

**Policy / Procedure Cover Sheet**

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|------------------------------|--------------------------------|------------------|-------|
| <b>Policy/Procedure</b>      | <b>POLICY</b>                  |                  |       |
| <b>Type</b>                  | Operational - Exclusion Policy |                  |       |
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**Change History**

| Version | Description | Date issued | Reason | Approved by |
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| 1.0     | New Policy  | 3.03.2020   |        | CF          |
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**Related Policies**

| Policy Ref No. | Policy Name                          | Policy Ref No. | Policy Name                           |
|----------------|--------------------------------------|----------------|---------------------------------------|
| OP/04          | Anti-bullying                        | OP/03          | Behaviour for Learning                |
| OP/07          | Complaints Policy and Procedure      | OP/02          | Attendance                            |
| S/01           | Child Protection and Safeguarding    | OP/28          | SEND                                  |
| HS/06          | Positive Mental Health and Wellbeing | OP/30          | Child Missing Education               |
| OP/05          | Curriculum                           | HS/02          | Managing Drugs                        |
| OP/10          | Equality and Diversity               | S/02           | E-Safety                              |
| HS/01          | Health and Safety                    | OP/08          | Educational Visits                    |
| S/03           | Recruitment and Selection            | HS/07          | Use of Reasonable Force               |
| OP/12          | Staff Behaviour (Code of Conduct)    | OP/22          | Searching, Screening and Confiscating |
| OP/25          | Whistleblowing                       |                |                                       |

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## Exclusion Policy

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Bright Sparks Learning Centre is committed to safeguarding and promoting the welfare of children and always requires all staff to act in the best interests of our children .

## 1 Introduction

- 1.1 Bright Sparks Learning Centre accepts its duty under the Education and Inspections Act (2006) to establish and maintain a behaviour policy for the centre that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the Education Act (2002).
- 1.2 Bright Sparks Learning Centre complies with DfE guidance 'Exclusion from maintain schools, academies and pupil referral units in England' (2017) and the 'Timpson Review of School Exclusion' (May 2019).
- 1.3 We acknowledge the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010 and follow current DfE guidance 'Keeping children safe in education' (2020), 'Working together to safeguard children' (2018), DfE Guidance for Exclusions (June 2012, plus all updates including Feb, 2015), HM Government advice 'What to do if you're worried a child is being abused' (2015) along with Local Safeguarding Children Partnership's policies, procedures, guidance and protocols.
- 1.4 Should we believe an individual may be at risk, or it is alleged that a child is suspected of being abused, we will take immediate action. We take our duty of care very seriously, and as such, the health, safety and well-being of all members of Bright Sparks Learning Centre's community including children, staff and visitors is of paramount importance.
- 1.5 This policy and all associated procedures apply to all staff (including consultants, agency staff, volunteers, students on placement and any other individual working for, or on behalf of Bright Sparks Learning Centre) and children and should be read in conjunction with other safeguarding and employment policies including (not an exhaustive list):
- i. Administration of Medication Policy
  - ii. Anti-Bullying and Harassment Policy
  - iii. Behaviour for Learning Policy
  - iv. Complaints Policy
  - v. Child Protection Policy
  - vi. Curriculum Policy
  - vii. Educational Visits Policy
  - viii. Equality and Diversity Policy
  - ix. E-Safety Policy
  - x. Health and Safety Policy
  - xi. Managing Drugs policy
  - xii. Missing from Education Policy
  - xiii. Recruitment and Selection Policy
  - xiv. Staff Behaviour Policy (Code of Conduct)

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- xv. Searching, Screening and Confiscation Policy
- xvi. Use of Reasonable Force Policy
- xvii. Whistle Blowing Policy

## 2 Purpose

2.1 This policy forms part of a comprehensive approach by the centre to establish and maintain a positive learning environment so that all members of the community enjoy the best possible conditions in which to learn and work, enabling academic, emotional and social progress.

## 3 Definitions

3.1 Exclusion involves a child not being allowed to attend the centre for a defined period of time. There are two kinds of exclusion:

- i. a fixed period exclusion is where a child is temporarily removed from school/ an educational setting and is not allowed to return for a specified number of days
- ii. a permanent exclusion means a child's name will be removed from the school register and they will not be allowed to return to that school at all.

## 4 Our philosophy

4.1 Bright Sparks Learning Centre educates children who have/are struggling to access mainstream schooling and often have social, emotional and mental health issues, and as such, we accept that many pupils have behaviour difficulties.

4.2 Many of our children have struggled to thrive in mainstream education and have been removed due to behavioural difficulties. These difficult behaviours are part of the presenting problems which have resulted in the child's referral. Through positive management and therapeutic interventions, we aim to manage and repair challenging behaviours and will work to the extremes of our professional tolerance.

4.3 Exclusion is used in exceptional circumstances only in response to extreme or persistent behaviour that has implications for the safety and wellbeing of others in the centre community or is detrimental to the centre's good reputation in the local or wider community.

4.4 Considering a possible exclusion requires a careful and informed decision. We strive to act in the best interest of the child, other pupils and staff. However, the centre accepts that, on occasions, there may be a conflict of interests. Therefore, when deciding whether-or-not to exclude a child, the centre will always make a decision which is in the best interest of most of the centre's community.

## 5 Possible criteria for fixed-term and permanent exclusion

5.1 The following criteria (not an exhaustive list) is sufficient criteria for an exclusion.  
A pupil who:

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- i. puts the health and safety of staff and other pupils at risk
- ii. is verbally or physically aggressive to staff of other pupils
- iii. engages in sexual abuse or drug abuse
- iv. engages in dangerous, destructive or anti-social behaviour (on or off-site)
- v. engages in persistent and serious crime
- vi. becomes seriously disaffected, completely rejecting the values and standards of the centre.

**6 Decision to exclude**

6.1 The decision to exclude a child is a last resort and will only be taken after a full range of alternative strategies have been tried and have failed or would be likely to fail, and only:

- i. in response to a serious breach, or persistent breaches, of the centre's behaviour for learning policy
- ii. where allowing the pupil to remain in the centre would seriously harm the education and/or welfare of the pupil or others in the centre

6.2 When establishing the facts in relation to an exclusion decision, the headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened, if it is more likely that it happened than that it did not happen.

6.3 Only the headteacher has the authority to exclude a pupil. In his/her absence, in an emergency, one of his/her deputies may exclude a pupil. Parents who disagree with the headteacher's decision are invited to raise their opinion with the headteacher and may use the centre's complaints procedure if deemed necessary.

6.4 Bright Sparks Learning Centre accepts that all children have a right to education and will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion.

6.5 A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

6.6 Should a fixed term exclusion be implemented, the headteacher along with senior staff will:

- i. identify and explore the child's behaviours of concern
- ii. review and evaluate the responses used to date, including effective strategies
- iii. investigate the child's Education, Health and Care (EHC) Plan and current provision
- iv. identify and record any possible amendments to the provision and/or alternative strategies

6.7 Bright Sparks Learning Centre will try to avoid permanently excluding any pupil and will aim to work with the referring/placing authority/school to secure a placement that better meets the needs of the child.

**7 Informing parents/carers**

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- 7.1 When excluding a child, the headteacher must immediately notify the parents/carers detailing the period of exclusion and the reason(s) for it.
- 7.2 The headteacher will also notify the pupil’s parents that, during the first 5 days of exclusion, they must ensure that the pupil is not present in a public place at any time during school hours, unless there is good reason. Any parent/carer who fails to comply with this duty, without reasonable justification, commits an offence and may be given a fixed penalty notice or be prosecuted.

*For further information on Informing parents/carers and other relevant parties, see Appendix 1.*

## **8 Reintegration meeting**

- 8.1 The headteacher will arrange a reintegration meeting at a time, date and location that is convenient to parents/carers, local authority representatives and other interested parties. This must not cause unnecessary delay in reintegrating the child into centre.
- 8.2 The purpose of the meeting, is to:
- i. establish why the child was excluded
  - ii. explore ways in which the child can be supported to help modify their behaviour
  - iii. identify the viewpoints of the parents/carers, child and local authority representatives
  - iv. agree a plan for reintegration and managing behaviour

## **9 Equality and diversity**

- 9.1 The decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. Our exclusion criteria are applied consistently to every child, irrespective of any protected characteristic including disability, gender reassignment, pregnancy and maternity, race, religion, belief, sex or sexual orientation.

## **10 Multi-agency partnership**

- 10.1 We are committed to working with parents, carers, local authority representatives, the police and other interested parties in a positive and supportive relationship to aid children who may be at risk of exclusion.
- 10.2 Should we have concerns about a child’s behaviour, we will aim to identify any contributory factors and intervene as early as possible to minimise the risk of exclusion.
- 10.3 Early concerns will be raised with the placing and host local authority, the child’s allocated social worker (where appropriate) and the police.

## **11 Seeking the views of children, parents, carers, local authorities and staff**

- 11.1 Regular enquires are made of all children as to how safe they feel at Bright Sparks Learning

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Centre and ways in which services and outcomes can be improved. The views of parents, carers, local authorities and staff are also sought through existing mechanisms for consultation and feedback. Records are kept of these enquiries and any actions taken.

## **12 Safeguarding and child protection**

- 12.1 Bright Sparks Learning Centre will always consider whether a child's behaviour gives cause to suspect that they are suffering, or is likely to suffer, significant harm; or whether their behaviour might be the result of unmet educational or other needs. All child protection concerns will be addressed in accordance with our 'Child Protection Policy'.

## **13 Behaviour outside of Bright Sparks Learning Centre's premises**

- 13.1 Where serious misbehaviour outside of our premises is observed by, and/or reported to staff, a decision whether to exclude the child, will be made by the headteacher.

## **14 Police involvement**

- 14.1 Should behaviour constitute criminal activity or pose a serious threat to a member of the public, the police will always be informed.
- 14.2 A decision whether or not to involve the police will be made by headteacher.

## **15 Complaints**

- 15.1 Children, staff, parents, carers, and any other adult with parental responsibility (e.g. social worker) or other local authority representatives are eligible to complain to Bright Sparks Learning Centre if they are unhappy with any aspect of the education or care provided (including exclusions). All complaints are taken seriously and will be dealt with without delay. For further information, see our 'Complaints Policy'.
- 15.2 All complaints concerning allegations of child abuse will always be addressed in accordance with our 'Child Protection Policy'.

## **16 Implementation, monitoring, evaluation and review**

- 16.1 The designated senior member of staff with overall responsibility for the implementation, monitoring and evaluation of the 'Exclusion Policy' is the headteacher.
- 16.2 The headteacher is also responsible for ensuring that all children, staff, parents, carers and placing local authorities are aware of our policy.
- 16.3 This policy document will be reviewed and publicized in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local and organisational policy, guidance and practice.

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## Appendix 1

### Informing parents/carers and other relevant parties

When excluding a child, the headteacher must notify the parents/carers of the period of exclusion and the reason(s) for it, without delay.

This will normally only be done by telephone, and the telephone call will be followed by a letter posted First Class within one school day.

The letter will include information about:

- i. the reason(s) for the exclusion and the steps taken to try and avoid it
- ii. the duration of a fixed period exclusion
- iii. the arrangements for holding a reintegration meeting to review the situation
- iv. the arrangements for the continuing education of the pupil, including setting and marking of work

Relevant issues will always be brought to the notice of the referring/placing authority, including children's social care, where appropriate.

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