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1.0 INTRODUCTION

Implementation: It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

Compliance: This policy complies with all relevant regulations and other legislation as detailed in the *Compliance with Regulations & Legislation Statement*.

2.0 GENERAL

This policy should be read in conjunction with the Positive Behaviour Policy and outlines the policy and practice which informs the School's use of exclusion. This is based on the concept of "unconditional positive regard" which was developed by the psychologist Carl Rogers, in that we believe that a complete and unconditional acceptance of each child and young person in the school, of who they are and what they do as a learner with autism and additional needs, potentially including attachment difficulties, is the bedrock of any work to improve behaviour. Unconditional positive regard means accepting that the child or young person is attempting to deal with situations in their lives as best they can. We concur with the OFSTED guide for Inspectors "Positive Environments where Children can Flourish" (March 2018) which states:

"The foundation of good practice in working with children should be:

- Building relationships of trust and understanding
- Understanding triggers and finding solutions
- If incidents do occur, defusing the situation and/or distracting the child wherever possible."

This policy is underpinned by the shared commitment of all staff to achieve two main aims:

- To ensure the safety and well-being of all members of the School community, and to maintain an environment which is conducive to learning where all can achieve and succeed
- To ensure that exclusion is used as a last resort and that challenging behaviour is managed through the Positive Behaviour Policy.

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

- In response to a serious breach of student code of conduct or where guidelines of classroom behaviour have been seriously breached, despite effective implementation of the Positive Behaviour Support Plan
- If allowing the student to remain in School would seriously harm the education or welfare of the student or others within the School

Exclusion is an extreme sanction and as stated above, the last resort. Exclusion can only be sanctioned by the Head Teacher (or in absence of Head Teacher, the designated person who is acting in that role). When deciding whether to exclude a student, the Head Teacher will consider the school's responsibilities under the Equality Act 2010. It is recognised that students with an Education, Health and Care Plan (EHCP) are especially vulnerable to the impact of exclusion. This applies to all students at Higford.

Our policy is to avoid permanently excluding any student. We recognise that it is illegal to exclude a student because the school is unable to meet their needs and that excluding a student for behaviour that is due to their special needs as a learner with autism and/or a learning disability may constitute discrimination.

Any consideration of the suitability of a student's placement at Higford would instead be subject to a formal SEN / EHCP and or LAC Review Meeting with all relevant parties involved.

Legally, exclusion, whether fixed term or permanent, may be used for any of the following examples of unacceptable conduct:

- Verbal abuse to Staff and others
- Verbal abuse to students
- Physical abuse to students
- Physical abuse to Staff
- Indecent Behaviour
- 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
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which School interventions have not been successful in modifying the student's behaviour

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

3.0 EXCLUSION PROCEDURE

- Nationally, most exclusions are of a fixed term and are of short duration only (usually between one and three days)
- The DfE regulations allow the Head Teacher to exclude a student for one or more fixed periods, not exceeding 45 school days in any one school year
- The School will review any fixed term exclusions which would lead to a student being excluded for over five days where a parent/carer has expressed a wish to make representation
- For fixed-term exclusions of more than 5 days the school must arrange suitable alternative full-time education, which must begin no later than the sixth day of exclusion.
- For permanent exclusions, the student's 'home' local authority must provide alternative education.

- Following exclusion, parents/carers are contacted immediately where possible. A letter will also be sent giving details of the exclusion and when the exclusion ends. Parents/Carers have a right to make representations to the School, and that representation must be taken into consideration, including whether an excluded student should be reinstated.
- If parents disagree with the decision not to reinstate their child, they can request that it can be considered by an independent review panel.
- A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve the Head Teacher and other staff where appropriate
- It is School practice to review the reasons for exclusion with the student and identify supportive mechanisms to assist the student with the regulation of their behaviour.
- During the course of a fixed term exclusion, parents/carers are advised that the student is not allowed on the School premises and that daytime supervision is their responsibility.

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. The first is 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 other available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour, including bullying or repeated possession and or use of an illegal drug on the School premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies. It may also be appropriate to permanently exclude a student for a first offence if it is deemed serious enough to warrant. These might include:
 - Serious, actual or threatened violence against another student or staff member
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an offensive weapon * (whether intended use or not)
 - Arson
3. The school 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 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 affected the discipline and well-being of the School. A permanent exclusion would lead to working jointly with the placing Local Authority in order to source a more appropriate placement able to meet the student’s needs within an agreed fixed timescale.

Factors taken into account by the School before making the decision to exclude:

Exclusion will not be imposed unless there is an immediate threat to the safety of others in the School or the student concerned.

Before making the decision to exclude either fixed term or permanently, the Head will:

- Ensure appropriate investigations have been carried out and documented
- Consider all evidence available to support the allegations, taking into account Student Code of Conduct, Equal Opportunities and Race Relation Policies
- Allow the student to give their detail of events. If they are unable to do so this may be made on their behalf by an advocate
- Check any factors which may have contributed towards the incident i.e. bullying, racial, sexual harassment

Once the Head Teacher is satisfied that the alleged incidents occurred, exclusion will be the outcome.

4.0 HEAD TEACHER DISCRETION

Each case will be reviewed individually and judged on its own merits. In considering whether exclusion is the most appropriate sanction the Head Teacher will consider:

- The gravity of the incident/incidents and whether it constitutes a breach of conduct
- The effect that the student remaining in School would have on the education and welfare of other students and staff

Exclusion, as stated throughout this policy, is the last resort when it has been deemed that all other routes have been exhausted without success. Higford School does not anticipate the need to implement this policy due to all protective factors in place related to our Admissions Policy, Positive Behaviour Support Policy, and the ongoing review with external agencies about our ability to meet our student's complex needs, including their potentially challenging behaviour via the SEN/EHCP and/ or LAC review processes.

However, the Head Teacher does retain the statutory right to exclude where allowing a student to remain in school would seriously harm the education or welfare of the student themselves or others in the school.