



# Elmfield Rudolf Steiner School

## Exclusion Policy

January 2019

<b>Policy Tracker – Responsibility for monitoring this policy:</b> <b>Diana Ball (Education Lead)</b> (Reviewed annually or in response to changes in legislation)			
<b>Date</b>	<b>Reviewed and Updated By:</b>	<b>Role</b>	<b>Date Approved by the Council of Management</b>
27/06/18	Diana Ball	Education Lead	
05/07/18	College of Teachers		10/07/18
16/01/19	Diana Ball	Education Lead	
17/01/19	College of Teachers		
24/01/19	Diana Ball	Education Lead	
01/02/19	Rainer Klocke	Acting Chair of Council	

# EXCLUSION POLICY

## Guiding Principles

Mutual respect and recognition of the value of each individual are at the core of our education at Elmfield. We aim to create an environment where all pupils can access the rich and varied curriculum we offer. It is central to our philosophy that we work to develop strong relationships with the pupils in our care. Working out of anthroposophy, we approach each child with love and compassion, study them in order to more clearly understand their needs and work curatively to help them become strong, healthy and balanced.

It is normal for pupils to test boundaries and it is the responsibility of teachers and parents/carers to set and maintain these boundaries. Our teachers have the right to teach and our pupils have the right to learn.

Behaviour management and discipline strategies need to be both age appropriate and fairly enforced. Each teacher will have his/her individual approach to discipline within a framework which is clear and consistent across the school and which supports our aims of helping the pupils in our care develop into strong, independent and self-aware individuals.

Elmfield School seeks to be inclusive and to work with parents/carers and pupils to resolve difficulties and thus to reduce the need for a subsequent exclusion (see our Behaviour and Discipline Policy). Nonetheless, sometimes pupils will commit serious misdemeanours and exclusion needs to be considered in these cases. The decision to exclude a pupil from school is a very serious one and is not taken lightly.

The decision to exclude a pupil must be lawful, reasonable and fair. This policy takes account of our Equal Opportunity Policy and, in particular, pre-supposes that any decision to use sanctions would be informed by the requirements of the Equality Act 2010 and the duty to make reasonable adjustments where appropriate.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

All exclusions are documented in our Exclusion File and Log.

Sometimes we will decide that it is in the best interests of a pupil (and possibly their class) to send him/her home early, without this being considered an exclusion. For example:

- a pupil is so tired that he/she cannot participate in normal class activities
- a pupil gets angry or upset and presents with challenging or aggressive behaviour which cannot be easily managed by staff.

In the Early Years Department the decision to send the child home is at the teacher's discretion. In Class 1 and above, the Education Lead must be part of any such decision. In all cases this must be a last resort. The reasons for the decision to send the child home must be carefully documented and noted on the pupil's file. An incident form should be completed if appropriate.

## Rationale and Grounds for Exclusion

The following are examples of reasons for exclusion at Elmfield, but this list is not exhaustive.

1. An act of serious violence towards another person. This includes punching, kicking or other form of physical assault.
2. Threatened serious violence or aggression towards another person.
3. An act of theft from the school or others in the school.
4. Wilful damage to school property or the property of others in the school.
5. Outright refusal to obey the instructions of a member of staff.
6. Insolence or disrespect shown towards a member of staff.
7. Verbal abuse of staff, pupils or others. This includes swearing and the use of racist and homophobic language, whether or not there was malicious intent.
8. An act compromising the safety or well-being of the pupil or others.
9. Indecent behaviour.
10. Sexual abuse or assault.
11. Carrying an offensive weapon (as defined by the Prevention of Crime Act 1953: any article made or adapted for causing injury to the person, or intended by the person having it with him for such use by him).
12. Arson.
13. Leaving the premises without permission.
14. Smoking on the premises.
15. Possession or consumption of alcohol on the premises.
16. Possession of drugs, use of drugs or drug dealing on the premises.
17. Repeated disruption (as outlined in the Sending Pupils Out of Class section of the Behaviour and Discipline Policy).
18. Repeated bullying which has previously been reported and for which use of the Anti-Bullying Policy not been successful in modifying the pupil's behaviour.
19. Other unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
20. Behaviour of a pupil's parent or guardian which breaches the fundamental trust required to be able to educate their child. Examples may include: vexatious/malicious complaints, clear refusal to carry out actions which would support the child's education or development, bullying of school staff, trustees or volunteers.

## **Types of Exclusion**

There are two types of exclusion: fixed period exclusions and permanent exclusions. There is no easy formula for deciding whether an incident warrants an exclusion, and then in deciding between a fixed period exclusion and a permanent exclusion. However, in order to arrive at a fair and reasonable decision, the school will give consideration to the following factors:

- Is this the first time the pupil has done something like this?
- Does the pupil have a good track record in other respects?
- Are there mitigating circumstances?
- Was this an accidental or intentional act?
- Was there malicious intent?
- What is the extent of the actual damage (physical or psychological harm, damage to property)?
- How dangerous was it (what was the potential risk)?
- Was there provocation?
- Was there premeditation?
- Were weapons involved?
- Is the victim from a younger class?
- If bullying is involved, has the teacher tried to address the behaviour through the Anti-Bullying Policy? If not, why not? (Give clear reasons.)

This will help us to see the incident in the context of previous incidents and guide us to a decision which is consistent with previous decisions.

## Fixed Period Exclusions

A pupil may be excluded for a fixed length of time. This was formerly referred to as “suspension.” Typically, pupils in Class 6-11 are excluded for two days in the first instance, and pupils below Class 6 for one day, but the length of any exclusion is entirely at the school’s discretion. This must, however, take into account the needs and well-being of any pupils or members of staff directly affected by the incident. Sometimes it will be necessary to exclude a pupil without the school having been able to decide on the length of the exclusion or the steps needed for the pupil to return to school. If this is the case, parents/carers of all parties involved will be informed as soon as the school has made these decisions.

Under DfE regulations, a pupil cannot be excluded for a period totalling more than 45 days in one year, and at Elmfield we will not exclude a pupil for more than 15 days in any term.

Fixed term exclusions are normally used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline. Fixed term exclusion (internal and external) is one of the sanctions used in our PSR Procedure (see the Behaviour and Discipline Policy). A period spent out of school is designed to give the excluded pupil time to reflect away from the school environment, and it also enables the remaining pupils to learn free from unsettling behaviour.

Suitable arrangements are made for sending work home for the pupil to do during the period of exclusion, and for the work to be marked.

### Procedure

The Education Lead (or if she is not available, the Chair of College or one of the department leads) is informed that an incident of the type listed above has taken place. She will request that an incident report be completed, and then will request that a suitable member of staff should collect statements from the key people (pupils and staff members) involved in the incident, or who witnessed or were on duty at the time of the incident. The Education Lead may also do this herself for practical reasons. It is very important that all evidence given and any discussions about the case are clearly and carefully documented in writing.

The Education Lead will then select at least two other teaching members of staff, and this should include the pupil’s class teacher or class guardian unless this would cause an unacceptable delay in proceedings (for example if they are off sick or away on a training course). This group will act as a temporary Exclusion Mandate Group, and will meet as soon as is practically possible, and preferably on the day of the incident itself, to review the incident report and written statements, consider all the factors above and make a decision about a suitable sanction. Notes of the meeting will be taken and the exclusion checklist will be completed (see Appendix A).

While all of this takes place the pupil may be excluded from lessons, particularly if he/she is felt to be a potential risk to him/herself or to others. If this is the case, the pupil will be sent to the Pupils’ Library with some work or a book to read and given a “Thinking about my behaviour...” form to fill in.

If the decision is to exclude the pupil, the school will require the parents/carers or a person designated by them to collect the child as soon as possible. Either the Education Lead or another member of the group must inform the parents/carers immediately and explain:

- Why the school has decided to exclude the pupil.
- The steps needed for the pupil to return to school.
- The agreed period of exclusion.
- That the student is not allowed on the school premises during the exclusion period.
- That daytime supervision is the parents’/carers’ responsibility.

This must be followed by a letter to parents/carers confirming all of the above in writing. A copy of the letter is to be filed in the exclusion file along with the witness statements, the notes of the meeting and the exclusion checklist.

The class teacher/guardian and Office staff are to be informed immediately and the Education Lead must report on the exclusion at the next Co-ordination Group meeting.

Either the Education Lead or another member of the group must also inform the parents/carers of any child directly affected by the incident (e.g. on the receiving end of verbal abuse or physical assault) and explain:

- What happened.
- That the school has decided to exclude the pupil.
- The steps needed for the pupil to return to school.
- The agreed period of exclusion.

The pupil's re-admission to school will be subject to a re-admission interview between pupil, teachers and parents/carers and, if necessary, to a decision on how to move forward. Where it is deemed necessary, a Support Plan or probationary agreement will be drawn up. Conditions may be demanded of the pupil and their parents/carers before re-entry into the school is allowed. Where necessary, a strategy will be agreed for reintegrating the pupil and for managing their future behaviour, and this must include consideration of the needs and well-being of any pupil(s) directly affected by the incident.

Suitable arrangements are made for sending work home for the pupil to do during the period of exclusion, and for the work to be marked.

If the Education Lead deems it necessary to deviate from the above procedure for any reason, she must discuss this with the Chair of the Council of Management and seek his/her approval, which must be given in writing.

## Permanent Exclusions

The school will seek all reasonable means to resolve any issue before recourse to permanent exclusions. However, permanent exclusion may be the only viable strategy in some cases. The school may consider permanent exclusion as a final, formal step in a concerted process for dealing with disciplinary offences, following wide use of a range of other available strategies, including fixed period exclusions. Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's Behaviour and Discipline Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In most cases, therefore, there will have been earlier discussions and correspondence between parents/carers and the school about the pupil and his/her behaviour.

Examples include:

1. Persistent or defiant misbehaviour.
2. Breaking the terms of a probationary agreement following a return to school after a fixed period exclusion.
3. Bullying of any sort, where the school's anti-bullying procedures and other interventions do not eliminate the unacceptable behaviour.
4. Where the school's drugs procedures do not eliminate the unacceptable behaviour.
5. Where the school's discipline procedures do not lead to an improvement in the problem and/or indicate a deep-seated problem which the School cannot resolve.
6. Where behavioural or learning difficulties have not responded sufficiently to the school's efforts, pastoral or learning support, and the pupil is unable to learn effectively, or disrupts or undermines the learning of others. This could, for example, be the final step in our PSR procedure (see the Behaviour and Discipline Policy).
7. Where a pupil's behaviour is such that it is deemed to undermine severely or be an unacceptable risk to his/her well-being, the well-being of staff, or the fabric of the school.
8. Where parents/carers are unable or unwilling to work with the teachers and staff to support their child's education. This would be deemed a "required withdrawal" of their child/children from the school. Examples may include: vexatious/malicious complaints, clear refusal to carry out actions which would support the child's education or development, or clear bullying of school staff, Council members or volunteers.

**However, the school may also consider permanent exclusion in exceptional circumstances where it is not appropriate to implement other strategies and where it could be appropriate to exclude a pupil following a first or one-off offence. This would be the case, for example, if a pupil seriously assaulted another pupil or a teacher in an unprovoked attack which resulted in hospitalisation.**

Please note that we reserve the right to search pupils or their possessions without consent where we have reasonable grounds for suspecting that the pupil may have a prohibited item. Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items

- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil).

## Procedure

The Education Lead (or if she is not available, the Chair of College or one of the department leads) is informed that an incident of the type listed above has taken place. She will request that an incident report be completed, and then will request that a suitable member of staff should collect statements from the key people (pupils and staff members) involved in the incident, or who witnessed or were on duty at the time of the incident. The Education Lead may also do this herself for practical reasons. It is very important that all evidence given and any discussions about the case are clearly and carefully documented in writing.

The Education Lead will then select at least two other teaching members of staff, and this should include the pupil's class teacher or class guardian unless this would cause an unacceptable delay in proceedings (for example if they are off sick or away on a training course). This group will act as a temporary Exclusion Mandate Group, and will meet as soon as is practically possible, and preferably on the day of the incident itself, to review the incident report and written statements, consider all the factors above and make a decision about a suitable sanction. Notes of the meeting will be taken and the exclusion checklist will be completed (see Appendix A).

While all of this takes place the pupil may be excluded from lessons, particularly if he/she is felt to be a potential risk to him/herself or to others. If this is the case, the pupil will be sent to the Pupils' Library with some work or a book to read and given a "Thinking about my behaviour..." form to fill in.

If the decision is to exclude the pupil, the school will require the parents/carers or a person designated by them to collect the child as soon as possible. Either the Education Lead or another member of the group must inform the parents/carers immediately and explain:

- Why the school has decided to exclude the pupil.
- That this exclusion could be permanent.
- The date by which a decision on permanent exclusion will be taken (this will be the date of the next Coordination Group meeting).
- That the student is not allowed on the school premises
- That daytime supervision is the parents'/carers' responsibility.

This must be followed by a letter to parents/carers confirming all of the above in writing. A copy of the letter is to be filed in the exclusion file along with the witness statements, the notes of the meeting and the exclusion checklist.

The class teacher/guardian and Office staff are to be informed immediately.

Either the Education Lead or another member of the group must also inform the parents/carers of any child directly affected by the incident (e.g. on the receiving end of verbal abuse or physical assault) and explain:

- What happened.
- That the school has decided to exclude the pupil.
- That this exclusion could be permanent.



- The date by which a decision on permanent exclusion will be taken.

Suitable arrangements are made for sending work home for the pupil to do during the period of exclusion, and for the work to be marked.

The Education Lead must report on the exclusion at the next Co-ordination Group meeting, and agree with the group whether the incident warrants permanent exclusion.

**If the decision is to permanently exclude the pupil**, the Education Lead must inform the parents/carers within 24 hours and explain:

- That the school has decided to exclude the pupil permanently.
- That they have the right to appeal.

This must be followed by a letter to parents/carers confirming all of the above in writing with a copy going to the exclusion file, along with an extract from the minutes of the Co-ordination Group meeting at which the decision was taken and a copy of the Exclusion Policy. The Education Lead must inform the Council of Management and the local authority Education Welfare Officer of the permanent exclusion and the reasons for the decision. The Education Lead must also inform the parents/carers of any child directly affected by the incident that the pupil has been permanently excluded.

**If the decision is not to permanently exclude the pupil**, the Education Lead must inform the parents/carers within 24 hours. The pupil's re-admission to school will be subject to a re-admission interview between pupil, teachers and parents/carers and, if necessary, to a decision on how to move forward. Where it is deemed necessary, Support Plan or probationary agreement will be drawn up. Conditions may be demanded of the pupil and their parents/carers before re-entry into the school is allowed. Where necessary, a strategy will be agreed for reintegrating the pupil and for managing their future behaviour, and this must include consideration of the needs and well-being of any pupil(s) directly affected by the incident.

Either the Education Lead or another member of the group must also inform the parents/carers of any child directly affected by the incident and explain:

- That the school has decided on temporary rather than permanent exclusion.
- The agreed period of exclusion.
- The steps needed for the pupil to return to school.

If the Education Lead deems it necessary to deviate from the above procedure for any reason, she must discuss this with the Chair of the Council of Management and seek his/her approval, which must be given in writing.

## **Behaviour Outside School**

The school's Exclusion Policy applies on school trips, as stated in the School Trips Behaviour Policy.

## Appeals Procedure

Parents/carers of a child who has been excluded temporarily or permanently have the right to appeal against the exclusion of their child. If you wish to appeal, you must write within 15 school days of receiving notice of the exclusion to:

The Chair of the Council of Management  
Elmfield School  
Love Lane  
Stourbridge  
West Midlands  
DY8 2EA

Please mark your envelope 'APPEAL'.

Your letter must give clear reasons why you feel the decision to exclude your child should be overturned.

The Chair of the Council of Management will choose one other member of the Council to hear the appeal with him/her. In preparation for this meeting, the two Council members will request and review all the documentation gathered by the Education Lead in relation to the exclusion, in order to assess whether due process has been followed by the school, and to assess whether the school has reached a sound decision in this case.

You will be called to an appeal hearing within 15 school days of receipt of your appeal letter. You are strongly advised to attend this hearing, but you can ask a friend or legal representative to speak on your behalf if you wish. At the meeting you or your representative will be given the chance to restate and explain further the reasons why you feel the decision to exclude your child should be overturned, and the two Council members will have the opportunity to ask you any questions they may have.

At the end of the meeting the two Council members will adjourn to discuss the case further in private and to decide whether to uphold the school's decision. They may request a meeting with the Education Lead at this point if they feel they need further information to enable them to reach a decision.

Once a decision is reached, which should be within two school days of the meeting, the Chair of Council will inform you and the Education Lead of the outcome, which must be considered final. Copies of your appeal letter and the Council's final outcome letter are to be placed on the exclusion file.

## Appendix A: Exclusion Checklist (page 1 of 2)

**Pupil Name:**

**Class:**

**Date:**

### Rationale and Grounds for Exclusion

The following are examples of reasons for exclusion at Elmfield, but this list is not exhaustive. **Circle or tick all the applicable criteria.**

1. An act of serious violence towards another person. This includes punching, kicking or other form of physical assault.
2. Threatened serious violence or aggression towards another person.
3. An act of theft from the school or others in the school.
4. Wilful damage to school property or the property of others in the school.
5. Outright refusal to obey the instructions of a teacher.
6. Insolence or disrespect shown towards a member of staff.
7. Verbal abuse of staff, pupils or others. This includes swearing and the use of racist and homophobic language, whether or not there was malicious intent.
8. An act compromising the safety or well-being of the pupil or others.
9. Indecent behaviour.
10. Sexual abuse or assault.
11. Carrying an offensive weapon (as defined by the Prevention of Crime Act 1953: any article made or adapted for causing injury to the person, or intended by the person having it with him for such use by him).
12. Arson.
13. Leaving the premises without permission.
14. Smoking on the premises.
15. Possession or consumption of alcohol on the premises.
16. Possession of drugs, use of drugs or drug dealing on the premises.
17. Repeated disruption (as outlined in the PSR Procedure section of the Behaviour and Discipline Policy).
18. Repeated bullying which has previously been reported and for which use of the Anti-Bullying Policy has not been successful in modifying the pupil's behaviour.
19. Other unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
20. Behaviour of a pupil's parent or guardian which breaches the fundamental trust required to be able to educate their child. Examples may include: vexatious / malicious complaints, clear refusal to carry out actions which would support the child's education or development, bullying of school staff, trustees or volunteers.

## Appendix A: Exclusion Checklist (page 2 of 2)

### Types of Exclusion

**There are two types of exclusion: fixed period exclusions and permanent exclusions. There is no easy formula for deciding whether an incident warrants exclusion, and then in deciding between a fixed period exclusion and a permanent exclusion. However, in order to arrive at a fair and reasonable decision, you should consider the following factors:**

Is this the first time the pupil has done something like this?

Does the pupil have a good track record in other respects?

Are there mitigating circumstances?

Was this an accidental or intentional act?

Was there malicious intent?

What is the extent of the actual damage (physical or psychological harm, damage to property)?

How dangerous was it (what was the potential risk)?

Was there provocation?

Was there premeditation?

Were weapons involved?

Is the victim from a younger class?

If bullying is involved, has the teacher tried to address the behaviour through the Anti-Bullying Policy? If not, why not? (Give clear reasons.)

**Please complete the following when you have discussed the case:**

Have you decided to exclude the pupil?

How many days' exclusion have you decided upon (if any)?

(Note that pupils in Class 6-11 are typically excluded for two days in the first instance, and pupils below Class 6 for one day, but the length of any exclusion is entirely at the school's discretion. This must, however, take into account the needs and well-being of any pupil(s) directly affected by the incident.)

Is permanent exclusion being considered in this case? On what grounds?

Who was on the exclusion mandate group?