

The SENAD Group

Section 7 School Exclusion Policy

Issue: October 2017
Reviewed: November 2018
Next Review: November 2019
Version: 8
Policy Ref: 704.0
Owner: MF

Rationale

This policy^{1 2} deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school's community to achieve two 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; and
2. The second is to realise the aim of reducing the need to use exclusion as a consequence of poor behaviour within education.

All of our young people have a SEND need therefore our young people are admitted following an assessment of their needs which determines their compatibility with the school's aims, ethos and behaviour support approaches. Where it is judged that the school can no longer meet the students' needs and are not supporting any change in the students' behaviour, the school will give notice to the parents and the placing authority that the school cannot meet needs as set out in the Statement of Education Need or Education Care and Health plan.

Alternative to Permanent Exclusion

SENAD's schools believe that Permanent Exclusion should only be used in extreme cases involving safeguarding or the welfare of the student and/or their peers and/or the staff/visitors/public.

SENAD will never use the threat of permanent exclusion as a means to coerce parents/guardians to move their child to another school.

Where it is judged that the school can no longer meet the students' needs and are not supporting any change in the students' behaviour, the school will give notice to the parents and the placing authority that the school cannot meet needs as set out in the Statement of Education Need or Education Care and Health plan.

¹ Paragraph 9 of Part 3 of *"The Education (Independent School Standards) (England) Regulations 2014"*

² Paragraph 3(2) d of *"The Independent School Standards (Wales) Regulations 2003"*

Alternatives will be found within the school's capacity to maintain the placement until alternative provision is found.

An orderly transition to a more appropriate placement will be undertaken and involve the student, their family and the placing Local Authority.

Policy Framework

Government guidance on Exclusions – both to aid the decision making process and to support the administration of procedures – does not automatically apply to Independent Schools. The core principles are however adopted as good practice. SENAD schools do not have a Governing Body or an independent appeal panel structure, so the Proprietor which is SENAD, acts in this role and is typically represented by the Chief Operations Officer.

Students are admitted to SENAD's schools after an initial assessment period. They are inducted into a community of staff and students living and working closely together over a period, often, for many years. The discontinuation of a placement following an initial assessment period is not an exclusion.

The special educational needs of our students typically include communication problems and often will include social difficulties which may lead to challenging behaviour. Some of our students may have emotional and/or behavioural difficulties which may lead to communication frustrations and/or social misunderstandings arising from the student's primary problems.

We aim to work closely with all the students in the school to support them and to help them overcome or minimise the impact of their special educational needs on other students.

We want all of our students to become full and active citizens who are able to live cooperatively within their own community and we don't believe that systematic use of exclusion fosters that aim, nor do we see exclusion as a system for managing difficulties within the school.

Some student benefit from working by themselves for part of a lesson away from peers in group work. This is done as a part of a behaviour plan which is documented and overseen by the school's senior leadership team. Typically, this is structured as a '*break out*' space adjacent to the main place of learning for the student. **It is not used as a sanction or as an internal exclusion.**

When a **fixed term exclusion** is used, it is a choice of last resort and will only happen when all other options have been tried and is the only remaining viable option available to the Head Teacher/Principal. Work will typically be set during the exclusion period.

A **permanent exclusion** is only used when the safety of self/others is fundamentally compromised and cannot be remedied. However, before such an option is taken, parents and the placing Local Authority are consulted. The young person is also involved in this process where possible.

Policy's Purpose

The purpose of this policy is to ensure that the school's inclusive ethos extends to the procedures on exclusion. In summary:

- We will work with students and their families to avoid fixed term exclusions where possible
- Exclusions' are not a punishment but gives staff time to review Behaviour Support Plans and make changes to keep all concerned safe
- Exclusions will give the student time to reflect on behaviours and work will be set during the exclusion. The student should not perceive the exclusion as an opportunity to avoid being educated or a reward for poor behaviour.
- The school will avoid exclusions on days when the student has a public examination unless the safety and education of other students will be compromised and no appropriate risk adjustments can be made for the student
- The school will seek to avoid a permanent exclusion wherever possible. Our preference is to work with the young person, their parents and placing Local Authority to find alternative provision which can meet the young person's needs. In the meantime an alternative location for the child's education may be found within the school's setting on an individualised timetable.

A decision to exclude a student for a fixed period is taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention are considered inappropriate.

Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the student to reintegrate into the school afterwards.

A decision to exclude a student permanently should be taken only:

- a) in response to serious breaches of the school's behaviour policy;
and
- b) if allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a student in response to the same behaviour, head teachers/teachers in charge should consider alternative strategies for addressing that behaviour.

A Student's Disability Needs to be Addressed Prior to Exclusion

An exclusion of a disabled student for a reason related to their disability can only be justified if there is a '*material*' and '*substantial*' reason for it. Their rights are protected under the Equality Act 2010.

Maintaining order and discipline in the school may be a material and substantial reason. However, it may not be possible to justify the less favourable treatment if there are reasonable adjustments that should have been made but were not.

Reasonable adjustments could include developing strategies to prevent or manage the student's behaviour; drawing on external advice on effective approaches with a student and staff training. If reasonable steps could have been taken but were not, it may not be possible to justify the student's exclusion.

If reasonable steps were taken, but the incident still happened, then the school is likely to be able to justify the exclusion.

When is a Student Required to Leave the School's Site Used?

There are four sets of circumstances in which individual students may be required to leave the school site, namely:

1. There is sufficient evidence that a student has committed a disciplinary offence and if allowing the student to remain in school would seriously harm the education or welfare of the student or

others in the school. In these circumstances the student may be excluded from school for a fixed period or permanently. This is an exclusion and is regulated by this policy.

2. A student is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the head teacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that student to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion and this policy sets out guidance to deal with these circumstances;
3. For medical reasons, a student's presence on the school site represents a serious risk to the health or safety of other students or school staff. In these circumstances a head teacher/teacher in charge may send the student home after consultation with the student's parents and placing Authority. This is not an exclusion and may only be done for medical reasons. This policy sets out guidance deals with these circumstances; and
4. The student is given permission by the head teacher/teacher in charge, or person authorised by them, to leave the school premises briefly to remedy breaches of the school's rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence. However, if the student continues to breach uniform rules in such a way as to be sent home to avoid school, the student's absence may be counted as unauthorised absence. In all such cases the parent must be notified and the absence should be recorded. When making this decision, the child's age and vulnerability, and the parent's availability, will need to be considered.

Exclusion is a significant sanction and is only administered by the Head Teacher/Principal, or in the absence of the Head/Principal, the senior school leader who is acting in that role.

Students will typically not be excluded as a consequence for behaviour unless it is explicitly written in their Behaviour Support Plan. The Behaviour Support Plan will detail the circumstances under which exclusion is used as a consequence, however on certain occasions, behaviour and/or refusal to accept adult direction can deteriorate quickly and dangerously and a fixed term exclusion may be needed.

In summary, exclusions would require the following factors to occur:

1. In response to a serious breach of the School's Student Behaviour Policy as it relates to that individual student³; or
2. If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School and cannot be ameliorated by the adoption of behaviour management strategies.

Reasons for Exclusion, Duration and Location

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 the School's Student Behaviour Policy as it relates to that student:

Exclusion Reason	Description
Bullying ⁴	Verbal Physical Sexual orientation or designation bullying
Damage includes damage to school or personal property belonging to any member of the school community	Arson Graffiti Vandalism
Drug and alcohol related	Alcohol abuse Drug dealing Inappropriate use of prescribed drugs Possession of illegal drugs Smoking Substance abuse
Persistent disruptive behaviour ⁵	Challenging behaviour Disobedience Persistent violation of school rules
Physical assault against adult	Obstruction and jostling Violent behaviour Wounding

³ Complex children typically have a specific behaviour management plan to address their underlying SEN needs

⁴ The school's bullying policy (policy 502) is also relevant here as the nature of some young people's disability may make their use of explicit statements that are discriminatory a statement of fact. This does not condone such behaviour, but it provides context for the Head Teacher.

⁵ 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.

Exclusion Reason	Description
Physical assault against pupil	Fighting Obstruction and jostling Violent behaviour Wounding
Racist abuse	Derogatory racist statements Racist bullying Racist graffiti Racist taunting and harassment Swearing that can be attributed to racist characteristics
Sexual misconduct	Lewd behaviour Sexual abuse Sexual assault Sexual bullying Sexual graffiti Sexual harassment
Theft	Selling and dealing in stolen property Stealing from local shops on a school outing Stealing personal property (adult or pupil) Stealing school property
Verbal abuse/threatening behaviour against adult	Aggressive behaviour Carrying an offensive weapon Homophobic abuse and harassment Swearing Threatened violence Verbal intimidation
Verbal abuse/threatening behaviour against pupil	Aggressive behaviour Carrying an offensive weapon Homophobic abuse and harassment Swearing Threatened violence Verbal intimidation
Promoting radicalisation	Promoting radicalisation behaviour to make self and/or others unsafe

The **school typically will not exclude students for damage done to the school, unless there is a clear rationale for excluding** (e.g. magnitude of activity or the underlying intent of the student).

It is SENAD's policy **not to prosecute our students for theft⁶ or (criminal) damage.** However, a decision to involve the Police may be

⁶ Where this is judged to be petty/minor

made if it is in the best interest of the student to understand the impact of their behaviour.

Parents/guardians should be aware that the school's staff and visitors have a right in law to seek prosecution for criminal damage to their property or if a student has assaulted them.

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

- Fixed term exclusions typically last between 1 and 3 school days, more where there are exceptional circumstances involving safety of the student and/or peers is concerned. In some circumstances it could be for half a day, but this is less usual.
- No student will be given more than 45 school days⁷ of exclusion in an academic year. Where a period in excess of this is incurred, then the placing Local Authority will need to be involved as alternative education arrangements are required.

A fixed term exclusion may take the alternative form of an '*internal*' exclusion, with the student being isolated to work alone. Where this is used, it will be incorporated into the student's behaviour plan.

However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such exclusion will result in the student being required to remain at their parental home. During the course of a fixed term exclusion where the student is to be at home, parents are advised that the student is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians

For young people who reside on a 52-week basis with the residential school, this would be an exclusion to the associated Children's Home.

Setting Excluded Students Work

It is important for the school to help minimise the disruption that exclusion can cause to an excluded student's education. Whilst the statutory duty for SENAD or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as

⁷ 45 schools days in the current academic year in all educational settings (so previous exclusions of last school are counted too in the current academic year)

soon as possible. SENAD will therefore set work from the first full day of an exclusion.

The school will set and mark work for students who are excluded for a period of one day or more. It is parent's responsibility to ensure that work is completed by their child.

Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, schools should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school.

Where the student has had a series of fixed-term exclusions that would exceed five days in an academic year, the school will consider educating the student off site by a supply tutor⁸

Removal of Student on Medical Grounds

Head teachers/teachers in charge may send a student home⁹, after consultation with that student's parents and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other students and staff.

This is not an exclusion, but it is an authorised absence and should be recorded as such in the attendance register.

It should be for the shortest possible time. If difficulties persist, the head teacher should seek medical advice. Health and safety considerations, including a risk assessment, can contribute to a school's case for exclusion, but cannot in themselves be grounds for exclusion, which can only lawfully be for disciplinary reasons.

Similarly, students cannot be sent home on health and safety grounds for their own protection because they are being bullied. It is not appropriate to send home children with SEN, with conditions such as ADHD and autism, purely for that reason and schools should arrange a statutory annual or interim/emergency review if they feel they are no longer able to meet a child's needs. The child should not be sent home in anticipation of such a review.

⁸ This may be an unqualified teacher or teaching assistant following through set work for the student and will be determined by the Head Teacher on the student's needs. It may also be for part of the day.

⁹ Where the student is in a children's home, this is likely to be to the school's associated children's home, rather than the parental home, unless otherwise agreed.

Behaviour off of the School's Premises

Students' behaviour outside School on school 'business' for example school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the Student 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's criteria for exclusion, then the Head teacher may decide to exclude.

Exclusion Procedure

The Head Teacher or their deputy on duty will follow carefully the procedures set out in the guidance as a matter of good practice. These procedures are designed to ensure fairness and openness in the handling of exclusions.

- Most exclusions are of a fixed term nature and are of short duration (usually between one and three school days but can be longer where safeguarding welfare of the student and/or peers are involved).
- The DfE and Welsh Government regulations allow the Head teacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- The school's leadership team have established arrangements to review promptly all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination.

The steps to be taken are as follows:

- 1) Following exclusion parents are contacted immediately where possible.
- 2) A meeting will be called, typically inviting the Local Authority together with parents and the school to consider the Exclusion and develop strategies for addressing the underlying cause of the exclusion. Local Authorities may not attend short-exclusion period events.

- 3) A letter is sent to parents by post giving details of the exclusion and the date the exclusion ends. A copy is also sent to the placing Local Authority and SENAD's Chief Operations officer. Parents will be informed of their right to appeal to SENAD's Chief Operations Officer against the Head Teacher's decision to exclude¹⁰.
 - a) Model letter 1 should be used for fixed period exclusions of no more than five days and where a public examination is not missed.
 - b) Model letter 2 should be used for fixed period exclusions of more than five and up to 15 school days (single or cumulative) or where a public examination is missed.
 - c) Model letter 3 should be used for fixed period exclusions (single or cumulative) of more than 15 school days.
- 4) In the case of a fixed period exclusion, the date and time when the student should return to school and how this would be managed.
- 5) For fixed term exclusion exceeding four days, the arrangements made for enabling the student to continue working, including the setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed and returned to school. Work may be set for exclusions of two to four days at the discretion of the Head Teacher.

Informing the Placing Local Authority and SENAD

SENAD and the Placing Local Authority:

Within two school days the Head Teacher will inform SENAD and the placing Local Authority in writing of:

1. Exclusions which would result in the student being excluded for more than five school days in one academic term.
2. Exclusions which would result in the student missing a public examination.

¹⁰ Typically, SENAD will use the School's complaints procedure when managing an appeal against exclusion

Attendance register marks

SENAD's attendance policy is set out in Policy 715.0. The period of exclusion will have the attendance register marked with an authorised attendance mark as follows:

- **E if no other taught provision is provided**

Code E is used even if work is set as the education is not being taught by a teacher and is typical for a short-term fixed exclusion.

Where alternative provision is approved by the Local Authority, then code B is used, which is an attendance mark in education. Typically B is only used for an 'on-going' exclusion, ahead of a permanent exclusion or managed move to a new education setting.

Where an appeal upholds that the exclusion was not correct, that is not appropriate, code E is still used as the student was not in school.

Appendices: Model exclusion letters

MODEL LETTER 1

From the Head Teacher notifying parents of a **fixed period exclusion of 5 school days or fewer in one term**, and where a **public examination is not missed**

Dear [Parent/Guardian's name(s)] - *separate letters are to be sent to separated parents/guardians*

**Re: NAME OF CHILD, DATE OF BIRTH
PLACING LOCAL AUTHORITY**

I am writing to inform you of my decision to exclude [student's name] for a fixed period of [period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [Student's name] has been excluded for this fixed period because [reason for exclusion].

You have the right to make representation to SENAD. If you wish to make representations please contact the Chief Operations Officer, Dr Mark Flynn, through the school office, as soon as possible.

The school will set work for [name of child] during the period of his/her exclusion [detail the arrangements for this]. Will you please monitor that [student's name] completes this work and that it is returned to the school upon their return?

You may wish to contact your Local Authority officer, who can provide advice. [Name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time]. I am sure it would be helpful for us to meet to discuss [name of student]'s return to school. Please could you contact [name of student]'s [Name of person at School] to arrange a convenient time and date.

Yours sincerely,

NAME OF HEAD
Head Teacher

Cc Dr Mark Flynn, SENAD Chief Operations Officer
Local Authority SEN Officer
Local Authority, Social Worker (where applicable)

MODEL LETTER 2

From the Head Teacher notifying parents of a fixed period exclusion of more than **five and up to and including 15 school days** in total in one term, or **where a public examination would be missed**.

Dear [Parent/Guardian's name(s)] - *separate letters are to be sent to separated parents/guardians*

**Re: NAME OF CHILD, DATE OF BIRTH
PLACING LOCAL AUTHORITY**

I am writing to inform you of my decision to exclude [student's name] for a fixed period of [period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [student's name] has been excluded for this fixed period because [reason for exclusion].

You have the right to make representation to SENAD. If you wish to make representations please contact the Chief Operations Officer, Dr Mark Flynn, through the school office, as soon as possible.

As the length of the exclusion is more than 5 school days in one term the senior management team will meet if you request it to do so.

The latest date by which they can meet is [insert date – no later than 15 school days from the date the SLMT is notified]. If you wish to make representation to the SLMT and wish to be accompanied by a friend or representative please contact the Deputy Head Teacher, as soon as possible.

The school will set work for [name of child] during the period of his/her exclusion [detail the arrangements for this].

You may wish to contact your LA officer, who can provide advice. [Name of student]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time]. I am sure it would be helpful for us to meet to discuss [name of child]'s return to school. Please could you contact the Deputy Head Teacher to arrange a convenient time and date.

Yours sincerely,

NAME OF HEAD
Head Teacher

Cc Dr Mark Flynn, SENAD Chief Operations Officer
Local Authority SEN Officer
Local Authority, Social Worker (where applicable)

MODEL LETTER 3

From the Head teacher notifying parents of a fixed period exclusion of more than 15 days in total in one term.

Dear [Parent/Guardian's name(s)] - *separate letters are to be sent to separated parents/guardians*

**Re: NAME OF CHILD, DATE OF BIRTH
PLACING LOCAL AUTHORITY**

I am writing to inform you of my decision to exclude [student's name] for a fixed period of [period]. This means that he/she will not be allowed in school for this period. The exclusion begins/began on [date] and ends on [date].

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude [child's name] has not been taken lightly. [student's name] has been excluded for this fixed period because [reason for exclusion].

You have the right to make representation to SENAD. If you wish to make representations please contact the Chief Operations Officer, Dr Mark Flynn, through the school office, as soon as possible.

As the length of the exclusion is more than 15 school days in one term the senior management team will meet to discuss the exclusion. At the meeting you can make representation. The latest day the SLMT can meet is [date - no later than 15 school days from the date the SLMT is notified]. If you wish to make representation to the SLMT and wish to be accompanied by a friend or representative please contact the Head Teacher, as soon as possible.

The school will set work for [name of child] during the period of his/her exclusion [detail the arrangements for this].

You may wish to contact your LA officer, who can provide advice. [Name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time]. I am sure it would be helpful for us to meet to discuss [name of child]'s return to school.

Please could you contact the Head Teacher to arrange a convenient time and date.

Yours sincerely,

NAME OF HEAD
Head Teacher

Cc Dr Mark Flynn, SENAD Chief Operations Officer
Local Authority SEN Officer
Local Authority, Social Worker (where applicable)