



## Burstow Park School

# EXCLUSIONS POLICY

### **Statement: Specific Context of Burstow Park School**

Burstow Park School is an inclusive school. It works with pupils who have been excluded from - or are unable to maintain - their previous mainstream, special schools and pupil referral units. It aims to redress histories of non-compliance and challenging/resistance of authority; we want to give everyone who comes to Burstow Park School (both children and parents/ carers) a positive experience of authority and education.

Our aim is that every child who attends Burstow Park School will settle, thrive and conclude their time at school with a positive transition on to their next educational placement. We aim that all pupils will form a positive view of education through healthy and appropriate attachments with staff and the school as a whole community.

When a pupil joins Burstow Park School, they (and their family) are reassured that we commit to this being the last educational stop, at least until statutory school leaving age. We set out the school's Behaviour Policy and our behaviour expectations; it is important to get all these expectations understood and agreed right from the start, so that pupils and parent/carers have shared understandings with staff and existing pupils.

### **Admission and Induction Period and Process: Preventing exclusion even before day 1**

Behaviour and learning expectations are individually supported by whole staff team, further reinforced and encouraged through a strong tutor arrangement. The school sees its principal role as encouraging pupils to attend school, then ensuring good quality purposeful education during school hours.

We do not send pupils home for fixed or variable periods of time because they exhibit challenging behaviour **within the remit of their diagnosed condition(s)** or because they are persistently asking to go home. Neither do we routinely exclude for absconding from school – although we do consider managing risk to young people and their risk to others – through our role in loco parentis. The school recruits highly trained staff, who are experts in using evidence-based tried and tested strategies to manage pupils' emotions and behaviour.

## Promoting inclusion to reduce likelihood of exclusion

We do this through:

- a small community of learning, with consistent staff and boundaries which we call 'Nurture through Structure'
- key senior pastoral staff being on call to work intensively with a particular child or children at any one particular time
- a layer of very experienced and trusted pastoral care/teaching assistants who act as class group key workers described in the school's tutoring arrangements.
- an embedded process of target setting and ongoing self and peer review
- reminders to students to 'meet us half way' with their behaviour
- through a school culture of firmness but kindness, where pupils can feel safe and secure within consistent boundaries and high (whilst appropriate) expectations
- pupils working through their own personal educational and spiritual journeys

## When boundaries are broken irretrievably

Burstow Park School recognises however that for a very small number of pupils, despite best efforts and tenacity, things will sometimes go wrong, and boundaries broken irretrievably.

As an absolute resort, the school draws from the most recent DfE guidance, as follows:

**The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012**  
**The Education Act 2002, as amended by the Education Act 2011 The Education and Inspections Act 2006**  
**The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007**  
**Exclusion from maintained schools, academies, and Pupil Referral Units in England: DfE guidance 1<sup>st</sup> September, 2017.**  
**"Forgotten children: alternative provision and the scandal of ever increasing exclusions"; DFE Sept 2018**

DfE published **exclusions guidance**, in force from 1<sup>st</sup> September, 2017, which sets out minor updates to the previous guidance, and which clarifies aspects of the exclusion process.

The school upholds that:

*"Permanent exclusion will only be used as an absolute resort in response to a serious breach, persistent breach or wilful breach of school's behaviour policy - and where allowing the pupil to remain in such a small school and environment would seriously harm the education or welfare of the pupil or others in the school"*  
(DfE para 15)

The new guidance makes a few amendments, changes in emphasis to the

**School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012** as follows:

- Para 1 (page 5) only the Headteacher or a nominated member of staff will authorise fixed term or permanent exclusions.

- A pupil may continue to be excluded for one or more fixed periods up to a maximum of 45 days per academic year, but on the 6<sup>th</sup> day of a fixed term exclusion, education should be provided by the school.
- We clarify that a **fixed-term exclusion will not be converted into a permanent one**: if a longer exclusion is required, **a new fixed or permanent exclusion will begin after the first one ends**.
- When establishing the facts, the head will make decisions on the civil law basis now defined as “**civil standard of proof**” for the standard to be met, (rather than the criminal law of “beyond reasonable doubt” (DfE para 5)
- As soon as the Head decides to exclude, the permanent exclusion would take precedence, and the Local Authority should be notified straight away

**Burstow Park School will continue to uphold the highest standards of professional integrity to ensure any exclusion decisions, communications and the process is:**

- Lawful, reasonable and fair
- Allows a cooling off period for children and adults, so that emotions do not make decisions
- Allows for the child to present their case and point of view (DfE para 16)
- Lawful according to the Equalities Act (2010) in respect of not discriminating against any child with Special Educational Need (including medical, behavioural and autistic diagnoses)
- Lawful according to the Equalities Act 2010 in respect of race, sexual and gender orientation, any other disability or newly identified or politicised “differences” which the school will accommodate (DfE para 18)
- mindful of groups of children who are particularly vulnerable to exclusion e.g. Looked After children and children with Statements of Special Educational need and/or Educational Health Care Plans (DfE para 10, 11, 20)
- and where the Local Authority has been sufficiently consulted, and the Head has put into place an early or interim Emergency Review to explore what other support strategies might be put into place (DfE para 24)
- mindful of other family and domestic circumstances, e.g. social care issues or bereavement (DfE para 17)
- Does not exclude for the actions or inactions of the parent/carers (DfE para 12)
- where a full and fair investigation has been carried out, evidence gathering checking whether the incident/s have been provoked through bullying and other provocation (usually led by the **DSL** and taking children’s and other bystanders’ accounts)
- where Restorative Justice protocols and procedures have been explored
- that the decision will be proportionate to the offence.

Our ethos allows for consideration of the reinstatement of a pupil as the focus rather than maintaining an exclusion consistent with the latest guidance and good practice.

Only the Headteacher may exclude a pupil (or the nominated person in their absence).

Burstow Park School’s policy is that children can only be sent home as a result of a serious incident logged at the school or, in exceptional circumstances this may include behaviour of a pupil outside school – particularly where it might have colluded with or impacted on others at the school (DfE para 3)

Examples might include:

- Fighting / physical assault of another – including the threat of such
- Under the influence of drink or drugs or bringing into school

- Pending a police/ criminal investigation – e.g. for using multi-media images or devices to bully and humiliate; ongoing intimidation between peers or staff
- Persistent defiance of basic school rules, including the misuse of mobile phones; persistently disrupting the learning of others in the school (para 13)

The school does not operate a set, rigid tariff or penalty for exclusions, taking each case on individual circumstances:

An example of the school's consideration of other options would include:

- The school as a policy prefers not to exclude for persistent absconding or truanting, however, where an older child was to entice a younger, vulnerable child and a restorative justice approach were not understood, an exclusion or period in the school's inclusion space may be considered. **Exclusions may also be allocated for wilful absconding as a means of a deliberate attempt to contravene school rules.**

**A child will not be sent home / excluded (permanently or for a fixed term) for the following types of**

- Behaviours which are part of their SEN and diagnosed condition, e.g. ODD, Asperger's, Bi-Polar disorder and contravene the Equalities Act 2010
- Tiredness/ wanting and asking to go home
- Anxiety over friendships and misunderstandings which can be mediated by the adults
- Where a legal duty of care could not be met (DfE para 6).

**Procedures, Letters, Information Sharing and Monitoring Arrangements to parents/ Carers and the placing Local Authority:**

The school follows the Surrey Exclusions Guidance, part 2 in what happens after a decision has been made to exclude including short term fixed term exclusions:

Where a member of staff brings a pupil of the attention of the SLT for possible exclusion, the Headteacher ensures the legality and fairness of any exclusions, having a sound understanding of the Exclusions Law. The Head teacher will ensure that decisions made are fair, non-emotional and allow for a cooling-off period with adults and children. They will also be the person responsible for notifying the Contracts Manager to any change required with the LA – e.g. funding, school roll, transport.

**A parent/carer/residential manager of a child with a fixed term exclusion will receive the following information:**

- A verbal telephone walk-through of the incident from the Headteacher or their designated member of staff on the day of the incident (or as soon as possible afterwards if the same day is not possible for some valid reason)
- An electronic notice of exclusion will only be used where the parent/carer has not responded to the telephone or face to face contact
- Serious incident details within 24 hours to parent/ carer
- Copy to the relevant placing authority Virtual School Head/ Placing Authority case worker or in the case of a Looked After Child or one with a family social or support worker, to inform the Social Worker
- How arrangements for school work will be sent, received and managed
- An invitation to a family reparation and reintegration strategy meeting on a mutually suitable time prior to school return (The school welcomes a parent's friend or supporter).

- Any additional professional meetings required and desired with SEN and multi-agency teams to discuss any unmet needs and future strategies and support.
- How a First Tier Tribunal approach may be made
- The name and contact details of the child's Virtual Head or the names and contact of a child's County/ Borough SEN appropriate professional or Surrey Exclusions team personnel (the latter detailed in the Surrey Exclusions Guidance part 3)
- The name of the school proprietor and contact details to discuss and to consider the reinstatement of the pupil
- The name of the lead person appointed should an Independent review panel be appointed

Upon returning to school, the school will not discriminate against a child whose parent has no means of transport to the school and cannot or is unwilling to attend a reparation meeting, or where the appropriate professional is not able to attend for some time.

### **Outcomes**

In following the school's positive behaviour management policies and practices, having a strong pastoral senior team, multi-agency support links and tutor policy and following DfE and Surrey-led guidance and legislation, the school is confident that with its unique blend of care, kindness, firm boundaries and justice, any exclusions will be kept to a minimum. Any exclusions are recorded in the Incident log, and also separately by the School Office Manager and are available for Ofsted, Surrey and all Placing Authority's scrutiny and inspection.