



Five Rivers Multi Academy Trust PUPIL EXCLUSION AND RESTRAINT POLICY



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Contents

	Page
1. Introduction	3
2. Types of exclusion which may be used	3
3. Basic Principles	3
4. Escalation Plan	4
4.1. Annoying behaviour	4
4.2. Disruptive behaviour	4
4.3. Dangerous behaviour	5
4.4. Issues to consider	5
5. Primary Inclusion Panel	5
6. Formal Exclusion from School	6
7. Permanent Exclusion	7
7.1. Procedure following a decision to exclude	8
8. Use of restraint or the physical removal of a child	8
9. Training	9
10. Complaints & Allegations	9
11. Links with other policies	9
12. Review	9
Appendix A Fixed Term Exclusions	10

1. Introduction

At Five Rivers Multi Academy Trust and its constituent academies, we believe that all children have an equal right to access full education and to achieve the very best they can, within their school.

Therefore, the exclusion of a child is regarded as a serious sanction, to be utilised only when all other strategies have failed, or, in the event of a severe violation of the rules, set out in the academy's Behaviour Policy. It is the academy's policy to support children to stay in school wherever possible, thus avoiding an external exclusion.

Within the Behaviour Policy of each academy, we have stated not only the rewards available to children if they behave well, but also the sanctions which will arise if they break the rules. These rules make it clear to staff, supply staff, pupils and parents, that every effort is made to encourage children to behave appropriately.

However, we accept that, for some children, school presents a challenge and, as such, there may be rare occasions when a formal exclusion from school is unavoidable.

This policy is written in line with statutory DfE guidance, specifically, the most recent update '*Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion, September 2017*', which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

If the possibility of an exclusion from school arises, then this document will be consulted and followed by principals/heads of school, the CEO and trustees (local governors where they exist).

FRMAT and its constituent academies will follow these guidelines in all cases of exclusion from school.

2. Types of exclusion which may be used

This policy refers to three types of exclusion:

- internal – the child is sent to an isolation unit under appropriate adult supervision;
- fixed term external – the child is excluded from the academy for a specified number of days¹ - see Appendix A for further details;
- permanent external – the child is excluded from school altogether – see Appendix A.

3. Basic Principles

- Each academy's Behaviour Policy should be adhered to at all times. This outlines the strategies to be used for rewarding and sanctioning children in the classroom and around school.
- This Pupil Exclusion and Restraint Policy comes into effect in the event of serious, unacceptable behaviour and/or when a child is in crisis.

¹ See DfE guidance for details <https://www.gov.uk/school-discipline-exclusions/exclusions>

- This policy outlines an escalation plan which gives staff several options for managing behaviour in school.
- External exclusions of any type (fixed term or permanent) should be used as an **absolute last resort** and can be approved only by the Principal/Head of School in agreement with the Trust CEO.
- Given the vulnerability of some of our children, staff may, at times, need to use physical restraint or reasonable force when dealing with a child in crisis to ensure the child's safety or the safety of others. This policy also sets out some clear guidelines for the use of restraint.

4. Escalation Plan

If the academy's Behaviour Policy has been exhausted in class (the use of verbal warnings and warning cards) or the child's behaviour is more serious, teachers have a number of options to consider in order to resolve the situation, dependent on the nature of the misbehaviour.

4.1. Annoying behaviour

'Annoying behaviour' can comprise activities such as humming, whispering, wandering around the room, flicking things, singing, refusing to work, etc.

This should be managed in the classroom in line with the Behaviour Policy. Persistent sanctions may result in the removal of the child to the Principal/Head of School / Business Manager's Office. Check first to ensure that the Principal/Head of School / Business Manager is in and able to supervise the child.

4.2. Disruptive behaviour

'Disruptive behaviour' can comprise activities such as stopping other children from working e.g. by taking their property, destroying their work, shouting out, verbal abuse, swearing, teasing, standing on or going under furniture, minor damage to school property, etc.

This type of behaviour should be managed in the classroom in line with the Behaviour Policy where possible. If the behaviour persists or exacerbates, the class teacher should send the child to the isolation unit. Here, the child will be required to reflect on their behaviour under the supervision of either the Learning Mentor and/or Pupil Support Officer or a member of SLT (as appropriate). This is classed as an **internal** exclusion. The length of the internal exclusion should not normally exceed half a day and in the event of this decision being taken, the Learning Support Team/Learning Mentor or a member of SLT should notify the parent by telephone.

Internal exclusion is a sanction which should be applied when other strategies have failed and, not as a first resort. It will work as a deterrent only if used sparingly. Some children may actually welcome being excluded from their classroom to avoid doing the work set. Teachers should monitor patterns of adverse behaviour where it might be linked to timetabled activities, and take appropriate action or seek advice from SLT.

Special Needs children with Statements may have an arrangement whereby their Support Assistant takes them out of the classroom briefly, or when they think it is

necessary. They should, wherever possible, be subject to the same criteria as other children and, as with other children, annoying or attention seeking behaviour, should be ignored, if at all possible. They should not be made an example of, nor excluded just because a member of staff is available.

4.3. Dangerous behaviour

'Dangerous behaviour' can comprise intentional violence of any kind, children using their body or objects to hurt a member of staff or another child, throwing objects with the intention of hurting someone or, damaging something, using classroom equipment in a dangerous manner, e.g. scissors, tools etc., trying to harm themselves, serious damage towards the fabric of the school, or school property, etc.

This type of dangerous behaviour usually occurs only where children have known emotional and or behavioural needs. Most of the time, these children are cared for and nurtured in The Den by trained staff.

Transition back to mainstream classes is encouraged for these children once they have acquired the necessary social and emotional support to enable them to access mainstream education. It is in the period immediately after transition when this type of behaviour is most commonly exhibited by children. It is often a demonstration of their frustration or fear of a new routine.

If this happens in class, the teacher should send a blue sub card to the Office. The Office Team will then seek immediate support from the Learning Support Team, a trained member of staff (Team Teach) or a member of the SLT. The child will be supported until they are out of crisis and sanctions agreed, if appropriate.

4.4. Issues to consider

- Is the child's behaviour annoying, disruptive or dangerous?
- What else could be tried before excluding the child from class?
- What would internal exclusion achieve?
- Is advice needed on other strategies?
- Is advice needed about this child, in particular?
- Are expectations for this child, and his/her behaviour, realistic and appropriate?

5. Primary Inclusion Panel

Where a child has been identified as vulnerable and at risk of being excluded, a referral will be made to the Primary Inclusion Panel (PIP) for further support.

Referrals should be made only when at least 3 of the following 6 factors have occurred, with at least one factor in each group:

Group 1

- the pupil is demonstrating on-going disruptive behaviour, which, if it continues, will almost certainly result in permanent exclusion;
- the pupil's attendance is currently less than 80%, despite having exhausted all the usual school and multi-agency strategies;
- the pupil has had two or more fixed term exclusions.

Group 2

- the pupil is underachieving;
- other positive intervention strategies have been tried and had little effect e.g. In-school support to prevent fixed term exclusion, IEP, behaviour plan support from MAST;
- adaptations to the mainstream curricula and teaching and learning approaches, have had little effect.

Documentary evidence **MUST** be provided for all above. The SENCO, Inclusion Lead and Learning Mentor should be used to help with this.

All referrals must be submitted 5 school days in advance of the PIP meeting in order for papers to be circulated to panel members. Documentary evidence and completed checklists must be included.

Referrals should be sent to: <https://anycommssheffield.avcosystems.com/Login.aspx>

All cases will be presented by the Principal/Head of School or Deputy Head Teacher at the panel meeting. In exceptional circumstances, another representative from school may attend with the appropriate level of seniority and awareness of the pupil and family. Further details can be found in the Primary Inclusion Panel Remit papers.

6. Formal Exclusion from School

In extreme circumstances, formal exclusion from school may be considered. FRMAT regards this action as an absolute last resort.

If a child's behaviour is consistently giving cause for concern, parents will be involved and, subsequently, a Family Common Assessment Form (FCAF) may be created. Such a plan will include input from all internal and external parties involved with the child and his/her family.

The purpose of the FCAF is to reduce the likelihood of exclusion and it will include clear, measurable targets for the child, with identified review dates. The FCAF is designed to identify actions, in association with other external bodies with whom the family may have, or may require, an involvement

If this strategy is exhausted, then exclusion may be the only option.

If a single incident is severe (dangerous), then instant exclusion is the only reasonable action. In such cases, the decision lies with the CEO or the Principal/Head of School, in their absence.

Most exclusions will be fixed term, usually between one and three days. See Appendix A.

If a child is excluded, the parents/carers should be contacted immediately, and asked to collect the child. A letter will be sent by post, giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations as directed in the letter. See DfE Guidance.

A Return to School meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate.

During the course of a fixed term exclusion, parents/carers must be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility.

Records relating to exclusions will be stored confidentially.

7. Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The final, formal step in a concerted process for dealing with disciplinary offences. It will follow the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour, bullying of any kind, or repeated possession and/or use of an illegal drug or weapon on school premises.
2. Situations in which there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:
 - serious actual or threatened violence against another pupil or a member of staff;
 - sexual abuse or assault;
 - supplying an illegal drug;
 - carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "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");
 - arson;
 - behaviour which poses a significant risk to the child's own safety.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.

The school will involve the police for any relevant offences.

The decision to exclude a child must be lawful, reasonable and fair. FRMAT and its academies have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Academies should give particular

consideration to the fair treatment of children from groups who are vulnerable to exclusion.

7.1. Procedure following a decision to exclude

If the Principal/Head of School, with the agreement of the CEO, decides that a permanent exclusion is the only option for a child, then the procedures set out in the DfE guidelines will be followed. These are summarised below.

- a) The parents/carers will be informed in writing of the exclusion, the reason for it, their rights to a hearing and their responsibilities for their child's whereabouts during the exclusion.
- b) The Principal/Head of School will inform the Trust Board/Local Governing Body and the Local Authority of the exclusion.
- c) The Principal/Head of School will arrange, within the statutory time, a hearing with a panel of three Trustees/local governors to consider the proposed permanent exclusion.
- d) The Principal/Head of School will request support for the LA in the preparation of the relevant documentation.

8. Use of restraint or the physical removal of a child

The physical restraint of a child is to be used in extreme cases only and as a very last resort.

Only members of staff, who have received approved training in restraint techniques (currently 'Team Teach'), are normally expected to implement such an action. However, all members of staff have the power to use reasonable force to prevent pupils from committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

No member of staff should use restraint unless they have read, and understood, the DfE non- statutory guidance on '*Use of reasonable force: Advice for headteachers, staff and governing bodies*', (this supersedes Circular 10/98). This gives clear guidance on when, and how, to restrain.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf

If a child refuses to leave the classroom when requested to do so, then the following procedure should be used:

- send for the Learning Mentor or a member of SLT who will attempt to diffuse the situation or remove the child without the need for physical strategies. (This can be done by sending another child with a blue sub card to the appropriate member of staff);
- consider removing the class to another area, whilst ensuring the safety of the child refusing to move;

- do not remove a child physically unless at least one other adult is in attendance – the person physically removing the child should be appropriately trained to do so;
- use the minimum force necessary;
- once the child has been removed from class, the Learning Mentor, SENCO, Den supervisor or a member of SLT, as appropriate, should decide on the appropriate support and/or sanction relevant to the incident;
- record the incident on the school restraint log and/or CPOMs as soon as possible afterwards. The Pupil Support Officer is responsible for keeping the restraint log up to date.

Teachers are asked to be mindful that it is not always appropriate to apply the same sanctions to vulnerable children as we would with other children. For vulnerable children, inappropriate behaviour is often a result of psychological, social or emotional disturbance. The appropriate staff member should put in measures to diffuse the child's anger, which may appear as though the child is being rewarded. However, in these circumstances, it is recognised that sanctions are better put in place once the child is out of crisis.

9. Training

It is the responsibility of the Principal/Head of School to ensure that, wherever possible, members of the teaching and support teams are appropriately trained to current standards.

As a minimum, training should be updated every three years.

10. Complaints & Allegations

In the event that a complaint is made against any member of the school staff in relation to any area covered by this policy, the FRMAT policy on 'Complaints or Allegations of Abuse from Staff' will be followed.

11. Links with other policies

This policy is to be used in association with all other policies relating to Child Protection, Positive Behaviour, Equal Opportunities and SEND.

12. Review

This policy is to be reviewed alongside other linked policies, and/or to reflect future directives from the DfE, at least every two years.

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Appendix A Fixed Term Exclusions

If a child is given a fixed term exclusion, then they may not attend school for the specified period of time.

A child may be excluded for a fixed term more than once. The total exclusion time in a single school year cannot be more than 45 school days.

Only the Principal/Head of School may exclude a child.

If a Principal/Head of School decides to exclude a child, the school will contact the parents/carers by telephone as soon as possible. The school will also write to the parents/carers, explaining the reason why the child has been excluded and their rights to appeal against this decision. The letter will state when the child may return to school.

The school will also notify the Local Authority about the decision to exclude the child.

The Trust Board/ Local Governing Body has a duty to review certain exclusions and they must consider any comments which the parents/carers have on the exclusion.

Exclusions of 1-5 days

If the child has been excluded for 1-5 days in one term, the Trust Board/ Local Governing Body can consider comments from the parents/carers, but has no power to overturn the exclusion.

They must place a copy of their findings on the child's school file. In this case, the Trust Board/Local Governing Body has the discretion to arrange a meeting with the parents if you requested, it in order to discuss the exclusion.

Exclusions of 6-15 days

If the child has been excluded for 6-15 days in one term, the parents/carers may request that the Trust Board/Local Governing Body arrange a meeting to review the Principal's/Head of School's decision to exclude the child.

Trustees/Governors will meet only if a meeting is requested, but they do have the power to overturn such exclusions.

Exclusions of 16 days or more

If the child has been excluded for 16 days or more in one term, the Trust Board/Local Governing Body must hold a meeting to review the decision. This meeting will be held between the 6th and 15th school day of the exclusion.

During the first five days of any exclusion, the school will provide work and arrange for it to be marked. During this time, the child must not be present in a public place (including public transport) without justification. If the child is found in a public place during this period, the parents/carers could be prosecuted and given a fixed penalty notice.

If the child is excluded for more than five days, the school must provide alternative suitable full time education for the child from the sixth day.