



Manchester  
Communication  
Primary  
Academy

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# Manchester Communication Primary Academy

## EXCLUSION

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### Policy 2018

# Approval History

Approved By:	Date of Approval	Version Approved	Comments

# Revision History

Revision Date	Previous Revision Date	Rev	Summary of Changes	Changes Marked	Owner/ Editor
09/17			Re-written in lines DFE guidance 2017	No	Alex Reed
09/18			Changing Principle to Head Teacher		CF

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## Introduction

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This policy has been reviewed to ensure compliance with the DfE's statutory guidance on school exclusions from September 2017, which can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/641418/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf)

Manchester Communication Primary Academy has the highest concern for the safety and well-being of the whole school community, and we work hard to ensure that our ethos and environment supports children's 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 school behaviour policy.

## Power to Exclude

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The Head Teacher is the only member of staff within the school who can exclude a child, either permanently or for a fixed-term. In the absence of the Head Teacher, Assistant Head Teacher can make this decision.

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

## Reasons for Exclusion

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

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

- Verbal abuse to staff and others
- Physical abuse to/attack on staff or child
- Indecent behaviour
- Damage to property
- Misuse of substances
- Theft
- Carrying an offensive weapon
- Unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the child's behaviour.

# Types of Exclusion

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## 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 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 most likely option.

These include:

- Serious, actual or threatened violence against another child or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson.

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 Head Teacher can withdraw an exclusion that has not yet been reviewed by the governing body.

## 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 child is excluded for more than 45 days in one school year, they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than those available in school, but does not warrant permanent exclusion.

A fixed-term exclusion can be changed into a permanent exclusion by the Head Teacher 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 child has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing body can decide whether or not to allow the child to sit the tests, and this will depend on the seriousness of the reason for exclusion.

# Making the Decision to Exclude

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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 child will be notified, and the circumstances surrounding the exclusion will be formally recorded.

## **Alternative Behaviour Management Strategies**

*All staff will ensure that they consistently apply the behaviour management policy and strategy whereby a graduated approach is taken to behaviour management, providing ample opportunity for children to readdress and improve their behaviour.*

### **Internal exclusion**

If a child needs to be removed from a lesson which is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that child elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the child from the school site, but separation is needed. The children in this case will be placed in another class or somewhere where appropriate support and supervision can be provided such as the Head Teacher's office.

### **Mediation**

If there is a conflict between two or more children, 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 child although care would be taken not to undermine the member of staff involved.

### **Restorative justice**

This strategy is dependent 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.

### **Managed Move**

It may be in the best interest of a child to have a chance of a fresh start by moving to another school. This will only occur in consent with parents, the Head Teacher, and the school's governing body. The new school will be asked by the Head Teacher to accept the child. MCPA makes such arrangements with local cluster schools on a needs basis.

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.

### **Inclusive strategies**

Children who are finding the transition to full-time schooling difficult, or those with SEND may engage with part-time attendance at the school for a period of time to fully support their integration. Some children may be temporarily supported by their parents in school to facilitate this. Although responsive to children's needs, such inclusive strategies must be pre-planned and must never form part of an informal exclusion approach whereby children are sent home from school without a formal exclusion being recorded. Such practice is outlined in the DfE's statutory guidance as potentially illegal.

## **Looked-after Children**

Manchester Communication Primary Academy understands that looked-after children and

young people may be more susceptible to having behavioural problems due to more complex home-lives. We work in conjunction with all relevant childcare authorities to support looked-after children and explore 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 child
- Consult the LA about what alternative provision will be available if the child 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 child's behaviour.

## **Children with Special Educational Needs or a disability (SEND)**

### **Children with SEN**

Our school's full SEN provision is outlined in our special educational needs policy. We work hard to accommodate students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. 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 Head Teacher 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 child, 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 or carers to make the transition as smooth as possible.

### **Children with a Disability**

If a child with a disability is under consideration for exclusion, the Head Teacher will ensure that all other possible outcomes have been tried. To justify excluding a child 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 a material and substantial justification, but only if reasonable adjustments have been made for the child's disability. You can find more information on reasonable adjustments in our school accessibility plan.

## **Ethnicity**

Manchester Communication Primary Academy does not discriminate against any person and our school 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

## **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 children or others at the school.

Before the decision to exclude is made, the Head Teacher will:

- Ensure that the school has carried out a thorough investigation
- Consider all the evidence available when looking to support the allegations
- Encourage the child to give his or her version of events

- Take into account the school's behaviour policy and equal opportunities policy, 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, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

### 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.

### Recording and Notifying the Decision to Exclude

All exclusions will be formally recorded and the Head Teacher will contact the parents or carers of the child 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. The decision will be confirmed in writing. The Head Teacher will notify the governing body within one day of the decision to exclude being made.

A standard letter template is used to inform parents of an exclusion, which includes information on how to appeal against the decision both to the academy trust and independent boards.

## Reviewing an Exclusion

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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 child being excluded for more than 15 days of a school term or missing a public exam. The review panel will look at the evidence and the records leading up to the exclusion and decide whether the Head Teacher has made a fair decision and if 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, the letter issued on notification of an exclusion explains how to do this. 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 child concerned is encouraged to attend if they are able to fully understand the proceed-

ings. Manchester Communication Primary Academy believes that children in upper school 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.

### **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 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 or 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 Child**

If the review panel decides that it is appropriate to reinstate the child immediately or by a given date, support will be given to ensure that the child is easily reintegrated into the school. This will include a reintegration interview with the Head Teacher/Assistant Head Teacher and parent or 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 off-site to improve the child's behaviour, such as an anger management course.

## **Types of Exclusion**

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

For the first five days of any type of exclusion, the school will set and mark work that the child

should complete at home under parental supervision.

From the sixth day onwards, if the exclusion is fixed-term, the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs.

Alternative provision might be arranged at:

- Another school in the area
- A shared joint facility
- A pupil referral unit
- A private provider

If the child has special educational needs, the alternative provision will meet those needs.