

Moor House School & College

Exclusion Policy



This Version Dated:	November 2020
Who needs to read this:	All Staff, Parents, Trustees & Governors
Review cycle:	Bi-Annually
Status:	Draft/Being Reviewed/Sent to ECM/ Approved by ECM/ Sent to FGB/ Approved by FGB
Lead Manager:	Principal
Responsible Committee:	ECM
Next Review Date:	November 2022

Executive Summary:

1. This policy outlines the process and procedure for exclusion. It should be read by all staff, parents, Trustees and Governors.
2. Exclusion is seen as a last resort. Only the Principal can authorise an exclusion. A student will only be excluded in the case of serious misconduct or where allowing the individual to stay in Moor House would seriously harm their education and/or welfare or the education and/or welfare of other student.
3. Exclusions can be fixed term or in cases where no other alternatives are possible, permanent.
4. Parents will be notified if their child is to be excluded or if their child is at risk of permanent exclusion. Parents have the right to appeal the decision to exclude. The policy sets out the responsibilities of both the School & College and the parents with regard to exclusion and reinstatement
5. An exclusion panel of Trustees will be convened to monitor fixed term exclusions of longer than five days or situations where permanent exclusion is being considered
6. Exclusion data will be monitored by the Every Child Matters Committee and reported half termly to the FGB
7. This policy will be reviewed bi-annually by the Every Child Matters Committee.

Aim

The aim of this policy is to define when an exclusion may be appropriate and authorized.

Behaviour Policies

Moor House has issued Behaviour Policies for both the School and College, which are based on the principles of respect, trust, honesty, pride and kindness. Strategies, as identified in the Behaviour Policies, are used to encourage appropriate behaviour and minimise negative behaviour and serious misconduct.

Serious Misconduct

All instances of serious misconduct must be reported to a member of the Senior Management Team (SMT), who will notify other persons who need to be aware and document the situation, including obtaining statements from those involved.

Exclusion

Where exclusion is deemed a potentially appropriate sanction for the serious misconduct, details of the situation will be passed to the Principal, who is the only person that can authorise an exclusion. Examples of serious misconduct are included at the end of this document.

In deciding whether to use exclusion and, if so, in what way, the Principal will take into consideration:

- Whether this is an instance where allowing the individual to stay in Moor House would seriously harm their education and/or welfare or the education and/or welfare of other students.
- That on the balance of probabilities there is an instance of serious misconduct to decide upon.
- That all reasonable steps to resolve the situation in other ways have been considered.
- Whether medication needs to be reviewed.
- That any exclusion period should be kept to the minimum for any one episode.
- That the maximum exclusion in any school year is 45 days.
- For College students, the response of any partner college to the situation. Note, in the Sixth Form, exclusion from a partner college can mean that the student cannot complete his or her studies.
- That Moor House does not have the resources to provide 1:1 supervision of a student. This can only be provided where it is funded by the student's Local Authority (LA).
- If the student is in a residential placement, whether he or she could be excluded from the residential aspect of the placement only.

Nature and Duration of Exclusion

Where the Principal decides that the situation requires the use of exclusion, then a decision on the appropriate period needs to be made. This can range from a day, to longer periods or permanent exclusion where no other solution is considered appropriate.

The exclusion can either be internal to Moor House or external (sent home). Only external exclusions are notifiable to the LA. The Chair of Trustees will be notified by the Principal of all exclusions.

Fixed Term Exclusions

The Principal will endeavour to give fixed term exclusions. However, where information to be considered is required from external agencies, such as a Local Authority, Social Care or the police, the Principal may decide to make an Interim Fixed Term exclusion of five school days to enable this information to be obtained. If this information is still not available a second Interim Fixed Term exclusion of up to five school days may be made, after which a decision must be made on any further Fixed Term Exclusion .

Where a serious incidence occurs which leads to the exclusion of a student either due to serious misconduct or because of safeguarding advice given by an external agency, Moor House will endeavour to arrange a meeting with the student's LA within five working days of the exclusion event (or within five working days after the exclusion event if it occurs on a weekend or out of term time) to establish a strategy plan for the student's return.

Exclusion Panel (Fixed Term Exclusions exceeding five school days and Permanent Exclusions only)

The Principal will notify the Chair of Trustees of any fixed term exclusions longer than five days or potential permanent exclusions. The Chair of Trustees will at the earliest possible time convene an Exclusion Panel comprising of two trustees. The Panel will monitor the situation and review with the Principal the proposed response to the consultation on any permanent exclusion, adhering to the required timetable.

Local Authority Notification

Where the student's placement at Moor House is funded by their LA, the LA will be notified at an early stage of any situation that may give rise to an exclusion longer than five days or potential permanent exclusion. The LA may assist in agreeing the outcome with Moor House and the parents.

Interim Reviews

Where a student is identified as being at serious risk of disaffection or permanent exclusion, an interim or early review will be called where possible. This interim review meeting will then consider the student's changing needs and recommend amendments to their Statement or EHC Plan as an alternative to the student being permanently excluded.

Permanent Exclusions

Permanent exclusions will only be proposed by the Principal when no other options are considered suitable.

Permanent exclusions will not be confirmed until the LA and parents have had an opportunity to attend a meeting with Moor House. The meeting will be held within 15 working days. Moor House recognises the potential finality of the decision to be made. It will therefore appoint a panel of three Moor House Trustees to consider the representations to be made by the parents and the LA representatives in response to the Principal's proposal for a permanent exclusion. The panel will then have 5 working days to consider these representations and to determine whether the exclusion should be upheld. The exclusion will be deemed permanent after the expiry of these 20 working days. Moor House will then cease to be the named Provider and the parents will need to agree another Provider with their LA. During these 20 working days until the panel has completed its determination the student will remain excluded.

Notification to Parents and their role – fixed term

Parents will be notified by phone and in writing of any exclusions. The letter will identify the reason for the exclusion and its length. (Please also see Interim Fixed Terms exclusions)

Where exclusion is decided upon, the student will be returned to the care of the parent (except in the case of an internal exclusion). Parents are expected to arrange for the student to be collected from Moor House as soon as possible after they are notified of the exclusion. Moor House will provide suitable learning and therapy activities for the student. This may include tuition by phone, online and home visits if the exclusion exceeds five days. Suitable safeguarding arrangements apply to home visits.

Parents need to support the exclusion by ensuring that, where possible, their child is not in a public place during school hours during the first five days and that the student does not have contact with other Moor House students including by social media or other digital means during this time. Parents should note that they could potentially face prosecution by their LA if the student is found in a public place during school hours.

Parents are expected to accompany their child when he/she returns for a re-integration meeting with the Principal or a member of the Senior Management Team. The child is expected to express remorse and to discuss ways of improving their behaviour. The discussion should be solution focused and should include ways Moor House and parents can support the student in improving their behaviour. Agreed solutions should be communicated to staff and parents, so that they can help implement them.

Notification to Parents and their role – risk of permanent exclusion

The parents will be notified by phone and/or email if their child is at risk of permanent exclusion, identifying the reasons. If the student is unable to meet targets and continues to exhibit disruptive behaviour, a meeting will be held between the Principal and parents.

Any decision to progress with a move to a permanent exclusion will include an interim review/discussions with the local authority, as noted above. Whilst this review is in progress, Moor House will continue to provide learning and therapy activities, as for a fixed term exclusion. Parents should also ensure that their child is not in a public place during school hours – parents should note that they could potentially face prosecution by their LA if the student is found in a public place during school hours.

Exclusion Records

All exclusions are recorded in the Exclusion file and all related correspondence retained on the student's record.

Examples of serious misconduct include:

- Theft, which is both serious and understood by the perpetrator to be wrong
- Bullying (defined as deliberate unkindness on multiple occasions – read associated Anti-Bullying Policy)
- Repeated non compliance with a reasonable request or instruction from a member of staff either on site or at the partner
- Misuse of internet or cyber bullying
- Leaving the school or partner college premises without permission (read associated Missing Students Policy)
- Smoking
- Alcohol abuse
- Drug abuse
- Possession of an item that is prohibited, or banned, in school
- Serious physical assault or threats to another student or member of staff
- Deliberate damage to school property or the fabric of the building
- Malicious allegations against staff
- Racial, gender, discriminatory or any other form of serious abuse to another student or member of staff which is clearly understood by the perpetrator and delivered with malice
- Serious verbal abuse (including swearing) directed at another student or member of staff which is clearly understood by the perpetrator and delivered with malice
- Sexual inappropriateness, including but not restricted to, sexual violence and /or sexual harassment (read associated Safeguarding, including Child Protection, Policy).

Banned items include:

- Weapons, e.g. knives
- Alcohol
- Illegal drugs
- Stolen goods
- Tobacco products, e.g. cigarettes and E cigarettes
- Pornographic images
- Fireworks

- Anything that has been, or is likely to be, used to cause injury or commit an offence
- Other items that Moor House deems banned from time to time

Days:

- Days for Exclusion are on a school calendar basis, ie the 38 week teaching year applies and the Exclusion period excludes weekends and other non-teaching days or INSET days.
- Days for all other items are on a working week basis, i.e. only excludes weekends and public holidays

Note. Moor House is a Non Maintained Special School and not subject to The School Discipline (Pupil Exclusion and reviews) (England) regulations 2012 or The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews (Amendment) Regulations 2020.

Appeals

Appeals against the decision to exclude either in the fixed term or permanently, should be directed to the Chair of Trustees and Governors. Parents and Carers are advised of this right of appeal in the letter sent to them confirming the decision to exclude.

Monitoring & Review

The Every Child Matters (ECM) committee monitors the number of exclusions on a half termly basis. Exclusions are reported to the FGB through the minutes of ECM and the Principal's Report. This policy is reviewed by the ECM committee every two years.

This policy should be read in conjunction with the following documents:

- MHS Behaviour Policy
- MHC Behaviour Policy
- Child Protection and Safeguarding Policy and Procedures
- NASS Contract

Protocol for Exclusions during Part Closure due to COVID-19 Pandemic

When the Trustee panel have to meet to consider an exclusion, they can do so via telephone or video-conference software ('remote access') as long as certain conditions are met.

The conditions are that it is not reasonably practicable for the meeting to take place in person, within the usual timescales, because of coronavirus (COVID-19), and that the governing board is satisfied that:

- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

It is the responsibility of the Trustee panel to make sure these conditions are met before a meeting takes place.

The Trustee panel should assess the facts of the case, the circumstances in which a meeting in person could be expected to take place, the needs of the intended participants (as far as this is possible), and the latest public health guidance when determining whether it would be reasonably practicable to meet in person.

Arranging a remote access meeting

The Trustee panel should explain the technology they propose to use to participants and should make sure that the participants (particularly pupils and their families) know that they do not have to agree to a meeting to be held via remote access if they do not want to. They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Though all participants must have agreed to the use of remote access, where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should make reasonable efforts to accommodate that preference unless there is a clear reason not to.

Trustee panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly. If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the governing board should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to the Trustee panel. Though the Trustee panel must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

Timescales for meetings of the Trustee Panel

If it has not been reasonably practicable for the Trustee panel to meet in person within the original time limit for a reason related to coronavirus (COVID-19) or remotely for a reason relating to the other conditions for a remote access meeting, the time limit for the meeting will be extended.