

# Policy and Procedure on Exclusion

## Cambian Devon School

Policy Author / Reviewer	Chris Strong
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Policy Level	Day Schools/colleges
Staff Groups Affected	ALL STAFF

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## 1. Monitoring and Review

- 1.1.** The Proprietor will undertake a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than three years from the date of approval shown above, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.
- 1.2.** The local content of this document will be subject to continuous monitoring, refinement and audit by the Head of Service.

Signed:



Andrew Sutherland  
Representative, Proprietor- Cambian Group  
July 2021



Pamela Husbands  
[Head Teacher  
Jan 2022

## 2. Terminology

2.1. Our aim is to use consistent terminology throughout this policy and all supporting documentation as follows:

<b>'Establishment' or 'Location'</b>	This is a generic term which means the Children's Home/school/college. Cambian Devon School is a school
<b>Individual</b>	Means any child or young person under the age of 18 or young adult between the ages of 18 and 25. At Cambian Devon School we have 24 attending between the ages of 7 and 18.
<b>Service Head / Head of Service</b>	This is the senior person with overall responsibility for the Location. At Cambian Devon School this is the Head Teacher who is Pamela Husbands.
<b>Key Worker</b>	Members of staff that have special responsibility for Individuals residing at or attending the Establishment.
<b>Parent, Carer, Guardian</b>	Means parent or person with Parental Responsibility
<b>Regulatory Authority</b>	Regulatory Authority is the generic term used in this policy to describe the independent regulatory body responsible for inspecting and regulating services. At Cambian Devon School this is Ofsted
<b>Social Worker</b>	This means the worker allocated to the child/family. If there is no allocated worker, the Duty Social Worker or Team Manager is responsible.
<b>Placing Authority</b>	Placing Authority means the local authority/agency responsible for placing the child or commissioning the service
<b>Staff</b>	Means full or part-time employees of Cambian, agency workers, bank workers, contract workers and volunteers.

## 3. Legal Status:

3.1. Regulatory Requirements, Part 3, Paragraph 9 and Exclusion Element of Part 6 (24)(3) of the Education (Independent School Standards) (England) Regulations 2010

### Applies to:

- 3.2. the whole Location, out of school care and all other activities provided by the Location, inclusive of those outside of the normal hours;
- 3.3. all staff (teaching and support staff), students on placement, the proprietor and volunteers working in the Location.

### Availability

3.4. This policy is made available to parent/guardian/carer, staff and pupils in the following ways: via the Location website (if applicable), and on request a copy may be obtained from the Location Office.

## 4. Policy

4.1. Ultimate sanctions are Fixed Term and Permanent Exclusions. Neither sanction is used lightly. Only the Head Teacher has the power to exclude a child. If the Headteacher excludes an Individual, the parent/guardian/carer are informed immediately, giving reasons for the exclusion. At the same time, the Headteacher makes it clear to the parents that

they can, if they wish, appeal against the decision to the Cambian Board. Parents are given information on how to make any such appeal.

### Serious Offences and Exclusions

- 4.2.** Serious offences are those that may have a significant impact on the individual or others at the Location. Examples include:
- extreme or persistent bullying, racism or harassment;
  - stealing;
  - extreme or persistent violence, actual or threatened, against a pupil or member of staff;
  - sexual abuse, assault or activity;
  - smoking, illegal drugs (possession and/or use ) or alcohol (consumption or possession)
  - persistently absconding;
  - repeated damage to school property;
  - dangerous behaviour (climbing on the roof, absconding from site)
  - carrying an offensive weapon.

### Fixed Penalty Exclusion and Permanent Exclusions

- 4.3.** We will apply our behaviour policies in a consistent, rigorous and non-discriminatory way and all areas of application of these policies will be monitored routinely. Ultimate sanctions are:
- Fixed Term Exclusion (suspension)
  - Permanent Exclusion
- 4.4.** Neither sanction is used lightly. The power to suspend an Individual can only be exercised by the Head of service in consultation with the Regional Lead. If the Head of service excludes a pupil, the parent/guardian/carer are informed immediately, giving reasons for the exclusion. At the same time, the Head of Service makes it clear to the parent/guardian/carer that they can, if they wish, appeal against the decision to the Cambian Board The location informs the parent/guardian/carers how to make any such appeal. It is the responsibility of the Proprietor to monitor the rate of exclusions, and to ensure that the school policy is administered fairly and consistently.

## 5. Procedure

- Parent/guardian/carers must be informed immediately by phone with a follow up letter.
  - Social worker to be informed on the same day via email or phone call with a follow up letter.
  - A copy of a sheet entitled 'Advice for Parents/Carers' will be attached to the letter.
  - Parent/guardian/carers/social workers must be notified of their right to appeal.
  - Ensure that arrangements are in place for work to be sent home.
  - Arrangements will be made for a return to school/collegeschool/college interview that includes the parents/carers.
  - A re-integration support plan will be put in place (if appropriate) and always after more than one exclusion
- 5.1.** All cases of exclusion will be treated in the strictest confidence on a need to know basis and are not to be discussed outside the school

### Responsibilities of the Location

- 5.2.** Before resorting to exclusion the Location will implement a range of alternative solutions such as;
- 5.2.1. Utilising a restorative justice approach
  - 5.2.2. Working closely with parent/carer/clinical team to address underlying causes of the behaviour

5.2.3. Targeted programme of pastoral support

5.2.4. Implementation of personalised reward system

**5.3.** Cambian Devon School:

- requires all staff to use positive strategies for handling any unacceptable behaviour by helping Individuals find solutions in ways that are appropriate for their ages and stages of development;
- acknowledges that such solutions might include, for example, acknowledgement of feelings, explanation as to what was not acceptable and supporting Individuals to gain control of their feelings so that they can learn a more appropriate response;
- ensures that there are sufficient resources and activities available so that Individuals are meaningfully occupied without the need for unnecessary conflict over sharing and waiting for turns;
- supports each child in developing self-esteem, confidence and feelings of competence;
- avoids creating situations in which Individuals receive adult attention only in return for unacceptable behaviour;
- explains the effect of unacceptable behaviour, making it clear to the child that it is the behaviour that is unacceptable, and not the person.

**5.4.** When Individuals behave in unacceptable ways, we help them to understand the outcomes of their actions and support them in learning how to cope more appropriately. We provide opportunities for Individuals to learn how to interpret and cope with feelings, listening to them and offering the necessary support to enable them to verbalise their own frustrations, hurts and disappointments. We do not shout or raise our voices in a threatening way to respond to Individual's unacceptable behaviour. We do not use techniques intended to single out and humiliate individual Individuals. Corporal punishment, which is strictly forbidden at Cambian Devon School, is a criminal offence.

**5.5.** Under the Equality Act 2010 schools must not discriminate against, harass or victimise pupils because of their sex, race, disability, religion or belief, sexual orientation, because of pregnancy/maternity or because of a gender reassignment. For disabled children, this includes a duty to make 'reasonable adjustments' to policies and practices.

**5.6.** There are certain groups of pupils with additional needs who are particularly vulnerable to exclusion. This includes pupils with Statements of Special Educational Needs (SEN) or an Education, Health & Care Plan (EHCP) and 'looked after' children. Head teachers should, as far as possible, avoid permanently excluding any pupil with a statement of SEN or EHCP or a 'looked after' child. Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to 'looked after' children, schools should co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child. Where a school has concerns about behaviour, or risk of exclusion, of a child in one of these vulnerable groups, it should, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN. Where a pupil has a statement of SEN or EHCP, schools should consider requesting an early annual review or interim / emergency review.

**5.7.** Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. An isolated incident whereby allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school may be such a reason. The decision to exclude for a fixed term will be notified to the parent in writing with reasons. If the Location determines that a child should be excluded for a fixed period, the Headteacher will provide the parent in writing with information as to:

- the period of the Fixed Term Exclusion;
- the arrangements, such as setting work, to allow the child to continue their education during the Fixed Term Exclusion.

**5.8.** It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet or for other reasons such as the failure of a pupil to meet specific conditions before they are reinstated such as attend a reintegration meeting.

- 5.9.** If the Head of service commences an investigation which may lead to a permanent exclusion the Headteacher must inform the parent/guardian/carers without delay. This will ideally be done by telephone and the telephone call will be followed by a letter within one school day. The letter will include information about:
- the nature of the offence(s) and the results of any investigation to date;
  - that the sanction of a permanent exclusion may be imposed;
  - the parent/guardian/carers' right to state their case to the Head Teacher and if that is not satisfactory then to the Advisory Board and whom they should contact to do this, including the latest date that the parent/guardian/carers may give a written statement to the discipline committee;
  - the parent/guardian/carers right to see their child's record. The Head Teacher must comply within 15 school days, although in exclusion cases compliance should be as prompt as is practicably possible.
- 5.10.** If the Head of Service decides (after completing the investigation or as a result of new evidence and further investigation) that it is necessary to extend a fixed Term Exclusion or to convert it into a Permanent Exclusion, the Head Teacher will write again to the parent/guardian/carers with the reasons for this decision. The decision to exclude a pupil permanently will only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or is an exceptional 'one-off' offence has been committed. parent/guardian/carers co-operation forms part of the contract between the Location and all the parent/guardian/carers at the Location. The correspondence will be easily intelligible and in plain English.

## Appeals

- 5.11.** If parent/guardian/carers wish to appeal the exclusion then they must do so in writing to the Proprietors within one week of the letter notifying the parents or guardians of the exclusion. The Proprietors will establish an Appeal Panel to consider the appeal.
- 5.12.** The Appeal Panel will normally convene within three weeks (guidance is 15 working days – I know it is the same, however 15 working days is better terminology) of the receipt of the letter requesting the appeal. The panel will consist of No-one on the panel will have had any prior involvement with the decision making process surrounding the exclusion. If appropriate the proprietor will appoint a SEN expert to advise the review panel. The parents or guardian may bring a representative to the meeting. All letters and documents provided as evidence by the Head Teacher, shall be made available to the parents or guardian prior to the hearing. The parent/guardian/carers or their representative may ask questions of the Head Teacher or may raise any relevant matter for the consideration of the Panel. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence either of the parent/guardian/carers or their representative, or in the absence of the Head Teacher, who is the Proprietor. At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend:
- The exclusion is confirmed
  - The exclusion is rescinded
  - The exclusion be rescinded and replaced with an alternative sanction.
- 5.13.** However, the final decision will always rest with the Location Proprietors, who may or may not accept the recommendations of the panel.
- 5.14.** The recommendation shall be communicated to the parent/guardian/carers and the Headteacher Every child has a right to confidentiality – it will be kept in the strictest confidence and only disclosed to those who need to know. We appreciate that such sensitive matters must be dealt with in confidence.

## 6. Relevant Documents:

- 6.1.** Anti-bullying
- 6.2.** Safeguarding - Child Protection Policy
- 6.3.** Behaviour Management Policy