

SACRED HEART HIGH SCHOOL



EXCLUSIONS POLICY

NOVEMBER 2020

To be reviewed October 2022

*This Policy should be read in conjunction with
all other Sacred Heart High School Policies*

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1 INTRODUCTION

Our ethos is underpinned by the charism of the Society of the Sacred Heart which informs our whole school vision and mission. Today we are a community of faith and learning, based on the Gospel of Jesus Christ, His values and teachings. We seek to constantly improve everything we do so that we can make a difference for the young women who will shape the society of the future.

Above all else, this community works together to bring one another to an awareness of the fullness and meaning of their life, rooted in the love of God. It is

- a place which has the human person at the centre – mind, heart, body and soul;
- where every member of the community is recognised, acknowledged and rewarded for their contributions;
- a place which inspires and challenges everyone to be the best they can be;
- a nurturing environment for all - pupils and staff - rooted in love where morale is positive; people are joyful and have the courage to be honest, to meet challenges, to take risks and make mistakes;

The school has a duty of care to ensure all pupils are nurtured and cared for and acknowledges that all pupils have a right to receive an excellent education which provides a rich menu of experiences and learning within and beyond the classroom, leading to high levels of success academically and personally and increasing their life chances as adults.

We recognise that pupils come to us with a range of experiences, some of which will impact on their mental health and well-being, their behaviour and self-esteem. We are committed to ensuring that all pupils have the support they need in order to be successful both academically and personally.

The school is committed to working with those pupils who have difficulty managing their behaviour to ensure they 'enjoy their years at the school and leave with a sense of their own giftedness and achievement, equipped to face the future.' (School Mission Statement)

This Policy should be read in conjunction with the School's Behaviour for Learning & Living in a Sacred Heart Community ('Behaviour Policy') and relevant statutory guidance.

2 WHAT IS AN EXCLUSION ?

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion (fixed-period or permanent) as a sanction where it is warranted.

However, permanent exclusion should only be used as a last resort and a decision to exclude a pupil permanently will only be taken:

- 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 others in the school

3 LEGAL CONTEXT FOR EXCLUSIONS

3.1 Statutory Guidance

This policy sets out our expectations in ensuring we are compliant with legislation governing the exclusion of pupils and in relation to our statutory duties relating to this.

It should be read in conjunction with, and **not** in place of, statutory guidance from the Department for Education (2017):

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/630073/Exclusion_from_maintained_schools__academies_and_pupil_referral_units_guidance.pdf

which provides a guide to the legislation that governs exclusions, and in conjunction with our Behaviour Policy.

Statutory guidance (2017) states that only the **Head Teacher** of a school can exclude a pupil and this must be on disciplinary grounds.

As an academy we must operate in accordance with the law as set out in the following:

- Section 51A of the Education Act 2002, as inserted by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Sections 100 to 108 of the Education and Inspections Act 2006;
- Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (September 2017):
- Statutory Guidance for those with legal responsibilities in relation to exclusion (2017);
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by Regulations 2014

3.2 The Law

Only the Head Teacher or, in her absence, Associate Headteacher has the power to exclude a pupil from school and this must be on disciplinary grounds.

A pupil maybe excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.

The law does not allow for extending a fixed period exclusion or ‘converting’ a fixed period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

The behaviour of a pupil outside school can be considered grounds for an exclusion.

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful; rational; reasonable; fair; and proportionate.

When establishing the facts in relation to an exclusion, the Head Teacher must apply the civil standard of proof, i.e. ‘on the balance of probabilities’, it is more likely than not to be true. This is a lower threshold than the criminal standard of ‘beyond reasonable doubt’.

Under the [Equality Act \(2010\)](#), academies must not discriminate against, harass or victimise pupils because of their: gender, race, disability, social background, religion or belief, or sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For children with a disability, this includes a duty to make reasonable adjustments to policies and practices.

The Head Teacher and review panel must comply with their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEND Code of Practice (2015).

It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.

Any exclusion of a pupil, even for short periods of time, must be formally recorded. In particular, exclusions at lunchtime must be recorded as half-day fixed-term exclusions for statistical purposes.

4 EQUALITY AND INCLUSION

All learners should be equally valued in school. The Equality and Human Rights Commission (EHRC) states that "avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the chance of a successful life. In addition, in England, equality and diversity are specified factors that must be considered in Ofsted inspections.

Academies also have wider duties to prevent discrimination, to promote equality and to foster good relations for "an equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises people's different needs, situations and goals and removes the barriers that limit what people can do and can be." (EHRC, 2014)

The exclusion rates for certain groups of pupils are consistently higher than average. This includes pupils with SEND; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils.

5 RESPONSIBILITIES OF THE HEADTEACHER

Only the Head Teacher or, in her absence, the Associate Headteacher has the power to exclude a pupil from school.

In considering the exclusion of a pupil, the Head Teacher should ensure that the following steps are taken:

- A thorough investigation of the incident(s), with a written report;
- Consideration of all relevant facts and firm evidence to support the allegations;
- Consideration of all relevant policies including the Behaviour Policy;
- Consideration of whether an incident appeared to be provoked;
- Ensuring all pupils involved are able to provide witness statements and/or their version of events;
- Due regard to the Equality Act (2010).

Before taking the decision to permanently exclude a pupil, the Head Teacher will have regard to evidence of the range of support strategies that have been used, as outlined in the school Behaviour Policy.

Only when all other strategies have been exhausted will the Head Teacher consider permanent exclusion, except in circumstances where a one-off incident of sufficient

seriousness warrants permanent exclusion. Examples of these are in our Behaviour Policy.

The Head Teacher may exclude a pupil for up to 45 school days in any academic year, or permanently. Should a pupil be excluded for 15 days in a term, the Statutory Review Committee must meet to consider the exclusion(s), as per Section 19.

6 PART-TIME TIMETABLES

As a rule, schools are 'not permitted to place a pupil on a part-time timetable. In very exceptional circumstances there may be a need for a temporary part-time timetable to meet a pupil's individual needs. A part-time timetable must never be treated as a long-term solution' (DfE, 2016)

7 EXCLUSION OF A PUPIL WHO HAS SEN AND/OR DISABILITIES

The SEND Code of Practice (2015) states that schools and colleges should have clear processes to support children and young people, including how they will manage the effect of any disruptive behaviour, so it does not adversely affect other pupils. The Department for Education publishes guidance on managing pupils' mental health and behaviour difficulties in schools.

Statutory guidance (2017) states that early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Particular regard should be paid whether disruptive behaviour is an indication of underlying social, emotional and mental health need (SEMH).

In addition to the approaches on early intervention, set out above, the Headteacher should consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion.

1. DfE (2016) School Attendance
2. Children's Commissioner (2013) Always Someone Else's Problem: Office of the Children's Commissioner's Report on Illegal Exclusions
3. Ofsted (2014) Schools' Use of Exclusion
4. Adopted Children and Exclusions (2017)
5. Timpson Review of Exclusions (2019)

The school should, as far as is possible, and without impacting upon the education of other pupils in the School avoid permanently excluding any pupil with an Education, Health and Care Plan (EHP) or a looked after child.

8 THE SCHOOL'S APPROACH TO EXCLUSION

In consideration of statutory guidance (2017), the school takes a proactive approach to exclusions, underpinned by the principles of early intervention and any assessment processes, action plans or pastoral support plans that have been put in place including impact of these

The Team around the Child and Tutor (TACT) will be pivotal in ensuring that concerns regarding a pupil's poor behaviour and their triggers are fully discussed and action taken to prevent exclusion. The Headteacher must be made aware of those pupils who may be at risk of exclusion.

A thorough assessment of any pupil who is displaying consistently poor behaviour will be undertaken and a clearly documented support plan will be put in place and time

bound. As part of this the voice of the pupil and parent will be heard and the impact of internal and external support must be fully evaluated to demonstrate its impact. This information will be taken into consideration before any decision is taken by the headteacher to exclude. (In the event of one off more serious incidents the above will not apply)

8.1 Permanent Exclusion Statistics

- 78% of pupils who are permanently excluded either have SEN, are classified as in need or are eligible for free school meals. 11% of permanently excluded children have all three characteristics.
- Boys with social, emotional and mental health difficulties (SEMH) but no statement were around 3.8 times more likely to be permanently excluded than a non-SEN child while girls were around 3.0 times more likely after controlling for other factors.
- Disadvantage is strongly associated with exclusion, after controlling for other pupil characteristics. Children in receipt of Free School Meals were around 45% more likely to be excluded than other pupils.
- After accounting for other factors, Black Caribbean were around 1.7 times more likely, and Mixed White and Black Caribbean children were around 1.6 times more likely, to be permanently excluded compared to White British children. Indian and Bangladeshi pupils are around half as likely to be permanently excluded.
- Controlling for other factors, children on a Children in Need Plan are around 4 times more likely to be permanently excluded compared to those with no social care classification.
- Children who have a Child Protection Plan are around 3.5 times more likely to be permanently excluded, and children who are looked after are around 2.3 times as likely to be permanently excluded, than children who have never been supported by social care.

9 RATIFICATION

The policy has been approved and ratified by the Headteacher and Ethos Committee of the Governing Body and ratified by the full governing body on 17 November 2020



Mrs M Doyle, Headteacher



John Sills, Chair of Governors