

Brownhill Learning Community supports the ethos of the United Nations convention on the rights of the child in all aspects of education provision and is working towards the Rights, Respecting school award.



Brownhill
LEARNING COMMUNITY

EXCLUSIONS POLICY

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Brownhill Learning Community is a loose federation of Brownhill Special School and Rochdale Pupil Referral Service and will be referred to as BLC in this policy.

Rationale

This policy deals with the policy and practice which informs the BLC's use of exclusion. It is underpinned by the shared commitment of all members of BLC to achieve two important aims:

- 1) Ensure the safety and well-being of all members of BLC, and to maintain an appropriate educational environment in which all can learn and succeed.
- 2) Realise the aim of reducing the need to use exclusion as a sanction.

Introduction

The decision to exclude a student will be taken in the following circumstances:-

- (a) In response to a serious breach of the BLC's Behaviour Policy;
- (b) If allowing the student to remain on site would seriously harm the education or welfare of the student or others in the BLC.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, one of the Deputy Headteachers).

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 BLC's Behaviour Policy:

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to/attack on Staff
- Physical abuse to/attack on students
- Indecent behaviour

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- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Being in possession of an offensive weapon.
- Using an offensive weapon.
- Being in possession of a firework.
- Setting a firework off.
- Arson.
- Unacceptable behaviour which has previously been reported and for which BLC sanctions and other interventions have not been successful in modifying the student's behaviour.

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

Exclusion Procedure

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DFE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- The Governors have established arrangements to review promptly all permanent exclusions from the BLC.
- The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following exclusion parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.
- A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate.

A fixed term exclusion can take the form of an "internal" exclusion, with the student being excluded into the 6 day provision or to another site. However, in some circumstances, either because of the severity of the incident or because of practical or logistical constraints, such an exclusion will result in the student being required to remain at home.

- During the course of a fixed term exclusion where the student is to be at home, parents/carers are advised that the student is not allowed on site, and that daytime supervision is their responsibility,

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- as parents/guardians. In line with legislation he/she is not allowed to be present in a public place during school hours without reasonable justification. Work will be set by BLC for the period of exclusion.

Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another student or a member of staff.
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an offensive weapon *
 - Arson

BLC, in line with its protocols, will consider police involvement for any of the above offences.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the BLC.

General factors BLC considers before making a decision to exclude

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others at BLC or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Principal/Headteacher will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the student behaviour, equal opportunity and Race Equality Policies.
- Allow the student to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

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In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of BLC's Behaviour Policy.
- b) the effect that the student remaining in BLC would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Curriculum and Pupil Discipline Committee, when it meets to consider the Headteacher's decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the BLC to support the student prior to exclusion.

Alternatives to Exclusion

BLC actively pursues a policy of using alternatives to both Fixed Term and Permanent exclusions in the following ways:

- As mentioned above, a fixed term exclusion, dependant upon the circumstances may be served in 6 day provision or on another site. In such cases the exclusion will not appear on the student's record.
- A move to another site may be considered. However, in cases of extreme violence to staff or pupils this may not be deemed appropriate.
- A move to alternative provision may be considered ie on-line provision, off site providers, etc. This may be problematic if the issue is violence to others.
- BLC works with other secondary schools to undertake managed moves where such a course of action would be of benefit to all concerned. However, where a pupil has already had a managed move this course of action may not be advisable.

Behaviour Outside School

Students' behaviour outside BLC on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the BLCs Behaviour Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place on site. For behaviour outside BLC 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 site or on a journey to and from the site is poor and meets the criteria for exclusion then the Principal/Headteacher may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to BLC's published policy on drugs and will also seek advice from the LA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the BLC's Alcohol & Drugs Education Policy.