must apply the civil standard of proof and not the criminal standard of "beyond reasonable doubt". This means that if something is more likely than not to have occurred ("on the balance of probabilities") then the standard is met.

#### **5. When is exclusion not appropriate?**

- 5.1 Guidance stipulates that exclusion should not be used for:
- Minor incidents
  - Poor academic performance
  - Lateness or truancy
  - Pregnancy
  - Breaches of academy uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules
  - Punishing a pupil for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting
- 5.2 It is unlawful to exclude or to increase the severity of exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the academy feels it is unable to meet.

## **6. Pupils with a statement of SEN, Education, Health and Care (EHC) plan, and looked after children (LAC)**

- 6.1 As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with a statement of special educational needs (SEN), an EHC plan, and looked after children. Headteachers should, as far as possible, avoid excluding permanently any pupil with a statement of SEN, an EHC plan or a looked after child.
- 6.2 Academies should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, academies should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.
- 6.3 Where an academy has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or an EHC plan or a child looked after it should consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or needs identified in an EHC plan. Where a pupil has a statement of SEN or an EHC plan, academies should consider requesting an early annual review or interim / emergency review.

## **7. Can pupils be excluded informally or unofficially?**

- 7.1 If the Headteacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the academy site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents.
- 7.2 Where a pupil is sent home for disciplinary reasons for part of an academy day, some Headteachers have viewed this as a 'cooling off' period and have not formally excluded the pupil. There is no basis in law for this and the Headteacher is personally liable legally should anything befall the pupil during that time. If a pupil is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as exclusion. In every instance where a pupil is sent home for disciplinary reasons, the Headteacher must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day or whole day).
- 7.3 They should ensure that:
- They are meeting their legal duty of care towards the pupil and the parent is formally notified of the exclusion
  - Child protection issues are considered e.g. bearing in mind the pupil's age and vulnerability, that a parent is at home and the pupil is not placed at risk by, for example, being left to wander the streets
  - Work is sent home or alternative provision is arranged

## **8. What happens after exclusion?**

- 8.1 Arrangements for the education of a permanently excluded pupil are the responsibility of the Local Authority but the academy must take reasonable steps to set and mark work for pupils for the first five days.
- 8.2 For fixed-term exclusions:
- A reintegration meeting involving the pupil, parents and key staff will be arranged
  - A phased reintegration may be beneficial
  - Strategies designed to prevent further exclusion will be agreed, these will be formalised in a Pastoral Support Plan for a pupil who is considered because of their behaviour to be at risk of permanent exclusion
  - Reasonable steps must be taken to set and mark work for pupils for the first five days

## **9. KCSP Local Governors and Board of Directors**

9.1 The responsibilities of KCSP's Local Governors regarding exclusions are to:

- Monitor exclusions in their academy (at least) termly
- Be involved in some reintegration meetings on occasion, especially if a pupil has been excluded on several previous occasions and will attend permanent exclusions and other exclusion review meetings as advised
- Convene and attend exclusion panels as required (see footnote 1)

9.2 The responsibilities of KCSP's Board of Directors or its committees are to:

- Regularly review the Exclusions Policy to ensure it is fit for purpose and is compliant with statutory regulations
- Monitor exclusions through reports submitted to its Achievement Committee

## **10. Alternatives to formal exclusion**

10.1 Exclusion is a serious step for the academy to take. Other strategies are used in conjunction with, or as an alternative to, formal exclusion to support a positive ethos in the academy. Guidance stipulates that exclusion should not be used if there are possible alternatives available. The four examples that are given are:

- A restorative justice process
- Internal exclusion
- Mediation through a third party
- A managed move to another academy or school, in conjunction and with the agreement of that academy or school

10.2 Parents must never be pressured into removing a pupil from an academy under threat of permanent exclusion, nor should a pupil's name be deleted from the academy roll on disciplinary grounds unless the formal permanent exclusion procedures have been adhered to or unless a managed move has been agreed by all relevant parties.

## **11. Withdrawing a pupil from lessons/activities**

11.1 In cases where it is deemed that to have a pupil in a lesson or activity would be detrimental to the learning or well-being of others, that pupil may be required to work separately under the supervision of another member of staff for a period or several periods.

- 11.2 A pupil may be excluded from the academy for the duration of the lunchtime period. A lunchtime exclusion is a fixed-term exclusion (lunchtime exclusions are counted as half a day for statistical purposes and in determining whether an Exclusions Panel meeting is triggered) – the appropriate exclusion letter should be sent out (per the number of days a pupil has missed in the term) and parents have the same right to make representations to the academy’s Exclusions Panel. Lunchtime exclusions (like any other exclusion) cannot be indefinite.
- 11.3 Arrangements must be made for a pupil who is entitled to free school meals (i.e. providing a packed lunch). A lunchtime exclusion should not be enforced if doing so will put the pupil at risk.

## **12. Support available to pupils at risk of exclusion**

- 12.1 Each academy employs a range of strategies to support pupils whose behaviour over a period of time presents a high risk of exclusion (i.e. not “one-off” offences). For detail, please see the academy Behaviour Policy.