

# BRIDGEWATER HIGH SCHOOL

## EXCLUSION OF PUPILS POLICY

Written by:	T.Hatton	Date	June 2017	Policy ref	A21
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This policy is written with due regard to the DFE guidance 'Exclusion from maintained schools, Academies and pupils referral units in England. The principle legislation that this guidance relates to is, The Education Act 2002 as amended by the Education Act 2011, The School Discipline (Pupil Exclusions and Reviews Regulations 2012, The Education and Inspections Act 2006 and the Education Provision of Full Time Education for Excluded Pupils 2007

### Statement of Intent

This policy, deals with the School's use of exclusion. It is underpinned by the shared commitment of all members of the School community to achieve three 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 educational 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;
- (3) The third is that Exclusion will be used only as a last resort or when an alternative sanction would either:
  - fail to recognise the severity of the action,
  - **fail to recognise the impact of the action on others\***
  - repeat alternative sanctions have been utilised and have failed to modify behaviour.
  - potentially place the health, safety or wellbeing including emotional of other members of the school in jeopardy.

### Section A: Introduction

#### Preventing Exclusion

The school recognises its duty to provide students with an environment where they feel respected and accepted. It provides a supportive environment to encourage positive behaviours and attitudes.

We recognise that at times a pupils conduct, manner and behaviour can be indicative of a broader situation which the pupil is dealing with. The school seeks to offer early intervention and Family Support through the processes of Early Help. Any pupil whose ongoing poor behaviour means that they may be Permanently Excluded will be offered the Early Help support.

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## The Decision to Exclude

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

(1) In response to a serious breach of the School's Policies regarding, conduct, mobile phone, drugs and alcohol and bullying.

**(2) *If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.\*\****

Exclusion is an extreme sanction and is only administered by the Principal or the Headteacher of each site (in the absence of them then the Deputy Head who is acting in that role).

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of School's Discipline.

- Verbal abuse to Staff and others
- 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
- Smoking actual or e-cigarettes
- Serious breach of mobile phone policy
- Serious or Persistent acts of bullying
- 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.
- Continuing defiance to follow daily school routines.
- Continuing defiance against staff.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.

### **Section B Statements and procedures**

- a) Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). They should not be longer than five days.
- b) Where the decision is made to exclude a pupil for longer than 5

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days or where the decision to fixed term exclude may be changed to permanent exclusion then the school will provide work to complete at home after day 1 and will make alternative arrangements for educational provision day 6

- c) The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year. At the end of 45 days the school can not put in place any further periods of fixed term exclusion but do not have to Permanently Exclude at that time.
  - d) The Governors will meet as soon as possible and within 15 school days to review all permanent exclusions from the School and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term.
  - e) The Governors will meet to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
  - f) Following the decision to exclude every effort is made to contact parents before the end of the day, this contact can be made by telephone, email or schoolcomms text. A letter will be sent on the day of the decision, by post and email giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing body and the LEA as directed in the letter.
  - g) 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 Leadership Team and or the child's Pastoral Manager, and other staff where appropriate. At this meeting the decision will be taken as to whether a further period of monitoring or intervention is required.
  - h) For any period of exclusion longer than 1 day the school will provide guidance on work that can be completed at home. Where a child is close to a period of external examinations then the work will be relevant to that.
  - i) A fixed term exclusion can at times take place in school on the alternative site or in collaboration with an alternative provision. Such a decision is likely to be taken if circumstances suggest:
- The excluded pupils' safety is at risk by being at home. (As referenced in Child Protection Policy)
  - The excluded pupil is approaching external exams and the exclusion would seriously harm their success.
  - The pupil has serious Special Educational Needs and would struggle to access any learning. In such instances the time without the direction of a teacher or learning support worker will be kept to a minimum.

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## Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two types of situation in which permanent exclusion may be considered.

- (1) The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
- (2) The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These include:
  - 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

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him".*

The School will work with parents and where necessary the police and other external agencies when dealing with any incidents identified by the above criteria.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline within the School.

### **General factors the School considers before making a decision to exclude and implementing the exclusion.**

- The timing of the Exclusion: Exclusion need not be imposed instantly unless there is an immediate threat to the safety of others, the student concerned, or that the learning environment would be unsettled by allowing the pupil to remain within the pupil body. However, the school will implement the Exclusion at the closest time to the incident.
- Ensure appropriate investigations have been carried including taking statements from the perpetrator, victim and witnesses to the alleged incident/s.
- Consider all the evidence available to support the allegations taking into account Bridgewater High School Equalities Policy.
- Consider any mitigating factors around the incident or the present

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circumstances of the perpetrator.

- ***Consider the impact on the victim if the reason for the exclusion has been an assault of any type \*\*\****

### **Exercise of discretion**

In reaching a decision, the Head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider *a)* the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Discipline and *b)* the effect that the student remaining in the School would have on the education and welfare of other students and staff.

In the case of a student being found with an offensive weapon, whether it is their intention to use it or not, the school's default position is to permanently exclude. However, in the most exceptional of cases some degree of leniency may be shown. Discretion in these matters will be shown if there is clear evidence that the pupil did not know the weapon was in their possession or the pupil has additional needs which would prevent an understanding of the seriousness of the act. Where there are reasonable grounds to believe that the pupil had intent to use the weapon then the school's policy is to permanently exclude.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Pupil Discipline Committee, when it meets to consider the Head teacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's School record, witness statements and where the Permanent Exclusion is for a series of offences; the strategies used by the School to support the student prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are considered in all cases on one off serious incidents or in instances of on-going defiance to school procedures. The School works closely with the Local Authority and other secondary schools to undertake managed moves where such a course of action would be of benefit both to the student and look at dual registration with the Pupil Referral Unit to prevent Permanent Exclusion. The threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

### **Lunchtime Exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal. In this instance the exclusion will be recorded as

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a one session exclusion.

### **Behaviour Outside School**

Students' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school.

For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for exclusion then the Head may decide to exclude.

### **Section C Monitoring and Evaluating**

The Headteacher of each site will ensure that numbers and details of Exclusions are presented to Leadership group as part of School Self Evaluation and presented annually to the Governing Body.

The Evaluative Report will take note of:

Numbers or students  
Number of students with more than one FTE  
Numbers of instances  
Gender, age, ethnicity and Identified Need  
Reason  
Local and National Context.  
Any identified trend  
Comparisons with previous academic year.

The Governing Body are responsible for ensuring the school works effectively to prevent exclusion, keep fixed term exclusions to a minimum and in any instances of Permanent Exclusion that due process is followed as provided in Appendix A (Pg 32 of the guidance)

<b>Section D Key documents/legislation and web links</b>
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DFE 'Exclusion from maintained schools Academies and pupil referral units in England

Completed in line with recommendations from Head of Safeguarding Team at Warrington Local Authority and in line with Guidance on Exclusion issued by the

\_\_\_\_\_ date \_\_\_\_\_.

## Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision

