

The McAuley Catholic High School EXCLUSION POLICY 2016+

The McAuley Catholic school is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school. Our expectations are clarified in the school aims.

Rationale

This policy is underpinned by our commitment to ensure the safety and wellbeing of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

In this policy and the accompanying procedures the governing body aims to discharge appropriately its statutory duties as set out in The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012. (Appendix 1)

Introduction

Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Deputy headteacher who is acting in that role). Before deciding whether to exclude a student either permanently or for a fixed period the Headteacher will ensure that: - a) appropriate investigations have been carried out with signed statements being taken. b) all the evidence available has been considered c) the pupil's version has been heard and their chance to call on other witnesses respected. d) that statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account

Having considered these matters, the Headteacher will make a decision on exclusion based on the balance of probabilities established. In reaching a decision, the Headteacher will look at each case on its own merits and avoid a tariff system, ie, fixing a standard penalty for a particular action, as unfair and inappropriate.

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 School's Behaviour for Learning Policy

- Refusal to follow instructions
- Verbal abuse to staff and students and others
- Physical abuse to/attack on staff
- Physical abuse to/attack on student
- Sexually abusive language and/or behaviour
- Indecent behaviour

- Damage to property including setting the fire alarm off.
- Possession of illegal drugs or other substances including supplying
- Theft or attempted theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Carrying an offensive weapon.
- Arson or attempted arson.
- Unacceptable behaviour which has previously been reported and for which School 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 Principal makes the judgment that exclusion is an appropriate sanction. Exclusions can be either fixed term or permanent.

Fixed Term exclusion

- A student will not be excluded for a period that exceeds 45 days in any one school year
- The school will make every effort to inform parents of a fixed term exclusion before the end of the school session (the school office closes at 4.00pm) by telephone, email or text.
- This will be followed up in all cases with a letter.
- Parents will be informed of the length of the exclusion, the reasons for the exclusion and their rights, including their right to make representations and who to contact if they wish to make representations about the exclusion.
- When a student is required to be at home, parents/carers will be advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- The letter will also make clear the date and time when the student should return to school
- The school will continue to provide education for all students on fixed term exclusion and mark the work that is completed and returned to school.
- In reviewing the statement, if a student with a Statement of SEN is excluded the school will call an Interim Annual review seeking the advice of the LA
- The school will plan the return and reintegration into school after fixed term exclusions with parents and students
- The Headteacher will inform the governors' and Local Authority within one school day of any fixed term exclusions totalling more than five school days per term and each term of fixed term exclusions totalling fewer than five school days a term.

According to Department for Education guidance school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.

- The school will provide and offer education for any exclusion of more than five days in order that appropriate full time education and transport is arranged.

Permanent Exclusion

- The decision to exclude a student permanently could be taken by the Headteacher in the following circumstances: -
 - (a) in response to a serious breach, or persistent breaches, of the School's Behaviour for Learning Policy;
 - (b) where allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.
- In the case of a permanent exclusion the same process as that for fixed term exclusions will be followed except the communication will make clear that it is a permanent exclusion.
- The Headteacher will inform the Governors' and Local Authority within one school day of any permanent exclusions.

Equality Act 2010

The school will follow the guidance on the Equality Act 2010 published by the 'Equality and Human Rights Commission' in Section 5.4 entitled 'What equality law means for you as an educational provider'

This guidance states that whilst a 'school must not discriminate against a pupil by excluding them from school "it does not mean a school cannot exclude a pupil with a protected characteristic".

The guidance recognises that "there may be occasions when it is appropriate to exclude a pupil with a protected characteristic" it stresses it is important that a school does not exclude 'because of' the protected characteristic. Alternatives to Exclusion

The School will work closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. The threat of a permanent exclusion will not be used as the means to persuade parents/carers to move their son/daughter to another school.

Lunchtime Exclusion

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Students' behaviour outside School on school "business", for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour for Learning Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If students' behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Headteacher may decide to exclude.

Internal Exclusion Unit

The IEU is used as a last resort and a serious sanction. Pupils will be booked into the IEU by senior members of staff. A pupil will only be admitted directly to the IEU if he/she is brought by a senior member of staff or member of staff on call out to a student who receives a C4 or if the pupil poses a serious health and safety risk.

Restorative Justice

School will expect students who have got things wrong to face consequences. However, we also wish to provide the chance for students to start afresh once they have served their punishment. Students are encouraged to put things right with others when they have gone wrong. School will provide the opportunity for students to come together in a supportive atmosphere, supervised by an experienced member of staff, to right wrongs and move forward. The school also requires community service of some of its pupils who have done wrong, providing them with a practical opportunity to give something back to their community. Community service may involve litter picking for example.

The School Behaviour Support Plan

Whenever a serious breach of discipline occurs, the pupil and if possible the parent, should be given sight of the School Behaviour Plan and the appropriate stage identified. The pupil may then be placed on a Behaviour Support Plan which will set targets for improvement and identify any support to be provided by the school. The parent's responsibilities will also be identified and a time scale for review provided.

Searching Pupils

Searching with consent

School staff can search a pupil for any item banned under the school rules if the pupil agrees. School will not ask for written consent from the pupil before asking him or her to turn out his pockets or empty her bag. Banned items are specified in the Basic Standards. If a pupil refuses to co-operate with a request made for a pupil to turn out his pockets or empty her bag, he/she will be referred to a senior member of staff as a member of urgency and where appropriate disciplinary penalties will be applied.

Searching without consent

The Headteacher will specify which members of staff will be authorized to search without consent. These will be volunteers and receive training. Staff authorized by the head may search pupils or their possessions without consent where they have reasonable grounds to suspect the pupil has certain prohibited items.

These items are: Knives or weapons Alcohol Illegal/prescription drugs, Mobile phones, Stolen items Prohibited materials.

If a search is undertaken without the pupil's consent, the search will: - Be carried out by a member of staff of the same sex Be witnessed by another member of staff who is of the same sex – if possible. Take place on school premises or another place where a member of staff has lawful control of a pupil such as on a school trip.

School staff can seize any banned or prohibited item found as a result of a search or which they consider harmful or detrimental to school discipline. School staff will not ask a pupil to remove clothing other than outer clothing hats, shoes, boots, gloves and scarves. A pupil's possessions will only be searched in the presence of the pupil and another member of staff. (Ref: DFE Guidelines 2011)

Seizing Items

School will seize anything that it has reasonable grounds of suspecting is a prohibited item or is evidence in relation to an offence. School will dispose of alcohol Controlled drugs, or items believed to be controlled drugs, will be delivered to the police as soon as possible Any other item which is seized and considered detrimental to good order will be confiscated. Stolen items will be delivered to the police – or returned to their owner We will contact the police if school judges it appropriate to do so if valuable items such as iPods or phones are stolen or recovered. 18 Any weapon or items which are evidence of an offence will be passed to the police as soon as possible. (Ref: DFE Guidelines 2011)

School will inform parents where alcohol, illegal drugs or potentially harmful substances are found. Screening School can require pupils to undergo screening by a walk-through or hand-held metal detector even if they do not suspect them of having a weapon and without the consent of the pupil. Any member of staff can screen pupils – in most cases this duty will be carried out by the Headteacher or by a member of staff delegated by him. If a pupil refuses to be screened the school will refuse to have him/her on the premises. If the pupil refuses to comply he will not be readmitted until he does so. He is not excluded – any absence is to be recorded as unauthorised.

Complaints

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. There is no legal requirement to make or keep a record of a search

Schools should inform the individual pupil's parents or guardians where alcohol, illegal/prescription drugs or potentially harmful substances are found, though there is no legal requirement to do so.

Complaints about screening or searching will be dealt with through the usual school complaints procedure.

Reasonable force

This school does not operate a no contact policy (Ref: DFE Guidelines 2011) All members of staff can use reasonable force. This includes unpaid staff or parents acting as volunteers. School expects the staff member to use his or her professional judgment in the particular circumstances when deciding whether to intervene

Staff can use reasonable force to: - Prevent a pupil leaving the classroom where to allow the pupil to leave would risk their safety or the safety of others

Prevent a pupil from attacking a member of staff or another pupil

Stop a fight in the playground

Restrain a pupil at risk of harming themselves through physical outbursts

School will record the use of force through a statement made by the member of staff after force has been used

School will also communicate with parents about serious incidents when reasonable force has been used.

Making malicious accusations against school staff –DFE Guidance 2011

Pupil complaints Any allegations against staff will be dealt with thoroughly and speedily. Where a member of staff has acted within the law – that is they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action. The onus will be on the complainant to prove his/her allegations – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with

Allegations of Abuse against Teachers and Other Staff" guidance where an allegation of using excessive force has been made against a teacher.

This guidance makes clear that a person must not be suspended automatically or without careful thought. Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. 20 As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident. Members of staff will not be automatically suspended or suspended without careful thought.

Other physical contact

School considers the following as appropriate occasions when physical contact with a pupil is both proper and necessary: -

When comforting a distressed pupil.

To demonstrate the use of a musical instrument or a practical skill

When a pupil is being congratulated or praised

To demonstrate exercises or techniques during PE lessons or sports coaching

To give first aid

When supervising a lunch or bus queue

Use of reasonable force – frequently asked questions

I'm worried that if I use force a pupil or parent could make a complaint against me.

Am I protected?

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

How do I know whether using a physical intervention is reasonable?

The decision on whether to physically intervene is down to the professional judgment of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their SLT when they have used force.

What about school trips?

The power may be used where the member of staff is lawfully in charge of the pupils, and this included while on school trips.

Can force be used on pupils with SEN or disabilities?

Yes, but the judgment on whether to use force should not only depend on the circumstances of the case but also information and understanding of the needs of the pupil concerned.

I'm a female teacher with a Year 10 class – there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?

There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils, and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Are there circumstances in which a teacher can use physical force to punish a pupil?

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.