Redfield Edge Primary School

Exclusion Policy

Date reviewed	September 2021	**Next review**	September 2022
Policy type	Statutory	**Review frequency**	Annually
Responsibility	Full Governing Body		
Signed **(Chair of FGB)**	**Name** **(Chair of FGB)** **Bronwen Kucharski**	**Signed** **(Head Teacher)**	**Name** **(Head Teacher)** Lisa Robinson
Ratified by FGB on **29th September 2021**	**Signed** **(Chair of Governors)**	**Name** **(Chair of Governor)** **Bronwen Kucharski**	

Rationale:

All pupils at Redfield Edge Primary School benefit when behaviour is good. High standards of behaviour are important to help children feel safe and learn well. Parents and carers play an important part in this.

The government advises schools to focus on promoting positive behaviour, helping to build self-discipline and encouraging respect for others. Schools also need sanctions to deter pupils from misbehaving. This policy should be read in conjunction with our school Behaviour Policy, SEND/Inclusion Policy and Equalities Policy.

The decision to exclude a pupil, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:
- In response to serious or persistent breaches of the school's Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

The Headteacher is the only member of staff in a school who can decide to exclude a pupil from the premises.

This policy has been written following the 2017 guidelines outlined in the Department for Education 'Exclusions from maintained schools, Academies and pupil referral units in England: A guide for those with legal responsibilities in relation to exclusion' and relates to the following legislation:
- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007

https://www.gov.uk/government/publications/school-exclusion Please note: specific guidance for Head Teachers and Parents/Carers at the back of this document (Annex B and Annex C).

Decision Making:

Before reaching a decision to exclude either permanently or for a fixed period, the Headteacher will:

- contact the LA Education Inclusion Officer (EIO) for primary schools and seek advice and support and consider whether this case meets the criteria to take to High Risk Group (Andy Holliday – secondary andy.holliday@pathwayslearningcentre.org or Nicola Joyce – primary Nicola.joyce@pathwayslearningcentre.org) **Appendix D**
- contact the Chair of your local SEND Cluster to consider if a request for additional funding for this pupil may be appropriate, using a costed provision map
- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour and Equalities Policies;
- allow the pupil to give his or her version of events;
- check whether the incident may have been provoked for example, by racial or sexual harassment;
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying, suffered a bereavement or has mental health issues;

- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs and 'Children in Care';
- consult others (whilst not using the pupil's name), including the CEO or Local Authority Officer (if a permanent exclusion), being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Governing Body's Discipline Committee;
- keep a written record of the actions taken, including any interview with the pupil. Witness statements must be dated and should be signed, wherever possible;
- ensure that the decision to exclude is made in line with the s of administrative law i.e. that it is:
  Lawful (with respect to the legislation relating directly to exclusions and the School's wider legal duties, including the European Convention of Human Rights);
  Rational;
  Reasonable;
  Fair; and
  Proportionate
- establish the facts in relation to the exclusion, applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'

South Gloucestershire Council and this school do not authorise the use of unlawful 'informal' or 'unofficial' exclusions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any exclusion of a pupil must be formally recorded. The Headteacher/Principal is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are if the child is ill and has been kept at home or if they are formally excluded and the responsibility goes to the parents/carers. Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or member of staff at the school as an alternative to exclusion.

Alternatives to Exclusions

Redfield Edge Primary School is committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process, working with external agencies and parents/carers to provide support through an Early Help Assessment and Plan (EHAP) and person centred planning approach;
- restorative justice processes;
- the use of the 'alternatives to exclusion checklist' and support from the Inclusion Support Worker or Education Inclusion Officer (via Pathways Learning Centre);
- internal isolation (where appropriate, in line with school's Behaviour Policy);
- a managed move, in line with the locally-agreed protocol (See Fair Access Protocol for more information) http://www.southglos.gov.uk//documents/Fair-Access-Protocol-June-2018.pdf

Fixed term exclusions

The Headteacher may exclude a pupil for up to 45 days in any one academic year. Generally, fixed-term exclusions will be for one to three days. No exclusion will be given for an unspecified period of time.

A fixed-term exclusion does not have to be for a continuous period. In exceptional circumstances, where further evidence has come to light, a fixed-term exclusion may be extended or converted to a permanent exclusion.

Procedures for review and appeal of fixed term exclusions

A fixed-term exclusion, which does not bring the pupil's total number of days of exclusion to more than five in a term (two termlets), will not usually be reviewed by the Governing Body Disciplinary Committee unless a written request is submitted by a parent/carer, within 50 school days of receiving the notice of the exclusion, to review the decision; however, it cannot direct reinstatement.

If a pupil is excluded for more than five days (but not more than 15) in a single term (two termlets), the Governing Body Disciplinary Committee will consider the reinstatement of the pupil, if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the exclusion.

If a pupil is excluded for 15 days or more in one term (two termlets), the Governing Body Disciplinary Committee will meet to consider the reinstatement of a pupil within 15 school days of receiving notice of the exclusion.

If, as a result of a fixed-term exclusion, the pupil will miss a public examination or National Curriculum test, the Governing Body Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Governing Body Disciplinary Committee to meet, the Chair of the Governing Body/Academy Board may consider the exclusion independently and decide whether or not to reinstate the pupil.

A summary of the exclusion process and the Governing Body's duties to review exclusion decisions is shown in the flowchart, Appendix A.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.

When excluding a pupil who is a 'Child in Care', the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed

Permanent exclusions

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO/DCEO or LA Officer, to permanently exclude a pupil for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another pupil or member of staff;
- Sexual misconduct;
- Supplying an illegal drug, as defined within the School's/Academy's Drugs and Substance Abuse Policy;
- Carrying an offensive weapon;
- Any severe form of bullying including racist or homophobic bullying; and/or
- Any action resulting in a serious health and safety issue.

In cases where a criminal offence has taken place, the police and, where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the pupil may be informed.

A Headteacher should, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a 'Child in Care'. Before making the decision to permanently exclude a

pupil who is a 'Child in Care' the Headteacher will discuss with the appropriate 'home' Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a pupil permanently they will inform the Local Authority Exclusions Officer, at the earliest possible opportunity. If the pupil lives outside the Local Authority area in which the School is located the Headteacher will also advise the pupil's 'home authority' of the exclusion without delay.

Following permanent exclusion the Governing Body is required to review the Headteacher's decision. This review is to be carried out within 15 school days for the notice of exclusion.

The school must provide the governors (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer and a Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously.

From day six of a permanent exclusion the Local Authority becomes responsible for the pupil's education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

Process for notification of a fixed term exclusion of more than five consecutive days

A Headteacher must, without delay, notify the Governing Body and the Local Authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent)
- fixed-term exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- fixed-term exclusions which would result in the pupil missing a public examination or national curriculum test

Procedures for review and appeal of permanent exclusions

The Governing Body Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Headteacher/Principal;
- CEO/DCEO; and
- a representative of the Local Authority (although this is not a requirement for academies, it is advisable)

During the meeting, the Governing Body Discipline Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school/academy.

The Governing Body Disciplinary Committee, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion: or
- direct reinstatement of the pupil immediately or on a particular date.

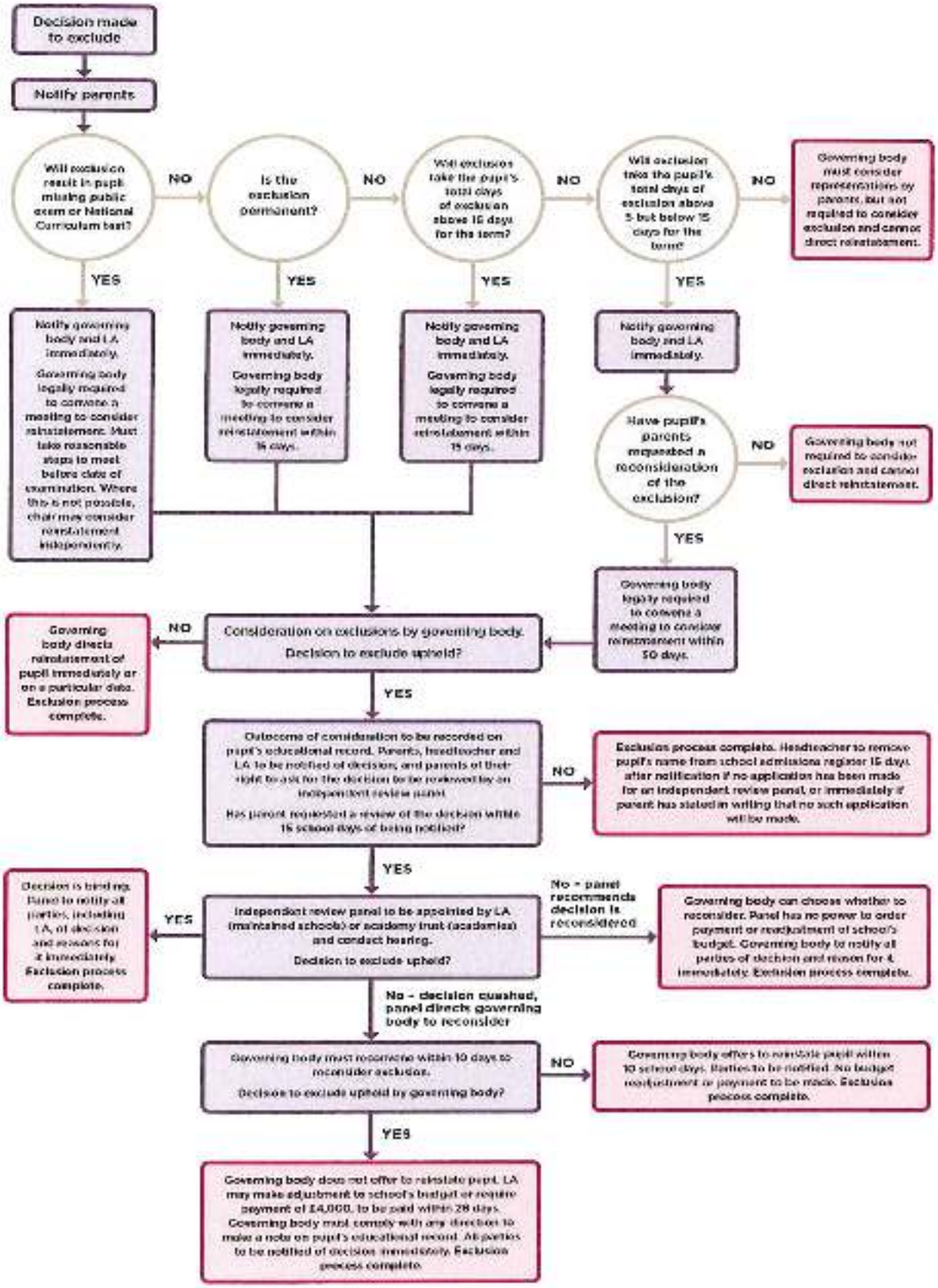
The Governing Body Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

If parents/carers apply for an Independent Review Panel within the legal time frame, the Governing Body/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Appendix A – Exclusions Flowchart

NB: Term refers to 2 small 'termlets'



Appendix B – Alternatives to Exclusion Checklist Primary

Pathways Learning Centre

STUDENT FOCUSED INTERVENTIONS

Managing anger/emotions/conflict resolution
Social Skills/peer relationships
Mental Health
Classroom behaviour skills
Time out card
Head of Year/House/TA/Class Teacher support

RELATIONSHIP BUILDING INTERVENTIONS

Restorative mediation with key staff
Micro-management daily check in/debrief
Key adult support/mentoring
Peer mentor schemes
Student support/guild support services
Circle of adults with teaching staff
Counselling provision
Circle of friends/social skills

LEARNING INTERVENTIONS

Personalised learning/timetable change
SMART targets/daily positive report card
Literacy assessment
Tutor change/house change/class swap
Classroom observations
(frequency/ABC charts
Student passport/plan to share strategies of support
Additional support in class (not related to SEN)
Academic mentoring
Wave 2 SEN assessment
Additional literacy/maths intervention

ALTERNATIVE PROVISION

In school inclusion facility
Off-site provision (CLIC, Engage)
Work experience
Specialist mentoring (Breakthrough, Impact)
Early intervention strategies
(school swap/intervention moves)
College course
Work to Learn programme

ASSESSMENT AND PLANNING

SAF ch
ISS/PSP/BSP with regular reviews
Planning reviewed internally through 360* or similar
Change Tracker
Academic assessment review to check progress and access to learning
EP assessment
PASS/attitudinal assessment
Speech and language assessment
Medical needs assessment

SPECIALIST INTERVENTION

Referral to EPS
YOT
FYPS
CAMHS
ISS
School nurse
Social Care

BEHAVIOUR DATA INTERVENTION

Patterns of negative incidents from Teachers have been addressed
The data is analysed regularly

SEN STATUS

EHCP
SEN K

SAFEGUARDING CONCERNS

ART referral
SERAF
My concern

PARENTAL ENGAGEMENT

Regular contact/engagement with behaviour plan

RESPONSE TO ESCALATING BEHAVIOUR

Different day intervention
Fixed period exclusions
Internal exclusion/seclusion

Please also refer to additional guidance for schools on dealing with behaviour that challenges document

Secondary Partnership Inclusion Network

ALTERNATIVES TO EXCLUSION STRATEGY CHECKLIST

Appendix C – Headteacher's Exclusion Checklist

	Yes	No
On the balance of probabilities, did the pupil do it?		
Does the incident represent a serious breach of the school behaviour policy / the final straw incident in a series of persistent breaches of the behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of the pupil or others in the school community?		
Is exclusion the appropriate response? Factors to Consider • Decision to exclude not taken in the heat of the moment • A thorough investigation has been carried out • Evidence has been considered in the light of policies and discrimination • The pupil's views have been encouraged, heard and recorded • Mitigating circumstances and provocation (bullying etc.) have been considered • Appropriate wider consultation has been considered		
Has there been involvement from specialist teachers (SEND) or Behaviour/Inclusion Service or an Educational Psychologist?		
Has a pastoral support programme been tried?		
Has this case been bought to SEND cluster board or High Risk Group?		
Is there an Early Help strategy/SAFeH in place?		
Have alternatives to exclusion been considered? **See Appendix B – Alternatives to Exclusion Checklist** (e.g. restorative justice, mediation, internal exclusion, school to school managed move)?		
Special Considerations		
Does this pupil have an Education Health Care Plan [EHCP] (statement of special educational needs)? If so: ➢ Have you contacted the special needs officer? ➢ Has an emergency annual review been called?		
Is this pupil currently a child in the care of the Local Authority? If so: ➢ Have you contacted the Head of the Virtual School and Social Worker?		
Is this pupil subject to Child Protection procedures or a Child In Need? If so: ➢ Have you spoken to the Social Worker?		
Have issues of SEN, disability, race and care been fully considered? *See separate check list for considerations around the exclusion of children with SEN/disability*		
Has the appropriate length of exclusion been considered?		

South Gloucestershire Council

Department for Children, Adults and Health

High Risk Group (HRG)
Terms of Reference

Rationale:

Escalating challenging behaviour resulting in the risk of permanent exclusion is often the result of complex experiences, catalysts and needs. Addressing these under-lying needs requires a coordinated inter-agency approach.

The High Risk Group is a joint Local Authority/ School Peer Review Panel which aims to reduce the need for permanent exclusion and improve outcomes for vulnerable children through inter-agency working.

Principles:

- Schools work to find solutions which are in the best interest of the child or young person.
- Schools are committed to engaging in a 'collegiate/partnership approach' in order to reduce exclusions.
- Schools are committed to assessing and planning for those at the highest risk of PEX/multiple fixed term exclusions.
- Schools are committed to identifying and supporting students that have additional/Special Educational Needs and or Disabilities.
- The meetings are confidential and sensitive information is shared with the members and Headteachers/School representatives only. Parents/carers will have given consent for their child's case to be brought to HRG. All information and paperwork will be shared securely.

Purpose:

To prevent permanent exclusion by:

- Ensuring appropriate assessments, planning and interventions are in place for students at the highest risk of PEX or multiple fixed term exclusions.
- Offering independent view of current strategies.
- Sharing information from all appropriate agencies and facilitating inter-agency working.
- Providing advice and guidance to schools.
- Brokering support from agencies: Social Care; Youth Offending Team, FYPS, PLC, 0-25 Team, Integra, external providers etc.
- Brokering managed moves using Fair Access Protocols.
- Providing direct, short-term funding to allow schools to implement an appropriate, costed provision plan.

Quorate:

- The group will be quorate if it is attended by the Chair and at least 4 members (which must include the Education Inclusion Officer)

Membership:

- The High Risk Group will be chaired by a designated Headteacher for Primary and Secondary (agreed annually).
- Representative Headteachers (from Primary/Secondary) will attend regularly as members (on a rota basis).
- The following Agencies/ Providers/ LA Officers will be group members:
    - Representative from Integra Inclusion Team
    - Education Welfare Support
    - Youth Offending Team/ Police
    - FYPS
    - CAMHS
    - Education Psychology Service
    - 0-25 Team
    - Social Care/ Early Help Team
    - Pathways Learning Centre (HT & Primary/ Secondary Education Inclusion Officers)
    - Public Health
    - Barnardo's
- Additional members may be co-opted to attend regularly or asked to attend specific meetings where appropriate.

Requests for HRG Involvement:

Before bringing a case to HRG schools will need to have:

- Demonstrated an appropriate level of school-based support via a 'Plan, do, review' approach, followed the guidance within the South Glos Way Graduated Response Toolkit.
- Attempted to assess and identify the child or young person's needs (incl. SEND, SEMH and environmental factors) via professional assessments and/ or the SAFEH process.
- Made a referral to access funding via SEND cluster and carried out an impact review of this support. (See Appendix A)
- Contacted the PLC Primary/ Secondary Education Inclusion Officers for advice and guidance and provided evidence that they have acted on this advice and allowed sufficient time for impact to be assessed (See Appendix C).

To bring a case to HRG, schools will need to:

- Contact the PLC Primary/ Secondary Education Inclusion Officers and request HRG involvement.
- Complete the 'Alternative to Exclusion' documentation and submit this to the PLC Primary/ Secondary Education Inclusion Officers at least 5 working days prior to the next HRG meeting via SOFIE.
- PLC Primary/ Secondary Education Inclusion Officers will circulate paperwork to the HRG at least 2 working days before the meeting via SOFIE.
- If the pupil is currently going through the Education Health and Care needs assessment (EHCna) process then this case cannot be bought to HRG. If a pupil has received a high number of fixed term exclusions and is at high risk of PEX, this case would need to be referred to the 0-25 service for a request for emergency funding. If a pupil has an EHCP and is at high risk of PEX, an urgent annual review would need to take place.

Format of meetings:

- Each case at the HRG will be given approximately 15 minutes including presentation and discussion.
- Headteachers/ School representatives will be invited to present a pen portrait of the pupil being referred, including:
    - Brief details of whether a SAFeh action plan is in place and timescales (or other type of plan), reviewed between 4-8 weeks – at least X2 'cycles'
    - SEND factors contributing to poor progress/behaviour/attitudes to learning
    - Student voice
    - Parent voice
    - Relevant interventions/support and strategies in place and progress/impact of interventions
    - Academic assessments
    - SEMHD assessments inc. Ed Psych or other relevant specialist assessments and details of any assessments still pending
    - Reasonable adjustments that have been made for the student in terms of the school's approach to managing behaviour and supporting pupil needs
- Headteachers/ School Representatives will clarify what they are requesting of the HRG, where possible outlining:
    - What services and/ or support is needed to reduce the risk of exclusion.
    - The nature of the provision/ support/ advice being requested (including the chosen approach/ intervention, the timescale for this provision/ programme and how impact will be assessed).
    - The approximate cost of any provision (Appendix B).
    - The school's contribution to the cost of any provision, including how the notional £6,000 has been spent on supporting the pupil and the impact of this so far.

- All members will discuss the case and offer support and guidance. Members will question the Headteacher/School Representative regarding the request for funding. A decision will be made as to whether funding can be allocated.
- If funding is agreed, this will be recorded on the HRG paperwork and the Headteacher/School Representative will contact the Chair of their SEND cluster. Funding will then be released to the school asap, to enable the package of support to be implemented swiftly. (See Appendix A for further information)
- The Chair will summarise the support agreed and these will be recorded in the minutes, which will be circulated (via SOFIE) to all attendees.

Possible outcomes of referral:

- Further advice and guidance regarding the plan, do, review process and impact of professionals' advice
- Ongoing support from Education Inclusion Officer
- Access to funding for a timed, costed provision plan, led by the school
- Outreach advice and guidance from PLC

Contact details:

Name	Role	Contact details
Dean Anderson	Secondary HGR Chair	DAN@sblonline.org.uk
Simon Botten	Primary HRG Chair	Simon.botten@blackhorsepri.org.uk
Andrew Holliday	Secondary PLC Education Inclusion Officer	Andrew.Holliday@pathwayslearningcentre.org
Nicola Joyce	Primary PLC Education Inclusion Officer	nicola.joyce@pathwayslearningcentre.org
Louise Leader	Headteacher at Pathways Learning Centre	Louise.leader@pathwayslearningcentre.org
Faye Bertham	LA Strategic Lead	Faye.bertham@southglos.gov.uk

Appendix D

South Gloucestershire Council

Department for Children, Adults and Health

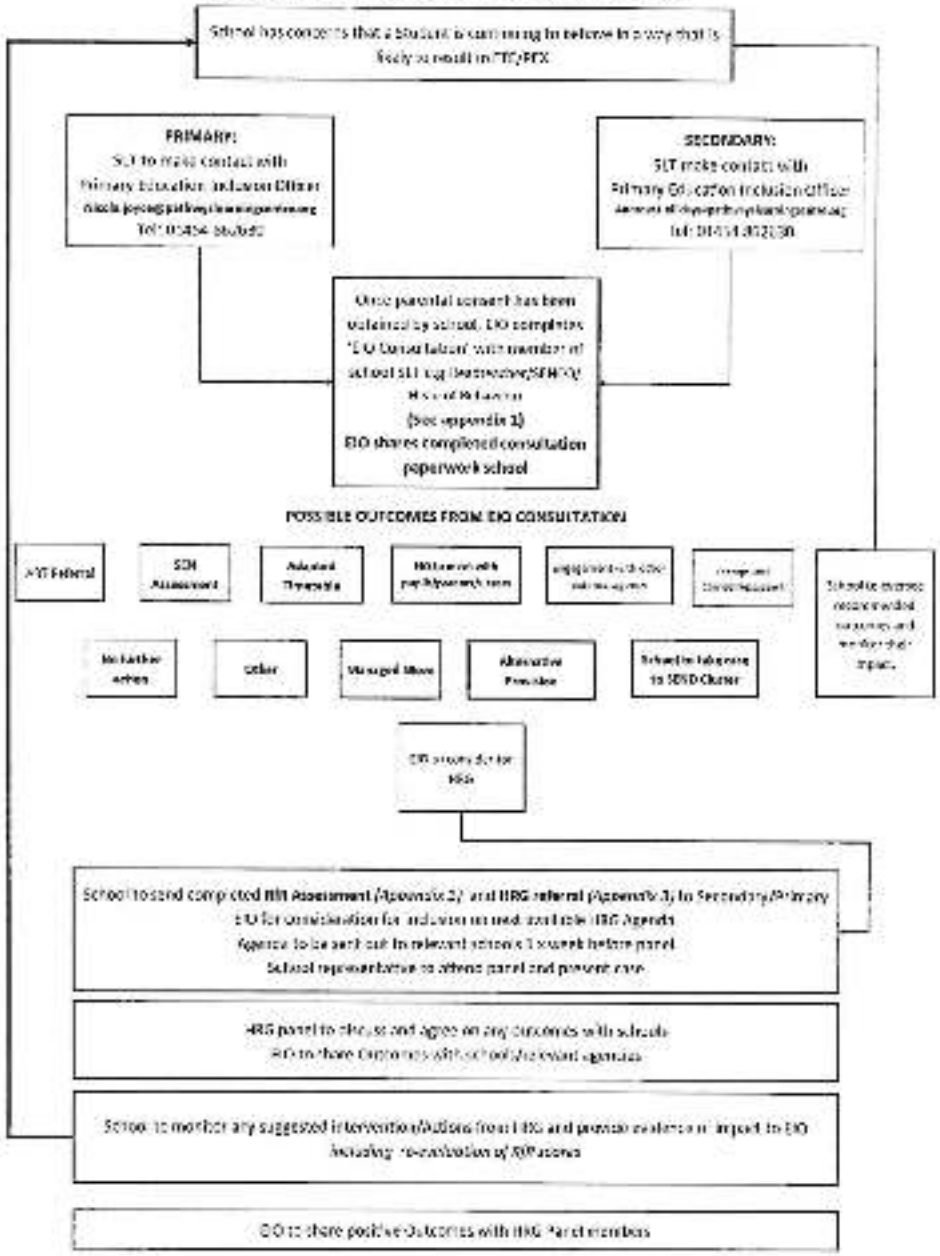
Interim Funding Arrangements for the High Risk Group (January – April 2020)

HRG and SEND clusters work in close partnership. It is planned that the decision regarding funding for pupils who are at high risk of PEX will lie with the HRG multi agency group and the outcome will be communicated to SEND clusters. To avoid a delay in funding, the Chair of SEND clusters can 'sign off' the funding and allocate funds to the school swiftly. The process below highlights how this process will work.

Stage	Process	Who is responsible?
1	• School has assessed pupil need and leaders are clear about what is needed to support pupil. A costed provision map is drawn up and submitted to SEND cluster for a request for funding. If risk of PEX still continues after this work is complete and impact of this support is limited, school may move to stage 2.	School SENCO
2	• EIO works with school to ensure case meets HRG criteria (see EIO flow chart) Case presented to HRG. Costed provision map scrutinised and decision made about funding. • Pupil must not be going through EHCP needs assessment or be in receipt of EHCP. This request would need to be through 0-25 emergency funding or via an urgent early annual review process (for an EHCP pupil). If 20 week assessment has not started (even if it is imminent), a school may still access SEND cluster and/or HRG funding. Once funding is committed, this remains with the pupil, even if the 20 weeks start.	Education Inclusion Officer, Head teacher (Inclusion Lead/SENCO/Behaviour Lead at secondary)
3	• If HRG agrees funding, this outcome is recorded on the HRG case paperwork to show that group have agreed this funding. • Pupil must stay on roll at the school. School is responsible for actioning the agreed initiatives and reporting impact.	Head of School, EIO, Chair of HRG
4	• Head of school contacts Chair of SEND cluster to inform them that HRG have agreed funding. Head to send paperwork evidence to SEND cluster.	Head of School
5	• Chair of SEND Cluster authorised funding to be sent to the requesting school asap. This is reported at the next SEND cluster board meeting.	SEND Cluster Chairs
6	• Following the deployment of funding, Head of school must report back to the SEND cluster board within 1 term of the piece of work being complete.	Head of School

SEND Cluster/HRG Costed Plan – Request for Funding

Child	School	Year Group	Cluster	Date of SEND Cluster/HRG

Intervention Including staffing and frequency	Current attainment/ entry data	Target: Specific Measurable Achievable Realistic Time limited	Review date	Outcome/ progress	Cost per day/week x weeks of intervention
HRG multi agency panel agreed funding? YES/NO		Next steps to release funding? Pass to Faye Bertham to release funds Pass to SEND Cluster chair to release funding			Total funding requested:

Process for schools requesting EIO support (Draft)