



**MANCHESTER
SECONDARY PRU**

Exclusions Policy

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MSPRU EXCLUSIONS POLICY

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1. Aims

Our school aims to ensure that:

- The suspensions (formerly known as exclusions) process is applied fairly and consistently;
- The suspensions process is understood by governors, staff, parents, and students;
- Students in school are safe and happy;
- Students do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students;
- Section 579 of the Education Act 1996, which defines 'school day';
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 .

3. Definition

The DfE Exclusion guidance provides the following definitions:

- 'Parents' refers to parent(s)/legal guardian(s)/foster carer(s) of students under 18, as well as to students over 18.
- A suspension is when a student is barred from the school for a fixed amount of time (including suspensions during lunchtime).
- A permanent exclusion is when a pupil is permanently barred from the school premises.
- The school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

4. The decision to exclude

A suspension must be '**lawful, reasonable, fair, and proportionate**' 'in response to a serious breach or persistent breaches of the school's behaviour policy' or 'where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school' (*Department for Education (2017) Exclusion from maintained schools, Academies and pupil referral units in England, para.16, p10*)

'Informal' or 'unofficial' exclusions are unlawful. We must formally record all suspensions, even if they only happen for a short period of time. This means that 'informal' suspensions, like sending a student home to 'cool off', still count as a formal suspension.

A suspension may be considered 'lawful, reasonable, fair, and proportionate' if we can answer 'yes' to the following questions:

- Have we established the facts and there is enough evidence that they are **more likely to have happened than not** (this is called the 'civil standard of proof')?
- Have we met our responsibilities under the Equality Act 2010? **We must not discriminate** against students because of their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment.
- Are there **no external factors** that may have contributed to the behaviour incident? For example, the student may have suffered a bereavement or been subject to bullying.
- Is the student **not part of a group** with disproportionately high exclusion rates? We need to consider current and potential interventions and extra support for the student before excluding them.
- Have we given the student an opportunity to present their case **before** we decide to suspend them?

5. Assessment process

At MSPRU, Heads of Centre (HoC) or Learning Centre Coordinators (LCC), manage all potential and actual behaviour incidents. Incidents that can be characterised by the following **may** be considered for a suspension:

- Physical aggression towards a peer or staff member.
- Discriminatory behaviour.
- Harmful sexual behaviour.
- Use of prohibited items on site, such as smoking paraphernalia, drugs, weapons.
- Intentional destruction of or damage to property.

This list is not exhaustive.

Immediately following an incident, the HoC/LCC will undertake a risk assessment to establish if, with additional support, it is possible for the student(s) to remain on site **whilst** the investigation into the incident is carried out. Wherever possible, MSPRU protocol is to carry out the investigation **whilst the student remains on site** before reaching a decision to suspend or not.

If the assessment concludes that allowing the student(s) to remain in school would seriously harm the education or welfare of the student(s) or others in the school, and that the student(s) must be sent home, **a suspension must be issued based on the evidence available**. This suspension **cannot be extended** unless, in exceptional cases, where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends. Conversely, the Headteacher may withdraw a suspension that has not been reviewed by the governing body.

All staff **must** ensure that both student and staff statements plus any supporting evidence (such as photos of damage) are completed and submitted to the HoC/LCC **by 3:45pm on the same day**. The online monitoring system IRIS is used to collect and store all evidence. Once the evidence has been gathered and submitted, the HoC/LCC will recommend next steps which **may or may not** include a suspension dependent on the evidence presented.

All suspensions will be submitted for initial approval by the Assistant Headteacher for Behaviour before being referred to the Headteacher.

6. Statutory duties

Notifying parents

In the event of a suspension, parents must be notified without delay of:

- the period of the suspension and the reason(s) for it;
- parents' right to make representations about the suspension to the governing board and how any representations should be made;

- the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

Notification should be in person or by telephone in the first instance to give parents an opportunity to ask any initial questions or raise concerns.

Sending a student home following an exclusion

If it is not possible for a student to remain on site, parents must be contacted and asked to collect the student from school. If parents are unable to collect, they may provide verbal or written permission to send the student home independently. They **must** confirm that there will be an adult present at home to supervise the student.

Parents are able to give permission for the student to travel home alone as long as the student usually travels home alone as part of a prior agreement with the school. Parents **must** still confirm that there will be an adult present at home.

Students' right to education

Our students' right to education is protected by the European Convention on Human Rights (Article 2, Protocol 1). Therefore, a student may **only** have this right removed (i.e. sent home from school) through the suspension process as set out in this protocol.

In the event of a suspension, the attendance code 'E' **must** be used for all sessions for which the student has been suspended. If a suspension occurs *before* afternoon registration is closed, a **half day** suspension may be issued and an 'E' code used to represent the suspension for the afternoon session. If a student has been suspended *after* afternoon registration has been closed, a note must be placed on the register indicating the time the student has left site and a minimum of one full day suspension **must start the following day** using the 'E' code.

In addition, during this period schools should take reasonable steps to set and mark work during the period of the suspension.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

7. Returning from a suspension

MSPRU seeks to employ a restorative approach to resolving conflict and preventing harm. Restorative practice focuses on building positive relationships based on responsibility, respect, fairness, and an understanding of the impact of your own behaviour on others.

Our reintegration process provides students with structured and skilled adult mediated opportunities to explore how parties involved in an incident relate to each other and how they can find positive ways of repairing harm caused, rather than focusing solely on punishing poor behaviour or individuals avoiding taking responsibility for their actions. Students and adults are encouraged to put things right together.

Following a suspension, a re-integration meeting will be held involving the student, parents, and either the HOC/LCC or a member of the Engagement Team during which the following questions are discussed:

1. What happened?
2. What do you think and feel about that?
3. Who has been affected and how?
4. What are the needs of those involved?
5. What do you think needs to happen next/to make things right with the other parties and with the school community?

An agreement is reached between the student and school which identifies:

- assessments required to explore potential underlying need and function of the behaviour;
- independent strategies that the student can implement in order to prevent a recurrence of the behaviour;
- support and intervention that the school will put in place in order to prevent a recurrence of the behaviour;
- timescales and support required in order to facilitate a successful restorative post-incident process between all parties involved.

8. Monitoring arrangements

The Assistant Headteacher with responsibility for Behaviour monitors the number and type of suspensions every half term and reports directly to the Executive Headteacher.

This policy will be reviewed by the Assistant Headteacher for Behaviour annually. At every review, the policy will be shared with the Executive Headteacher and the school's Governing Board.

9. Links with other policies

This Exclusions policy is linked to and should be read alongside the school's:

- Statement of Behaviour Principles.
- Behaviour and Communication policy.
- Attendance policy.
- Safeguarding and Child Protection policy.
- SEND policy and information report.