

ABBEY SCHOOL FOR EXCEPTIONAL CHILDREN

EXCLUSIONS POLICY



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| Version number | 1.0 | Date | 11/08/2020 |
| Approved by | Senior Leadership Team | Date | 12/08/2020 |
| Last reviewed on | Summer 2020 | | |
| Next review due by | Summer 2021 | | |

Other relevant policies:

Behaviour Policy

Positive Handling Policy

Health & Safety Policy

Risk Assessment Policy

Abbey School

for Exceptional Children

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1. Introduction

At Abbey School we believe that children and young people best learn, thrive and achieve in a positive, ambitious yet nurturing environment where all members of our school community – be they adults or children – feel safe and supported in their day to day participation in school life.

Our designation as a special school for children with autism who may have additional learning difficulties and behaviours that challenge means that decisions by the Local Authority to place a child or young person at Abbey School may occur following a breakdown in the child's previous setting and sometimes as a result of exclusion e.g. the Local Authority has exhausted all within-borough education provision for the child or young person and seeks to secure specialist, out of borough placement. As such, some children and their families have experience of exclusions before they reach Abbey School.

The Department for Education guidance explains that pupils with special educational needs (SEN) and looked after children are especially vulnerable to the impacts of exclusions. It is advised that Principals and Headteachers should, as far as possible, avoid permanently excluding these pupils.

It is therefore all the more important that children and young people and their families are aware that although the Principal retains the power to authorise fixed-term and permanent exclusions, the decisions to exclude, whether for a fixed term period or permanent is a very serious consideration and in normal circumstances will only be used as a last resort when a range of other strategies have been exhausted. Only the Principal or, in his/her absence, the Deputy Principal acting with the authority of the Principal, can exclude a pupil.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

2. Policy Summary

All children have a right to education. A decision to exclude a pupil on a fixed term or permanent basis will only be considered in exceptional circumstances and only when all alternatives to exclusion have been implemented and exhausted.

A decision to exclude a pupil for a fixed-term might be considered as the last resort when:

- Serious and repeated incidents have taken place
- Allowing the pupil to remain in school would seriously harm the education or welfare of other pupils
- A 'cooling off' period is considered essential for the pupil and/or time over and above what can reasonably be expected within the normal responsibilities of teaching and facilities staff is required in order to reorganise rooms, repair and make safe property damage, adjust teaching arrangements or to prepare new materials.

A decision to exclude a pupil permanently would only be considered in very rare and exceptional circumstances and only when all alternatives to exclusion have been implemented and exhausted. These might be:

- In response to serious or persistent breaches of the school's behaviour policy and;
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils in the school.

The decision to permanently exclude is an acknowledgement by the school that it has exhausted all available strategies for supporting the pupil.

Although Abbey School is an Independent Special School, we follow the guidance issued by the DfE for maintained schools, academies and pupil referral units as much as possible to ensure that our policies and procedures are fair and transparent. This policy has been developed using the current DfE guidance 'Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion' (2017).

The principle legislation to which the DfE 2017 guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education Act 1996; 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.

To avoid the need for exclusion the school initiates three stages of support and recording prior to any fixed-term or permanent exclusion. The only exception being when the impact of one incident is so severe that an immediate decision to exclude on a fixed-term basis is required in order to avoid serious harm to the education and welfare of the pupil or others in the school.

2.1 Stage one:

Staff working with the pupil observe (or feel) that there may be an escalation of behaviour that, without further targeted intervention, might lead to circumstances where a fixed term or permanent exclusion may be the only action available.

Reporting and responding to Stage One concerns:

- Internal reporting of the incident(s) by the class team to the Senior Leadership Team using incident/accident software, teaching & learning app, alerting to Pink Book¹ entries and communicating in person. A follow up email may be sent. It should be noted that email alone is not considered sufficient communication with the Senior Leadership Team when a Stage One concern is being raised.
- Staff use the incident/accident software to report what management action is taken in response to the incident and review software to identify trends or patterns to the incidents. This may include reasonable adjustments such as changes to the behaviour support plan, additional staff training, a review of the pupil's curriculum or adaptations to the environment.
- Parents/carers are informed of the actual incident(s) via the home-school book, parent App or their preferred method of receiving information from school.
- Key staff (Teachers, Behaviour Analyst) alert Senior Leadership Team (specifically a member of the Senior Leadership Team) that a Stage One concern has been raised. Advice is sought from the Senior Behaviour Analyst or Head of Clinical Services to develop alternative behaviour support strategies.
- Key staff ensure that the Assistant Principal (Behaviour, Development & Welfare) is informed and involved in planning and support for the pupil.
- Support is offered to both monitor and develop strategies to overcome the issues. The pupil's behaviour support plan is revised if appropriate.

Parents are notified by the Assistant Principal (Behaviour, Development & Welfare) of the actions being taken and the timeframe within which improvements are expected to be observed. Parents/carers are advised that these are being implemented as an alternative to exclusion. Where there is concern as a result of persistent incidents of a similar nature, it should not be a surprise to parents/carers that the school is implementing alternatives to exclusion.

2.2 Stage Two:

Reporting and responding to Stage Two concerns:

¹ The Pink Book is a 'bound' book within the school and is a record of serious physical injuries and unplanned physical interventions.

- An internal discussion involving the School Senior Leadership Team is held to explore further strategies (e.g. whether to agree a fixed-term intervention of an increased staff ratio, or a fixed term intervention of a pupil receiving individual teaching in a separate space).
- Parents/Carers are contacted in person and subsequently in a letter written by the Principal informing them that the behaviours that challenge are continuing and that the strategies being implemented are not having the desired impact. Parents/carers are advised that should further strategies fail to have a positive effect, a 'Case Conference' will be held in school to discuss the matter.

2.3 Stage Three:

Reporting and responding to Stage Three concerns:

- Staff working with the pupil observe (or feel) that the escalation of behaviour support and the internal strategies implemented thus far have failed to positively affect the behaviour within the time period agreed at Stage Two and that without further targeted intervention, might lead to circumstances where a fixed term or permanent exclusion may be the only action available
- A 'Case Conference' is called by the Principal. The Case Conference should involve the parents/carers, staff working with the pupil as appropriate and the Principal. A letter is sent to the Local Authority (LA) informing them of the Case Conference and the details of the issue and inviting them to attend should they wish to.
- The key objective of the Case Conference is to determine whether it might be possible to change the behaviour of concern or whether a fixed-term exclusion would be appropriate.

An exclusion may not be given at Stage Three whilst waiting for a Case Conference to be organised. The pupil's voice must be heard as part of the Case Conference utilising the Abbey School Pupil Voice Toolkit.

3. Unlawful Exclusions

It is unlawful to exclude a pupil or increase the severity of an exclusion for non-disciplinary reasons such as:

- The pupil having additional needs or a disability that the school feels unable to meet
- Academic ability or attainment
- The pupil failing to meet specific conditions before he or she is reinstated following a fixed-term exclusion
- The actions of the child's parents/carers

When deciding whether to exclude a pupil, the Principal must consider the School's responsibilities under the Equality Act 2010. Schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief or sexual orientation; because of pregnancy/maternity; or because of gender reassignment. The Principal must ensure that all school policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

'Informal' or 'Unofficial' exclusions such as sending a pupil home to 'cool off' or reducing the length of a child's day in school are unlawful whether or not they occur with the agreement of the parents or carers. Any exclusion of a pupil, even for a short period of time, must be formally recorded.

4. Fixed term exclusion

A decision to exclude a pupil for a fixed term will only be considered in exceptional circumstances. These might be where:

- Serious and repeated incidents have taken place
- Allowing the pupil to remain in school would seriously harm the education or welfare of other pupils
- A 'cooling off' period is considered to be essential for a pupil or pupils and/or time is needed to reorganise the classroom, teaching arrangements or prepare new materials, in the context of adapting the school environment in order to continue to meet the pupil's needs and where the necessary time to do this is over and above what can be carried out within the normal expectation of teaching or facilities staff.

Before any decision to exclude for a fixed term is reached, the Principal will consider all of the relevant facts in the context of the school's policies for behaviour, safeguarding and child protection and equal opportunities and consult with colleagues. A fixed-term exclusion will not take place without prior discussion with parents/carers about the issues that have led to considering the exclusion and the implementation of the Stage 3 process outlined above.

The length of the exclusion must be fixed for a precise period of time, and reasons for the exclusion given in a letter within one school day. Usually the parent/carer will be informed by telephone on the day of the exclusion by the Principal. The parent/carer has a right to make representations to the School's Proprietor and Advisory Body, and the letter should set out how to do this and who to contact in order to do this.

The maximum amount of time for which a child can be excluded is 45 days in any single school year. It is also possible to exclude a child for lunch times only. Each day of lunchtime exclusion counts as a half day exclusion.

The school will take reasonable steps to set and mark work for a pupil during the first five school days of exclusion, during which time the parents/carers can be expected to provide supervision for their child. However, there are obvious benefits in arranging alternative provision to begin as soon as possible after exclusion.

For a fixed period of exclusion of more than five school days, the school must arrange suitable full-time education or any pupil of compulsory school age. This must begin no later than the sixth day of the exclusion.

5. Permanent exclusion

A decision to permanently exclude a pupil would only be considered in very rare and exceptional circumstances and only when the three-stage process and been completed and exhausted. These might be:

- In response to a serious breach, or persistent breaches of the school's behaviour policy **and;**
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils in the school.

Before any decision to permanently exclude is reached, the Principal will take account of any contributing factors that are identified after a serious incident of behaviour that challenges has occurred. These might include where a pupil has suffered a bereavement, has been subject to bullying or where their needs beyond school have been identified as not being met.

Behaviour that challenges is often an indication of unmet needs. Where the school has concerns about a pupil's behaviour it will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation the school will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

The Principal will consider all the relevant facts in the context of the school's policies for behaviour, child protection and equal opportunities and consult with colleagues. It is highly unlikely that any permanent exclusion will take place without a history of discussion with the child's parents/carers and LA. The decision to permanently exclude is an acknowledgement by the school that it has exhausted all available strategies and resources for supporting a pupil.

For permanent exclusions, the LA must arrange suitable full-time education for the pupil. This must begin no later than the sixth day of the exclusion.

Where a permanently excluded pupil has an EHC Plan, the LA must ensure that an appropriate full-time placement is identified in consultation with parents/carers. Parents/carers retain their right to express a preference for a school should they wish for their child to attend, or may make representations for a placement in any other school.

6. Management of a permanent or fixed period exclusion

(a) Notification

Except in very rare circumstances a permanent exclusion will be planned. Parent/Carer and LA representatives will be informed well in advance through their involvement in meetings to discuss prior steps and ongoing management issues. Any exclusion must be treated in the strictest confidence.

If permanent or fixed term exclusion is considered necessary, the Principal must inform the pupil's parents/carers and the LA immediately, ideally by telephone followed up by a letter explaining the circumstances. When the parent/carers must be notified in writing depends on when the pupil is excluded.

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of that day;
- Where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of that afternoon;
- Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

Notices must be in writing and must state:

- For a fixed period exclusion, the precise period of the exclusion;
- For a permanent exclusion, the fact that it is a permanent exclusion;
- The reasons for the exclusion;
- The date of the commencement and ending (if fixed term);
- The parents/carers' right to make representations about the exclusion to the Proprietor and School Advisory Body and to see any reports describing events leading up to the exclusion;
- The person the parent/carers should make contact with if they wish to make representations about the exclusion;
- The arrangements for the pupil to continue his/her education during the first five school days of the exclusion;
- The name and telephone number of an LA officer the parent/carers may contact for further advice;
- Within one school day the Principal must inform the Proprietor, Chair of the School Advisory Body and LA of:
 - Permanent exclusions;
 - Exclusions which would result in the pupil being excluded for more than five days (or more than ten lunchtimes) in one term; and
 - Exclusions which would result in the pupil missing a public examination.

(b) Representations

If the parent/carers or LA wish to make representation about a pupil's exclusion they will inform the Proprietor and the Chair of the School Advisory Body. The Proprietor will arrange a panel to include the Chair of the Advisory Body, another Advisory Body Member and the Proprietor to hear the representations.

The Principal will provide an exclusion report for the panel. This will include:

- The pupil's name, age, gender and ethnicity;
- The length of the exclusion;
- The reason for the exclusion and any associated reports;
- Whether or not the pupil is in public care;
- For fixed term exclusions of pupils of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

The panel chair will determine the date the panel will meet and ask the parent/carer/LA to provide any written statements one week in advance of the meeting. Parents/carers will be informed that they may be accompanied by a friend or advocate if they wish.

The panel chair will circulate the Principal's report and any written statements prior to the meeting.

(c) Meeting to consider a LA or parent/carer representation about an exclusion

The meeting will be convened by the chair within the agreed time limits or as soon as possible thereafter by mutual agreement. When reinstatement is a practical option, the panel will consider the information presented and decide whether the Principal should be directed to reinstate the pupil or not. This decision will be given to all involved within twenty-four hours. If the decision is for reinstatement then Principal will be required to make the necessary reintegration arrangements.

If the decision of the panel is to uphold the exclusion then the parent/carers/LA will be told of their right to appeal to an independent panel and be given the name of the Chair of this panel. In normal circumstances DfE guidance will be followed with regard to establishment of such an appeal panel and future action.

Where reinstatement is not a practical option (e.g. the pupil has already been reinstated or the parent/carers wish for an alternative placement) the panel will consider this information presented and decide whether or not a note of the panel meeting and the views presented should be placed on the pupil's file.

Where parents/carers (or excluded pupil, if aged 18 or over) dispute the decision of the Advisory Body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, parents/carers can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the Proprietor and Advisory Body to reinstate an excluded pupil. However, where a panel decides that the Advisory Body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct the Proprietor and Advisory Body to reconsider its decision. If the Proprietor and Advisory Body does not subsequently offer to reinstate the pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the cost of providing alternative provision.

(d) Length of fixed period of exclusion

There is no legal requirement for the Principal to inform the Proprietor or the Chair of the Advisory Body of short fixed period exclusions (i.e. those up to and including 5 school days in total in any one term). However, Abbey School views it as good practice to inform the Proprietor and the chair of the Advisory Body immediately of any intention to exclude.

(e) Education of excluded pupils

The School recognises that in the event of an exclusion of any pupil an interruption in the education of that pupil will occur. In the event of an exclusion taking place, the school will work

with the parent/carers and the LA to support continuity of education. The continuation of one to one support away from the school is not always practicable. In those circumstances, the school will seek to advise both parents/carers and the LA on appropriate strategies that might be employed in other settings.

In some circumstances a managed move might be considered to another school, which must be able to meet the need of the pupil. The school would consult with the LA before moving the pupil. Where a pupil has an EHC Plan, is looked after by the LA, or where there is other support from, for example, health or care services, those services must be actively involved in review/planning meetings prior to the managed move protocol.

(f) Preparation for reintegration to school. All members of staff working with the pupil need to be informed of this by the Principal.

A plan will be drawn up to support a child's reintegration to school following any period of exclusion. All members of staff working with the pupil need to be informed of this by the Principal.

A programme of reintegration will be put in place following a fixed-term exclusion. This will be discussed with parents/carers and the pupil where possible at or prior to the reintegration meeting, which will be conducted by a member of the Senior Leadership Team on or before the pupil returns to school. Other key members of staff may be involved in this discussion. Reintegration programmes will be based on a functional analysis of the pupil's behaviour that challenges and may involve:

- Returning to school initially on a reduced timetable and gradually building up time spent in school
- Teaching being delivered off-site by members of staff for fixed periods of time, reviewed at regular intervals agreed with the pupils and parents/carers
- Having 1:1 teaching space made available on-site with gradual reintegration into class. This will usually be reviewed on a weekly basis.
- Placing the pupil on an individualised timetable. This will usually be reviewed on a weekly basis.

The aim is always to successfully reintegrate the child back into class full-time, as far as possible.

(g) Training for School Advisory Body

A minimum of three members of the school advisory body must be trained in order to allow them to be part of an exclusions panel. This will be arranged by the school.

7. Alternatives to exclusion

If the school feels that it can no longer meet the needs of a particular pupil, the school may ask the LA to identify another school to take over his or her education. This should only be done with the full knowledge and cooperation of all parties involved, including the parents/carers and LA, and in circumstances where it is in the best interests of the pupil concerned. Parents/Carers should never be pressured into removing their child from the school under the threat of a permanent exclusion.

Abbey School does not use exclusion as a punishment, as we recognise that our pupils are unable to understand that the exclusion is a consequence of their actions.