



Ysgol Penglais School

Exclusion Policy

Signed:

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(Chair of Governors on behalf of the Governing Body)

Date: 26/11/2019

**Date to be reviewed: November 2022
(by the Achievement Committee)**

Ysgol Penglais School – Exclusion of Students Policy

Ysgol Penglais school has the highest expectations in all areas of the school. The safety and wellbeing of the whole school community is our highest priority and we work hard to ensure that our ethos and environment supports student learning and success. Exclusion is a sanction used only as a last resort and we aim to reduce the need for the use of it as far as is possible. This policy outlines the school's use of exclusions and is supported by our Positive Behaviour policy.

(A list of all school policies can be found on the website and access to these policies can be obtained by contacting the school reception.)

1. Power to exclude

The Headteacher is the only member of staff within the school who can exclude a student, either permanently or for a fixed-term. In the absence of the headteacher, the designated member of the senior leadership team or acting headteacher can make this decision.

The governing body can review the headteacher's decision and consider appeals from parents of excluded students. They may direct the reinstatement of an excluded student, or uphold an exclusion after a review, but they cannot exclude a student themselves. For more information on the governing body's role in exclusions, see section 5.

2. Reasons for exclusion

There are two main reasons for exclusion: a serious breach of the school's Positive Behaviour policy, or a situation where it is feared that the safety and wellbeing, or education of other students is at risk.

In line with the school's Positive Behaviour policy, the following actions constitute some of the unacceptable behaviour and may result in permanent or fixed-term exclusion:

- verbal abuse to staff and others
- physical abuse to / attack on staff
- physical abuse to / attack on students
- indecent behaviour
- damage to school property
- misuse of illegal drugs (further information can be found in the school's substance misuse policy)
- Misuse of other substances (further information can be found in the school's substance misuse policy)
- theft
- serious actual or threatened violence against another student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- possession of an offensive weapon (see appendix B)
- arson
- refusal or failure of school sanctions such as Encil
- refusal to follow instructions of senior members of staff
- 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

3. Types of exclusion

3.1 Permanent exclusion

Permanent exclusion is an extremely serious sanction and a step taken by the school only as an absolute last resort. In most cases, permanent exclusion will be used only after various alternative strategies (including the school's behaviour structure) have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These include, but are not limited to:

- 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 (see appendix B)
- arson
- persistent bullying

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing body to ensure that they are justified and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing body.

3.2 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the school at the start of the exclusion period. If a student is excluded for 15 school days in one term, any subsequent exclusion will trigger the discipline committee's duty to consider the circumstances of the exclusion. If a student is excluded for more than 45 days in one school year, this does not automatically proceed to a permanent exclusion. However, this situation would need to be addressed by the school with the LA and the governors discipline committee prior to reaching this point so that appropriate support and a plan can be put in place.

A fixed-term exclusion may result from a serious breach of the Positive Behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction, but does not warrant permanent exclusion.

A fixed-term exclusion can be changed into a permanent exclusion by the headteacher if the circumstances warrant it. In this case, parents or carers will be notified in writing with an explanation of why the change has occurred. During fixed-term exclusions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian.

An excluded student has no automatic right to take an external examination or National Curriculum tests on the school's premises. The governing body can decide whether or not to allow the student to sit the tests and this will depend on the seriousness of the reason for exclusion.

3.3 Lunchtime exclusion

This is a type of fixed-term exclusion and will not be used as a long-term solution to a behaviour problem. A lunchtime exclusion counts as a quarter of a day when calculating total number of days of exclusion. If these quarter days add up to more than 5 school days in a term, including when they are added to other fixed-term exclusions, this will then entitle the relevant person to make representation to the governing body.

The school may decide to exclude a student from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other students. Arrangements will be made for parents or carers to collect the excluded student and supervise them if their age or vulnerability warrants it. If the problem persists, alternative strategies will be looked at to deal with managing the student's behaviour. If a student is kept away from other students during lunchtime (e.g. in Encil) this will not count as formal exclusion but as an 'internal exclusion' and is a strategy that may be used by the school to support the Positive Behaviour policy.

Students who are entitled to free school meals will still be given this provision over their period of lunchtime.

3.4 Internal exclusion – Encil

This is a way of sanctioning a student without resorting to a fixed-term exclusion. A student can be placed in Encil and will be isolated from the rest of the school community. This is usually for between 1-3 days, although it can be for longer if deemed necessary.

3.5 Behaviour outside of school

Students' behaviour whilst on school trips, sport fixtures, work experience, or alternative provision is subject to the school's Positive Behaviour policy. Poor behaviour in these circumstances will be dealt with as if it had taken place in school.

For students exhibiting poor behaviour outside of school, but not on a school trip, sport fixture, work experience or alternative provision, the school may exclude a student if there is a clear link between that behaviour and maintaining good behaviour and discipline amongst the students in the school community and the school will decide whether or not such a sanction in a particular case is reasonable. For example, a student on their way or from school who brings the school into disrepute.

4. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the school and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will be tried before exclusion, as this sanction is only used as a last resort unless there is an immediate threat to safety within the school.

If it is decided that exclusion is necessary, the parents or carers of the student will be notified by a member of staff nominated by the headteacher, and the circumstances surrounding the exclusion will be formally recorded.

4.1 Alternative behaviour management strategies

Ysgol Penglais School uses the three-step behaviour system which includes giving students a warning and giving them the chance and responsibility to make a choice about their actions. Further information on this can be found in the Positive Behaviour policy.

Removing from a situation

If a student needs to be removed from a lesson that is in progress or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that student elsewhere in the school. This may occur over break and lunchtimes and will be used in circumstances where it is not necessary to remove the student from the school site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Mediation

If there is a conflict between two or more students, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a student.

Restorative justice

This strategy is depended on the cooperation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. It can be helpful for the offender to redress the harm that they have done and hopefully learn from their mistakes. It can also provide closure for those who have been harmed.

Communication with the police

There are times where we will ask our police liaison officer to have a conversation with a student following an incident for example, following acts of racism, bullying, verbal abuse. Parents will always be informed before any conversations take place.

Governors' Behaviour Panel

When is a student is persistently displaying challenging behaviour and is not responding to the school's strategies and support; or where there is a one-off serious offence, students may be invited to attend the governor's behaviour panel. Their behaviour record is shared with the panel who will question the student and ensure that the students and parents are clear that the next step may be a permanent exclusion

Managed move

It may be in the best interest of a student to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the LA, the headteacher and the school's governing body. The new school will be asked by the headteacher to accept the student. The managed move process is used as a key element in the behaviour structure so the school can do all in its power to avoid a permanent exclusion. Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion and the school will do everything it can to ensure that the transition is as smooth as possible.

4.2 Looked-after children and young people

Ysgol Penglais School understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to exclude is made, the school will:

- consult the LA about alternative options to support a looked-after student
- consult the LA about what alternative provision will be available if the student is excluded
- involve the child's social worker as early as possible to help the school avoid exclusion
- work with the foster carer to improve the student's behaviour

4.3 Students with additional learning needs

Students with ALN

Our school's full ALN provision is outlined in our additional learning needs policy. We work hard to accommodate students who have behavioural difficulties or difficulties with elements of social interaction as part of their ALN. The school will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the headteacher will use the time between the initial decision and the governing body's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the student, or that it is in the child's best interest that their statement be changed to name a different school, in which case the school will work with the LA and the child's parents / carers to make the transition as smooth as possible.

Students with a disability

If a student with a disability is under consideration for exclusion, the headteacher will ensure that all other possible outcomes have been tried. To justify excluding a student with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the student's disability.

4.4 Ethnicity

Ysgol Penglais School does not discriminate against any person and our school vision and ethos is one of inclusion, equality and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our school complaints procedure.

4.5 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to exclude is made, unless there is a threat to the safety of students or others at the school.

Before the decision to exclude is made, the headteacher will:

- ensure that the school has made a thorough investigation
- consider all the evidence available when looking to support the allegations
- encourage the student to give his or her version of events
- take into account the school's Positive Behaviour policy, Strategic Equality plan and relevant equalities legislation
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing body who may later have a role in reviewing the decision)
- keep a written record of discussions, interview and actions and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

4.6 Confidentiality

The school will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it and a breach of this may result in disciplinary action.

4.7. Recording and notifying the decision to exclude

All exclusions will be formally recorded and the school will contact the parents or carers of the student immediately once the decision has been made to exclude, specifying why this action has been taken and the length of time that it will last. If the student is over 18, they will be notified directly. The decision will be confirmed in writing. The school will inform the governors' discipline committee and the LA within 1 school day of permanent exclusions, if a student has been excluded for more than 5 school days and exclusions where a student will miss an external examination. For those students who live in another county, the school will inform the home LA of the exclusion as well as Ceredigion. Other fixed term exclusions will be reported once a term to the governors and LA.

5. Reviewing the exclusion

The governing body will review fixed-term exclusions of any length on request by parents who feel that the sanction is unjustified. They will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a student being excluded for more than 15 days of a school term or missing an external exam. The review panel will look at the evidence and the records leading up to the exclusion and decide whether the headteacher has made a fair decision and if the exclusion is the appropriate sanction.

The members of the governing body who are on the review panel will have the appropriate training to fulfil the role and notes will be taken of any review proceedings.

Parents who want to appeal an exclusion can contact the governing body. Parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the governing body with any written statements or evidence that they might have relating to the exclusion prior to the review meeting so that these can be circulated amongst the review panel. There will be an opportunity during the review meeting for parents to ask questions of the other parties.

The student concerned is encouraged to attend if they are able to fully understand the proceedings. Ysgol Penglais School believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

5.1 Notification of the review decision

Parents will be notified of the outcome of the review meeting in writing. This letter will also outline how parents can request a review by the independent panel at the LA's expense if they are unhappy with the outcome of the governing body's review. The outcome will be one of the following:

- **Unlawful exclusion**

If the review panel has found that the exclusion has been made unlawfully, it will not stand. The governing body will not investigate further. Parents who have a complaint about an unlawful exclusion should follow the procedures set out in the school's complaints policy to report it.

- **Upholding the exclusion**

If the review panel finds that the exclusion is fair and just, they will uphold the decision to exclude. In this case, a letter will be sent to the parent / carer of the child outlining:

- the decision
- the reason for the decision

- the parent's right to appeal to an independent appeal panel
 - the name and contact details of the person to whom to send a notice of appeal
 - the date by which a notice of appeal should be given
 - that the notice of appeal must set out the grounds for appeal
 - that the notice of appeal should set out any grounds for alleging disability discrimination if this is the case.
- **Reinstating the student**
If the review panel decides that it is appropriate to reinstate the student immediately or by a given date, support will be given to ensure that the student is easily reintegrated into the school. This will include a reintegration interview with the headteacher or other member of the leadership team and parent / carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student's academic records along with any relevant papers. The governing body may also decide to arrange for an educational provision offsite to improve the child's behaviour, such as an anger management course.

6. During an exclusion

Although the school has made the decision to exclude a student, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

During an exclusion that is longer than 1 school day, the school will set and mark work that the student should complete at home under parental supervision.

If the exclusion is permanent, the LA will arrange for this provision having assessed the student's needs. Alternative provision might be arranged at:

- a shared joint facility
- a pupil referral unit
- an individual tutor

If the student has a statement of special educational needs, the alternative provision will meet those needs.

APPENDIX A – Relevant legislation and guidance

Ysgol Penglais School's exclusion policy and procedures are underpinned by the following legislation and guidance:

- Welsh Government guidance on 'Exclusion from schools and pupil referral units'
- The Children Act 2004 (Section 38 – promotion of wellbeing)
- The Education Act 2002 (Section 176 – consulting with students about matters that affect them)
- Education Act 2011
- Equality Act 2010

APPENDIX B – Offensive weapons

The definition of what constitutes an offensive weapon is based on the definition in the Prevention of Crime Act 1953 and Sections 139 and 139A of the Criminal Justice Act 1988:

- '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'.
- 'any article which has a blade or point or is a sharply pointed, except a folding pocket knife'

In addition, Ysgol Penglais School includes pocket knives in its definition of Offensive Weapons. A folding pocket knife is

- A knife 'which has a cutting edge of no more than three inches in length, and which must be readily foldable at all times.'

Ysgol Penglais School also includes BB guns as an offensive weapon.