



EXCLUSION POLICY

Ratified by the Governing Body on June 2014



POLICY AND PROCEDURES FOR EXCLUSIONS

Statement

The Governors of Madani Schools Federation have stated that they consider that the use of the Head Teachers power to exclude from school can be essential for the purposes of establishing and maintaining good order and discipline. They believe that its use should be reasonable and proportionate. Within these limits they support the Head Teacher in using his/her discretion in the exercise of these powers.

Purpose

This policy and procedures document is intended to give a clear indication to staff, parents and students of the kinds of circumstances within which the Head Teacher will use his powers to exclude, and the procedures that will be followed in exercising them. Governors will rely on this reviewing the actions of the Head Teacher in excluding students.

POLICY

Fixed Term Exclusions

While always having regard to the circumstances of a particular case, the Head Teacher will be likely to use fixed term exclusions in the following kind of cases. This list does not list every offence for which fixed term exclusion may be used but gives an indication of the kinds of case where it will be used:

- Use of foul language towards staff
- Sustained challenge to the authority of a member of staff
- Fighting
- Bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, religion or sexual orientation)
- Persistent defiance of a school rule
- Acts of vandalism or minor physical violence
- Using drugs or alcohol on the school site
- Conduct likely to bring the school into disrepute

The length of the exclusion will be proportionate to the gravity of the offence.

Before the decision is made to permanently exclude a pupil, the pupil will be excluded for 5 school days. During this period further investigations and discussions will take place and a PSP level 3 meeting will be held with the LA and the family. More often than not the LA will place the pupil on a short-term placement of up to 12 weeks at the assessment centre. The pupil will either return to Madani High school or their name will be put forward to a 'student sharing panel' before/during or after that time, where an alternative school may be found on a managed move basis. This will be a six week trial period at another school. (See document on LA Zero Exclusions, attached)



Permanent Exclusion

The governing body still has the right to permanently exclude a pupil under the zero exclusions protocol. However it is very rare that this will occur, as the protocol will come into play when a serious incident occurs. However there are costs for the school in finding a placement for the pupil and it may mean that the governing body decides to permanently exclude a pupil as the financial burden will be reduced.

Possible reasons for a permanent exclusion or PSP level 3:

- Physical or other serious assault on a member of staff or student
- Serious violence which create fear and anxiety among staff or students
- Possession of an offensive weapon on the school site
- Endangering the health and safety of others through, for example, deliberate arson
- Dealing in drugs on the school site
- Persistent defiance of school authority or disruption of teaching and learning
- Persistent bullying, harassment or abuse (as above)

Modifying an Exclusion

Exclusion may be extended or made permanent where:

- It was necessary to exclude the pupil in order to complete the investigation freely. Note: it is essential that if new evidence has come to light the excluded pupil/student is given the opportunity to respond to it before the exclusion is extended or made permanent
- The pupil has also been reported to the police and the result of that investigation provides additional evidence to the school

PROCESS

Investigation

- Witness statements will be recorded, signed and dated
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld. NB: it is important that all parties recognise that less reliance can be placed on anonymised statements
- The person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others. It is not necessary that there is a face-to-face confrontation.
- Where there is a relative of a member of staff involved either as a perpetrator or as a victim, that member of staff will not be involved in the investigation or decision-making process.



Decision

- The decision to exclude will only be taken by the Head Teacher or, in his absence, the next most senior member of the Leadership Team. The power to exclude cannot be delegated
- The decision will be taken on all the evidence available at the time
- The DFE guidance on exclusions states that the decision will be taken on the balance of probability. Where the offence alleged is a criminal act the standard of proof will be that it is 'distinctly more probable than not' that the student committed it.
- However as an Islamic faith-school we will only make decisions on concrete evidence as Islamic law does not allow us to take a decision based on probability.

Informing

The following will be communicated without delay by pupil post and/or letter or telephone message as appropriate to:

- The persons having parental responsibility for the pupil/student
- The LA
- The Clerk Governors.(For a permanent exclusion)

NB: if an exclusion will prevent a pupil from taking a public examination then the Chair of Governors will be informed immediately so that he/she can review the decision or convince a meeting of the Disciplinary Committee before the examination takes place.

Work for Excluded Student

- Members of staff who teach excluded students will provide work for these students to do at home and make it available as instructed by the Head of Key stage.

Governors Discipline Committee

- The Discipline Committee will be convened in accordance with current regulations by the Clerk to Governors
- It will be clerked and advised by the Clerk to Governors or a person with experience in clerking such meetings
- The Clerk will ensure that all members of the Committee are reminded of the legal framework for their hearing
- The conduct of the meeting will be in the hands of the Chair of the Committee, in accordance with the rule of natural justice and having regards to any guidance issued by the Secretary of State
- The decision will be taken by the Governors meeting alone with their Clerk after all parties have had the opportunity to state their case and respond to the point put by the other parties



Reintegration

- Students returning to school after exclusion should be subject to a reintegration procedure organised by the Head of Key Stage, lead learning mentor. This will normally involve the parents and a member of the leadership team.
- A pupil who is returned to school by the Independent Appeals Panel but who is regarded as presenting a threat to the good order and discipline of the school or to members of the school community may be kept in isolation from the remainder of the school community until such time as it is thought appropriate to make a phased return into the school proper.



Leicester City Behaviour and Attendance Partnership

Zero Exclusion Protocol

1. Background and Statement of Intent:

At their Annual Conference in 2008, the Leicester Secondary Education Improvement Partnership (EIP) agreed a resolution to reduce permanent exclusions to zero and since that time has operated a “Zero Exclusion Protocol”.

The Protocol is based around the “**ONE Campus**” model in which all schools in Leicester City work together collaboratively, to achieve the best possible outcomes for young people, for whom the Partnership is jointly responsible and accountable.

Secondary Headteachers reserve the right to permanently exclude students in “exceptional” circumstances, for example in cases of extreme physical violence or serious sexual assault as a result of which, the health safety and welfare of the student or other students in the school would be compromised.

Any school which demonstrably fails to comply with the principles of the Zero Exclusion Protocol may be liable for a provision charge to cover the costs of any specialist provision that has to be made.



2. Zero Permanent Exclusions – Procedures and Referral Process

2.1 Pastoral Support Programme Stages:

- Key to these procedures is that the student remains on the roll of a school.
- For students who demonstrate an escalating or persistent pattern of unacceptable behaviour, the Pastoral Support Planning (PSP) process should be adopted:
 - PSP level 1: “light touch” school-level action. Documented.
 - PSP level 2a: A school based intervention requiring some specialist support e.g. reduced timetable, mentoring, LSU or BSU support.
 - PSP level 2b: An intervention requiring more specialist support from an external agency or service e.g. a SBSS Short Stay School Placement.
 - PSP level 3: A school decides that because of the actions of a pupil or despite the fact that they have accessed all the support options available to them that they are unable to continue to meet the needs of the pupil i.e. the pupil can no longer attend the school.

Rather than move to invoke a permanent exclusion, the school refers the pupil to the EIP’s Behaviour and attendance Partnership Student Sharing Panel (SSP) using the Information Passport (see appendix)

2.2 Direct Referral by a Headteacher to the EIP:

A pupil has committed a serious offence which would normally warrant a permanent exclusion. In these circumstances the Headteacher should contact the EIP for immediate referral to the SSP.

Referral to the SSP can be made by telephone to

- Bill Morris (EIP Director – Tel 0116 2491003 or 0771 396 0836) or
- Rebecca Edwards (SBSS - Head of Alternative & Pastoral Services – Tel 0116 2706065 or 0796 652 8416)



In these circumstances advice will be provided to manage the immediate problem and if a PSP level 3 meeting has not been held this will be requested.

3. Zero Permanent Exclusions- Specialist Provision Options:

For those pupils who are referred to the SSP and agreed to be at high risk of permanent exclusion from school, the following provision and referral arrangements apply:-

Stage 1 (Immediately following an incident / decision to exclude): Issue a fixed period exclusion of 5 days pending further investigation / arrangement of alternative suitable education provision. An initial fixed period exclusion of 5 days is all that is required as the SBSS will provide full time provision for the pupil from the 6th day and for an initial period of 12 weeks.

Stage 2 (Day 1): Contact the SBSS (Rebecca Edwards) or EIP (Bill Morris) to advise SSP and SBSS of situation (See contact details above).

Stage 3 (Day 2-5): Convene PSP level 3 meeting if this has not already been held. PSP level 3 meeting will agree provision options and provisional exit strategy.

Stage 4 (Day 6+): If necessary, the pupil will attend the SBSS's **Specialist Learning & Assessment Centre ("The Newry")** and will be provided with an appropriate full time programme, lasting up to 12 weeks, during which time the pupil will be prepared and support arrangements will put in place to achieve the agreed exit strategy.

Stage 5 (Week 4-6): A progress review meeting will be held at the Specialist Learning & Assessment Centre: At this review meeting future provision & support arrangements will be agreed and the exit strategy confirmed.

Stage 6: (At 12 weeks or less if deemed suitable): Pupil will progress into suitable education provision:

- Return to the referring school with or without support, as agreed with the school.
- A Managed Move to an alternative school with or without support, as agreed between both schools.
- Attendance at a more specialist placement with the agreement of the referring school

*Once a pupil is at this stage, and if it is **not** deemed to be appropriate for them to return to their school placement, section 29(3) of the 2002 Education Act can be applied, this allows the Governing Body of a school to direct a parent / carer to accept a suitable alternative provision for their child and is a means by which the school can ensure that the pupil does not return to the school while this remains inappropriate.*

Specialist Placements:

For those pupils for whom a specialist placement is deemed to be most appropriate a suitable placement will be agreed during the 12 week assessment period. A specialist placement may include one or more of the following options:-



- An Alternative Provider Placement (brokered by the SBSS)
- A Special School Placement.
- A Personalised Learning Programme. (brokered by the SBSS and SES)

4. Provision Costs for Zero Permanent Exclusion Procedures

4.1 Private provider costs:

The cost of provision provided by private providers will be negotiated directly with individual schools. It is recommended that all alternative provider placements at PSP Level 2 and above are sourced via the SBSS. This is to ensure that the LA and EIP have an up to date record of all pupils who are accessing alternative provision, to ensure that appropriate support arrangements are in place to support pupils on alternative placements and to enable the SBSS to negotiate favourable rates from alternative providers.

4.2 SBSS provision costs:

The SBSS will operate the following charging policy:-

- All in-house provision at PSP level 2 will be charged at a daily rate of £10. Any additional alternative provider costs will be passed on to schools.
- Vocational placements organised by the SBSS on behalf of schools will be charged at the provider's rates, these will be advised at the time. Presently the SBSS is able to provide this provision at favourable rates and will both organise and support these programmes through its Vocational Placement Team.
- All provision provided via the Specialist Learning & Assessment Centre will be charged at a daily rate of £15.
- Following a placement at the SBSS's Specialist Learning & Assessment Centre, all provision, including alternative placements, will be charged at the normal SBSS rates ie £15 per day. Any additional costs will be met by the exceptional cost pressure fund (in agreement with The School's Forum and subject to confirmation by the LA Learning Services and Finance Department).

4.3 Reintegration Costs:

Where pupils are reintegrated back into a school, other than their referring school, the EIP will ensure, as far as practicable, that the receiving school does not incur any additional costs. ie additional support costs will be sought by the EIP through the Fair Access Protocol and Exceptional Cost Pressures.

4.4 Permanent Exclusion Costs:

Schools who decide to permanently exclude a student will incur the following costs:-



The daily **AWPU** amount which will be charged to the school from the effective date of exclusion until the end of the **financial year** in which the exclusion took place. **“Money Following Pupil”**.

Schools who decide to permanently exclude a student and demonstrably fail to comply with the principles of the Zero Exclusion Protocol will incur the following costs:-

In addition to the AWPU, a one off **Provision Fee of £5000** for each permanently excluded pupil. This charge will be made on a pro rata basis and will be based on an **academic year** cycle. This money will be used by the EIP & SBSS to meet the on-going costs of providing full time alternative provision and supporting the reintegration of permanently excluded pupils.

The provision fee charge will be calculated as follows:-

The charge will be made from the **Effective Date of Permanent Exclusion**. (There will be no charge from the 6th day until the effective date of exclusion).

The daily charge will be £26.32. (ie £5000 ÷ 190 school days).

From the effective date of exclusion the number of school days remaining in the academic year will be calculated and this number will be multiplied by £26.32.

Example:

For a pupil whose effective date of permanent exclusion is 21st November 2008 the following provision fee charge would apply :-

$$\text{Provision Fee} = \text{£}26.32 \times 134 \text{ days remaining in the academic year} = \text{£}3526.88$$

Review of the Policy:

Date Policy Approved:.....

Signed by Chair of Governors

Responsibility for review: Deputy Head / Governors