

Exclusion/Suspension and Alternative provision

This policy is applicable to all students, staff, and parents of The Wellington Academy

Written by: R Wood - Headteacher

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Adopted by: Insert the name of the school here

Related Policies:

- Behaviour for learning Policy
- Safeguarding and Child Protection Policy
- Violence and aggression Policy
- Health and Safety Policy

This policy meets the requirements of the guidance from the Department for Education (DfE) and draws from the following legislation setting out the legal powers and duties of the school:

- Exclusion from maintained schools, academies and pupil referral units in England
- Behaviour and Discipline in Schools
- Use of reasonable force in Schools

INTRODUCTION

This policy is underpinned by the commitment of all at The Wellington Academy to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our aim is to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process.
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

Our school is aware that off-rolling is unlawful. 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.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting

1. EXCLUSION

1.1 Factors to be considered before a decision to exclude is made

Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher who is acting in that role). In summary any decision to exclude must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

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

- In response to a serious breach or persistent breaches of the school's behaviour policy
- If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the school.

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

- Verbal abuse to Staff and others
- Verbal abuse to student
- Physical abuse to/attack on Staff
- Physical abuse to/attack on student
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- 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 Headteacher makes the judgment that exclusion is an appropriate sanction.

Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure appropriate investigations have been carried out, considering all the evidence available.

Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the student has suffered bereavement, has mental health issues or has been subject to bullying.

Where a student has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, the Headteacher will consider whether exclusion is providing an effective sanction

1.2 Exclusion procedure

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

Following the decision to exclude parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends.

During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.

The Headteacher must take account of their legal duty of care when sending a student home following an exclusion.

The Headteacher must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice

1.3 Process following an exclusion

A 'return to School' meeting will be held following the expiry of the fixed term exclusion and this will involve the student, parent/carer, a member of the Senior Leadership Team and other staff where appropriate. The student will be allowed to return to school regardless of whether or not this meeting is able to take place.

An appropriate member of staff will monitor behaviour and work of the student very closely for the period following exclusion. This may mean the use of a report or additional support.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan may be drawn up. This needs to be agreed with the Academy, student, parents/carers and any agencies involved.

1.4 Fixed term exclusions over five days

The Academy is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer. The school will consult with the LA officers for any exclusion of more than five days in order that appropriate full-time education and transport is arranged.

The Academy will provide education by working with, the Local Authority and/or other schools within the catchment area.

The school will liaise with the outside education provider to ensure that the pupil continues with their programme of study. In most cases the school will set the work to be completed and ensure that it is completed appropriately.

2. Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor.

3. Behaviour Outside School

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

If student behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Headteacher may decide to exclude.

4. 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.

5. Appeals process for a fixed term exclusion

Parents/carers have a right to make representations to the Governing Body and Children's Services Directorate, Social Inclusion Officer at the LA as directed in the letter received following a decision to exclude.

The governing board has a duty to consider parents' representations about an exclusion.

The governing board must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

- It is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- It would result in a student missing a public examination or national curriculum test.

In the case of a fixed-period exclusion which does not bring the student's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

If a meeting is held, the following parties must be invited to a meeting of the governing board and allowed to make representations:

- Parents (and, where requested, a representative or friend);
- The Headteacher

6. Permanent exclusion

Any decision to permanently exclude a pupil must be taken by the Headteacher. A decision to exclude a student permanently should only be taken:

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

The same considerations and procedures must be followed as for a fixed term exclusion, in addition the following action must also be taken;

- The Headteacher must, without delay, notify the governing board and the local authority of their decision to permanently exclude a student (including where a fixed-period exclusion is followed by a decision to permanently exclude the student)
- If the student lives outside the local authority area, the Headteacher must also notify the student's 'home authority' of the exclusion and the reason(s) for it without delay.
- The local authority must arrange suitable full-time education for the student to begin no later than the sixth school day of the exclusion

The role of the Governing body and further statutory guidance can be found in the following document;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

ALTERNATIVES TO EXTERNAL EXCLUSION

7. Internal Exclusion

Internal exclusion may be used as an alternative to an external exclusion if either it is the most appropriate sanction for the negative conduct or if there is reason to believe that an external exclusion would put the student at risk of harm.

Internal exclusion are of a fixed term nature and are of short duration (usually no more than one day).

Following the decision to internal exclude parents/carers will be informed as soon as possible. A letter will be sent by post/email giving details of the internal exclusion.

During the course of an internal exclusion the student will be required to work in the internal exclusion room, they will be given sufficient and meaningful work to complete and will be monitored by a member of staff.

During the course of an internal exclusion the student will be entitled to a break and a lunchtime however these will be taken at a different time to the other students.

A 'return to School' meeting will be held following an internal exclusion and this will involve the student, parent/carer, a member of the Senior Leadership Team and other staff where appropriate.

An appropriate member of staff will monitor behaviour and work of the student very closely for the period following internal exclusion. This may mean the use of a report and/or additional support.

A record of all internal exclusions will be maintained on the students' file

8. A managed move/Fresh start

The School works closely with other local secondary schools to undertake managed moves. The primary function of a managed move is to provide an opportunity for a fresh start in a new school, with a 'safety net' of a return to the Academy if the move is not successful. However, behavioural difficulties or new incidents at the receiving school could result in further sanctions, including exclusion.

8.1. When is a Managed Move Appropriate?

A change of school is likely to be effective when a student is not thriving at school, despite the best efforts of staff and agency support.

The best time to start discussing managed moves is early, when the student's behaviour starts to deteriorate, rather than when the situation has become too deeply established. Early indicators that the child may be reaching this point may be that the student is increasingly being entered for detentions, complaints are being made by teachers, other students or other parents, or that the student is not achieving their educational potential through misbehaviour.

A managed move is most likely to be successful when the **student** and their family have reached a point of wanting a fresh start and are willing to work with staff to change their behaviour.

8.2. Factors to be considered before initiating a managed move

A managed move will only be considered when it is in the best interests of the student concerned:

- Where the student is at risk of being excluded 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 student or others in the school
- Where a student has a significant history of challenging behaviour and interventions through Pastoral Support Plans have been unsuccessful
- Where the relationship between the student and either a particular group of fellow students and/or staff has broken down to an irrevocable degree

8.3. Initiating the managed move

Parents/carers meet with staff at The Academy and agree, in principle, to a fresh start at a new school. Student and parental preferences on an appropriate alternative school are sought. But should note that the preferred option may not be possible. It may be appropriate to invite to this meeting other services and agencies which have been involved with the student, such as their Behaviour Support Teacher, Educational Psychologist, Virtual School worker, Social Worker, MAT worker, Mentor or Teaching Assistant.

8.4. Procedure for a managed move

The flow chart below sets out the procedure for a managed move

The Headteacher or Deputy Head teacher considers a managed move may be necessary to offer a fresh start elsewhere, as a tool for managing deteriorating behaviour. The Academy will involve agencies already working with the child and consider the views of student and parent.

The Academy - puts the student's name on the agenda for the next fair access panel meeting. Documentation on the student must be prepared and shared.

At the fair access panel meeting, the child's behaviour, educational needs and possible suitable placement will be discussed and a receiving school will be identified. Within this discussion, ease of transport and funding implications must be explored.

Arrangements are made for the student and their parent to visit the receiving school.

The managed move is agreed and an integration planning meeting is held at receiving school to identify support plan. This requires the agreement of the parents, student, and schools. Parent and schools complete managed move contract.

Receiving School prepares for transfer:
Makes Induction arrangements
Arranges necessary support process.

The Academy prepares for transfer:
Assists the parent with any necessary paperwork,
uniform purchases etc.

Student attends receiving school while staying on the roll of the Academy- Regular reviews, with a formal review at 6 weeks.

At the 12 week review, a decision on placement is made.

Decision taken to return student to
The Academy.

Decision taken to remove from The Academy
roll and enter on receiving school roll.

9. Educated off site

The Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher who is acting in that role), has the power to direct a student off-site for education to improve his or her behaviour.

Should this power be exercised the following must also take place;

- Ensure that parents (and the local authority where the student has a statement of special educational needs) are given clear information about the placement: **why, when, where, and how it will be reviewed**

Reviewing the placement

- The placement must be kept under review and involve parents/carers at each point. The regulations specify regular reviews but do not specify how often reviews must take place.
- Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the student is benefitting from it.
- Subsequent reviews should not be later than thirty days after the date of the first review meeting, and not later than thirty days after the date of each subsequent review meeting for as long as the requirement remains in effect; and making a decision following each review meeting as to whether the requirement should continue to have effect and, if so, for what further period of time. In making a decision, the governing body must take into account the views of any persons referred to in regulation who have attended the review meeting or have submitted their views in writing.
- The alternative provision provider must provide the Academy with a final report on the student's achievements during the placement including academic attainment and progress, attendance records and evidence of change in behaviour.
- When a student is directed off site to improve his or her behaviour, there must be a plan and processes in place to reintegrate them back into the Academy should they be successful. Both the student and the Parents should be confident that there is always the option of reintegration.
- If the placement does not end with reintegration back into the Academy – for example, when a student reaches the end of Y11 while still in alternative provision – the school should work with the provider to ensure that the young person can move on into suitable education, or employment alongside part-time study or training.
- The main Alternative Provision provider for this area and the one most likely to be suggested for a student is;

The WASP Centre
Brunel House,
Mitchell Road,
SALISBURY
SP2 7PY

www.waspcentre.com

10. Reduced day

The Academy recognise that use of a reduced timetable for a short period is exceptional.

It is important to highlight that there is no statutory basis upon which to establish a reduced timetable, however, in exceptional circumstances, the Academy may need to implement one in order to support a student who cannot attend school full time for a short, agreed period.

The Academy remains committed to children's right to a full-time education and a reduced timetable cannot be implemented **without agreement from the parents/carers, it must only be used as a short-term strategy, with a clear review plan agreed.**

The Academy has a safeguarding responsibility for all students on our roll and, therefore, are aware that even with parental/carer agreement to any arrangement they make, **we are responsible for the safeguarding and welfare of all students on roll who are off-site during school hours.**

10.1. When might a reduced timetable be used?

This is not an exhaustive list but it is likely that a student being considered for a reduced timetable would fall within one of these 3 categories;

- **Part of an in-school support package**

School, parent/carer and other professionals agree that a short-term (no longer than 6 weeks) reduced timetable would support a student who has become disaffected, to regain success. This would be a closely monitored intervention to address and manage the impact of significantly challenging behavioural, emotional, social, or mental health needs.

- **Medical reasons**

A student has a serious medical condition where recovery is the priority outcome. These arrangements would be part of a "medical plan" agreed between the school and health professionals.

- **Reintegration**

As part of a planned reintegration into school (no longer than 6 weeks) following an extended period out of school e.g., following an exclusion, nonattendance, school refusal etc.

10.2 Important considerations before initiating a reduced timetable •

When considering placing a pupil on a reduced timetable, the Academy:

- Must be satisfied that a reduced timetable is an appropriate intervention given the needs of the student. There must be a clear and evidenced rationale for considering a reduced timetable as an intervention aimed at supporting the needs of the student. A detailed assessment must be in place to determine additional support required for all students on reduced timetables.
- Must not pursue a reduced timetable without parental permission as this can be construed as an unofficial exclusion which is unlawful as the parent/carer has not requested leave for their child and/or the school could be regarded as preventing the student from accessing the curriculum.
- Must have signed parental permission, evidenced on the student file prior to the commencement of a time limited reduced timetable. If the parent does not agree, the reduced timetable arrangements

cannot be implemented. In these circumstances the school will have to consider alternative interventions

- Establish a *Personal Education Plan for the reduced timetable which details:*

The proposed timetable to get back to full-time.

- Details of the review schedule.
- The supportive interventions that will accompany this reduction in time at school.
- Outcome and exit strategies. How will all parties know that it is successful?
- The named person responsible for the plan within the school.
- Consideration should be given to whether alternative provision should be considered to meet need

If the student is still on a reduced timetable as the time limit approaches, a multi professional review must be held to organise full time education. A maximum of one further period should only be agreed in exceptional circumstances with parental/carer agreement and the plan revised to reflect why an extension was appropriate.

Ensure that where students have a Statement for special educational needs or an Education, Health and Care Plan (EHCP), the Local Authority must be involved to ensure the Statement or EHCP is reviewed and amended where appropriate. A meeting should be convened to make the proposal known. The Local Authority must agree to the intervention and a reduced timetable must not interfere with additional support given to a pupil due to his/her educational needs.

Must undertake a risk assessment of the student's needs to assess the impact that a reduced timetable would have on the student. It is essential that the student's welfare during any absence from school is considered.

Must provide appropriate work for the student when not in school which is then marked and relevant feedback provided

10.3 Monitoring and recording a reduced timetable

The lead member of staff will complete the PEP including the reduced timetable form and send to Wiltshire Virtual School Administrator as soon as it becomes operational. (Within 48 hours of reduced timetable starting)

We will retain a copy of the PEP and reduced timetable form on the students' file.

The lead member of staff is responsible for reviewing the programme fortnightly, checking progress against incremental increases in attendance and recording outcomes and amendments.

Send a copy of subsequent reviews and increases of time, up to a maximum of 6 weeks to Wiltshire Virtual School Administrator

Record the child's attendance accurately on the attendance register a C Code: Leave of absence authorised by school must be used when a student has a reduced timetable that includes sessions which have been mutually agreed not to involve attendance at school or an alternative provision (the school must be satisfied that appropriate arrangements are in place for the care and welfare of the student during the time when they would otherwise be at school.

The lead member of staff will ensure effective, regular communication with parents/carer (and Virtual School as necessary) with regard to progress towards full-time reintegration to school.

