

# Orbis Schools Wales- Exclusion Policy

Policy Number:	EDW011	Originator:	Rachel Hackling
Issue Number:	1	Authoriser:	Amanda Morgan-Taylor
Issue Date:	24/02/2021	Service Type:	Childrens Services
Next Review Due:	02/2022	Policy Location:	All files/Radar

## 1. Introduction and Rationale

1.1 All staff at working within Orbis Education and Care are committed to providing the very highest quality of service for pupils that attend the School. As a specialist school we recognize that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals for a fixed period when the safety or wellbeing of pupils and/or staff are being compromised. In such cases it may be necessary to follow the procedures outlined in this policy. It should be noted that the School reserves the right to cease any pupil's placement during the 13 week assessment period.

### 1.2 Aims:

- To ensure that the organisation has an emergency action plan available if necessary.
- To ensure that school staff and Company Directors are aware of, and support, the procedure.
- To ensure our pupils and staff do not continue to be exposed to physical or emotional damage once the School has done all it can for certain individual pupils.

### 1.3 Purposes:

- To maintain an environment where pupils can develop academically, morally and socially.
- To maintain the highest standards of safety and behaviour.
- To meet statutory requirements, in particular to conform with the 1996 Education Act and DCSF 2007 Guidance on Exclusion from School.

## 2. Strategy for Implementation

2.1 Promoting positive behaviour and early positive intervention

Effective policies, procedures and training minimise the number of pupils at risk of exclusion. For those at risk, additional measures could include:

- Engaging with parents/carers
- A change of teacher, support staff or class
- Curriculum alternatives at Key Stage 4, including attendance at work based programs
- A meeting with social workers
- A temporary change to the timetable

### 2.2 Where a pupil is clearly creating significant difficulties, the school will:

- Try various possible approaches/strategies, including, if appropriate, (verbal warning, first written warning and final warning)
- Consult with school staff, key workers, residential staff and members of the senior management team.

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- Consult with various clinical specialists such as clinical psychologists requesting advice and if appropriate, direct assistance
- Seek the views and advice of parents/carers

## 2.3 The Decision to Exclude

**This decision to exclude a pupil will only be made if:**

- The physical or emotional safety of pupils or staff is being regularly compromised
- A pupil has knowingly and frequently flouted school rules
- A pupil commits an act which may be deemed illegal in the eyes of the law or which may bring the school into disrepute.
- A pupil has bullied, intimidated or caused physical, emotional or psychological hurt to another pupil
- The pupil has consistently caused significant environmental damage to the school and property

**The decision to exclude a pupil will only occur when:**

- The Director of Education, Head of Education and staff believe that they have done all that they can for the pupil concerned
- Only the Chief Executive has the power to decide whether or not to exclude a pupil. Exclusion can be on disciplinary grounds only. A pupil may be excluded either permanently or for a fixed period(s) that do not exceed 45 days in any one school year. A pupil may not be excluded for an indefinite period. This procedure applies to all of our pupils.

## 2.4 Factors to consider before making a decision to exclude

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head Teacher should:

- Ensure that a thorough investigation has been carried out
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995
- Allow the pupil to give his or her version of events in appropriate means of communication
- Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment
- If necessary, consult others, but not anyone who may later have a role in reviewing the Head Teacher's decision, for example a member of the Board of Directors.

2.5 The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Head Teacher may exclude the pupil. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied but it does mean that when investigating more serious allegations, Head Teachers will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the pupil's past behaviour), in determining whether it is more probable than not that the pupil has committed the offence. Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Head Teacher to make a judgment on whether to exclude the pupil.

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## 3. Early intervention and alternatives to exclusion

The Multi-Disciplinary Team will adapt a wide range of preventative programmes to enable us to refer pupils identified as being at risk of exclusion to appropriate support. Exclusion, whether fixed period or permanent, should be used as a last resort when all other alternatives have been exhausted, but there will be circumstances where exclusion is appropriate.

## 4. When exclusion is not appropriate

**Exclusion should not be used for:**

- a) Minor incidents such as failure to do homework
- b) Poor academic performance
- c) Lateness or truancy
- e) Breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.),
- f) Punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting.

## 5. Informing pupils and parents/carers about the exclusion

5.1 Where a pupil exhibits continuing challenging behaviour and strategies employed have had no effect, the Head of Education should warn the pupil (if appropriate) and parent, of the possibility of a fixed period or permanent exclusion if our strategies for managing the behavioural difficulties do not appear to be effecting any change. This would also trigger an emergency meeting with parents/carers, staff, clinicians, social services and funding authorities.

5.2 The Head of Education, who excludes a pupil, will ensure that the parent is notified immediately, ideally by telephone. The initial telephone notification will be followed up by a letter within five days. Exclusion will normally begin on the next school day, but if it has arisen following a major incident it may take effect immediately in which case, the parents will be contacted and the pupil collected or transported home by school staff. This is clearly dependent on whether the exclusion is for a residential or day pupil.

5.3 If the Director of Education decides to extend a fixed period exclusion or to convert a fixed period exclusion into a permanent exclusion, they will notify the parents and Funding Authorities accordingly, in writing. The letter will explain the reasons for the decision, the parental right to make representations to the Board of Directors and state the means by which such representations may be made. All correspondence should be in plain language and avoid unnecessary jargon.

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**5.4 The boxes below set out details of what will be included in letters about fixed period and permanent exclusions.**

<p><b>Content of the Director of Education letter to parent notifying of the pupil’s fixed period exclusion</b></p> <ul style="list-style-type: none"> <li>the period of the fixed period exclusion (in school days) and the date and time when the pupil should return to school</li> <li>the reasons for the exclusion and the circumstances surrounding the decision, including the steps taken to try to avoid an exclusion</li> <li>the arrangements/conditions for enabling the pupil to continue at the school and the revision of any behaviour programmes and strategies</li> <li>the parent’s right to make representations to the company Board of Directors</li> <li>who to contact if the parent wishes to make representations to the Board of Directors, with any deadline for receipt of written representations</li> </ul>	<p><b>Content of the Director of Education services letter to parent notifying of the pupil’s permanent exclusion</b></p> <ul style="list-style-type: none"> <li>the date the permanent exclusion is effective from</li> <li>the reasons for the exclusion and the circumstances surrounding the decision, including the steps taken to try to avoid an exclusion</li> <li>Any relevant previous warnings, meetings, fixed period exclusions or other disciplinary measures eg. Signed Positive Behaviour Support Plans, incident forms.</li> <li>the parent’s right to make representations to the Board of Directors</li> <li>who to contact if the parent wishes to make representations to the Board of Directors with any deadline for receipt of written representations</li> </ul>
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## 5.5 Informing Orbis Education and Care and the relevant Funding Authorities

The Director of Education will inform the Board of Directors and Funding agencies immediately of all exclusions. All exclusions, for whatever period, will be formally recorded by the school’s Head of Education.

**For each exclusion the school will provide:**

- the name of the pupil
- the length of the exclusion
- the reason(s) for the exclusion

whether the pupil is looked after by the Local Authority

In the case of a ‘looked after child’ their local social services department will be informed.

## 6. Appeals against a permanent exclusion

The responsibility for constituting the appeal panel and appointing the members and a clerk rests with the company.

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## 7. Considerations following a fixed period exclusion

7.1 The school's obligation to provide education continues while the pupil is on the roll and must be met during a fixed term exclusion. In all cases of more than a day's exclusion, work should be set and marked. The head teacher considering whether to exclude a pupil for a longer fixed period, for example for more than 15 school days, should plan:

- a) How the pupil's education will continue during the period of exclusion
- b) How the time might be used to address the pupil's problems
- c) What educational arrangements will best help with the pupil's reintegration into the school at the end of the exclusion

7.2 The head teacher should arrange a reintegration meeting with parents/ social worker following the expiry of a fixed period exclusion. This should be an opportunity to discuss how best the pupil can return to school. However, a fixed period exclusion should not be extended if such a meeting cannot be arranged in time or the parents do not attend, as such a meeting is not a statutory requirement.

## Equality Impact Statement

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to Age, Disability Gender reassignment, Marriage and Civil partnership, Pregnancy and Maternity, Race, Religion or belief, Sex and Sexual Orientation. If you, or any other groups, believe you are disadvantaged by this policy please contact the Regional Manager for the service.

Orbis will then actively respond to the enquiry.

This policy is owned by: Quality Department

Date: 24/02/2021

Signed:

A. E. Morgan-Taylor

Company Confidential

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