



# Exclusion Policy

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## Statement of intent

At The Shrubbery School we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

A decision to exclude a pupil, either for a fixed period or permanently, is seen as a last resort by the school.

The school is responsible for communicating to pupils, parents and staff expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

This policy operates in conjunction with the following school policies and documents:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Special Educational Needs and Disabilities (SEND) Policy

### 1. Reasons for exclusion

- Serious breach of the school's Positive Behaviour Policy
- Risk of harm to the education, safeguarding and welfare of the pupil or others in the school.
- Breakdown of the relationship between the school and parents.
- Where all efforts to arrange support and help for the child have failed.

Any exclusion will be at the recommendation of the Headteacher and the discretion of the school's leadership team.

Parents have a right to appeal to the Proprietor of the school, contactable at the school's address and to an Independent Complaints Group as outlined in the Complaints Policy.

### 2. Types of exclusion

#### Temporary exclusion

A temporary exclusion should be for the shortest time necessary.

#### Persistent or cumulative problems

Exclusion for a period of time from half a day to 2 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the pupil
- Mentoring

- Behaviour Report- emphasising positive aspects as much as possible.
- Discussions with parents
- Target setting
- Checking on any possible provocation
- Mediation with other children
- Early Help in association with Birmingham Children's Trust
- Counselling in association with outside agencies

Exclusion will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules), except where these are persistent and defiant.

### **Single incident**

Temporary exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the head teacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the head teacher will check whether the incident may have been provoked, for example by bullying or harassment. If necessary, the head teacher will consult other staff in school.

### **Permanent exclusion**

A permanent exclusion is a very serious decision, and the head teacher will consult with the Proprietor before enforcing it. The school reserves the right to ask parents to remove children and this is stated on the 'Terms and Conditions' signed by all parents on entry to school.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on school premises
- Carrying an offensive weapon
- Persistent bullying
- Harassment in relation to any of the protected characteristics of the Equality Act.

## **3. The decision to exclude**

If the Head decides to exclude a pupil he/she will:

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision and ask that the child be collected
- provide written confirmation to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- plan how to address the pupil's needs on his/her return
- plan a meeting with parents and pupil on his/her return

An exclusion should not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority.

There will be no refund of fees following temporary or permanent exclusion. In the case of permanent exclusion, the Admissions Fee will not be returned/credited. Fees in lieu of notice will not be charged but all outstanding fees will be payable in full.

#### **4. Behaviour outside school**

Pupils' behaviour on school related events e.g. on school trips, at sports fixtures, is subject to the school's Behaviour Policy. Bad behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school related event, the head teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

#### **5. Pupils with special educational needs and disabled pupils**

The school must take account of any special educational needs when considering whether or not to exclude a pupil. We have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability.

The head teacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- differentiation in the school's behaviour policy
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

#### **6. Marking attendance registers following exclusion**

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

##### **Managed move**

In cases where the Head and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the school or members of its staff unreasonably the head teacher may require the parents to remove the pupil at the end of a term. The Admission Fee will be refunded in the event of such a move and fees in lieu of notice will not be charged but all outstanding fees will be payable in full.

##### **Removal from the school for other reasons**

The head teacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the least possible time.

## **7. Procedure for appeal**

If parents wish to appeal the decision to exclude, the matter will be referred initially to the Proprietor. If parents are still not happy with the decision then the Independent Complaints Group can be convened and all the evidence will be assessed.

Parents will be informed of the timescale of meetings and decisions so that a child's education is disrupted for the shortest possible time.

Records relating to the decision to exclude and the parents' complaint will be copied to all parties not later than two days prior to the hearing. In no circumstances however will the school or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Head has acquired during an investigation. The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. If possible, the Complaints Group will resolve the parents' complaint without the need for further investigation.