



# PRIMARY LGC

## Exclusion Policy

This policy was agreed by the Local Governing Committee on: (and supersedes all previous policies relating to this area)	April 4 2022
Signed by:  Trevor Branch <b>(Chair of Standards-Interim)</b>	
Implemented:	
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Author:	AM

## St Mark's C of E Junior School

# Exclusions Policy

### Introduction

Each school in the trust is committed in policy and practice to recognition of the equal value of each member of the community and to equality of opportunity for all.

Exclusions from school, whether fixed term or permanent, are damaging to a pupil's self-esteem and are often a last resort approach. They diminish the sense of belonging to the community. As such they are used sparingly and only as part of an overall behaviour strategy which seeks to develop a culture of inclusion, ownership of and responsibility for one's own behaviour.

The school seeks to avoid permanent exclusions as these take place only for the most serious incidents or when all other strategies have been tried and have failed over time. Fixed term exclusions are 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. Selling/distributing drugs, violence, including severe verbal bullying, fire setting, frequent high-level disruption to lessons come within this category.

In all cases the Headteacher (HT) gathers the opinions and takes advice from staff who are working with a pupil. The HT may delegate some responsibility to the Deputy HT (DHT) for fixed term exclusions. The HT alone makes the decision to proceed to permanent exclusion (or, in the absence of the HT, the DHT who is acting in that role).

The decision to exclude a pupil will be taken in the following circumstances.

- (a) In response to a very serious breach of the school's Behaviour Policy;
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of an individual school's Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff and others
- Physical abuse to/attack on pupils
- Indecent behaviour
- Deliberate damage to property (other children's or school's)
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- 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 e.g. a knife or bladed implement
- Arson

- 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.

This is not an exhaustive list and there may be other situations where the HT makes the judgment that exclusion is an appropriate sanction.

## **Procedure**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The regulations allow the HT to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Governors have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following an exclusion, parents are contacted immediately where possible – usually by telephone. A letter will be given or sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.

A Return to School Meeting will be held following the expiry of the fixed term exclusion and this will involve the HT or DHT and usually the Class Teacher and/or the Emotional Literacy Support Assistant (ELSA).

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the school, pupil and parents.

A fixed term exclusion may take the form of:

- Internal exclusion – in school (children isolated from their peers)
- External exclusion – at home

The decision of which form of exclusion, is made entirely and without prejudice at the discretion of the HT.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.

## **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 first is a final, formal step in a concerted process for dealing with disciplinary offences following 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 including bullying or repeated possession and or use of an illegal drug on school premises.

2) The second is where 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, a member of staff or others.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon\*.
- Arson.

The School will consider Police involvement for any of the above offences.

\*Offensive weapons are defined in the Prevention of Crime Act 1953 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". These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

### **General factors the school considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the HT will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Behaviour, Equal Opportunity and Race Equality Policies.
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

If the HT is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of Discretion**

In reaching a decision, the HT will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the HT will consider:

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy and
- b) the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' disciplinary meeting when it meets to consider the HTteacher's decision to exclude. This Committee will require the HT to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Behaviour Policy. The trust works closely with other schools and the Local Authority to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

This document should be read in conjunction with:

- Behaviour Policy
- Exclusion Information for Parents (see Annex 1)
- <http://www.wiltshire.gov.uk/schools-learning-exclusion-of-pupils>

## Exclusion Information

Having your child excluded from school can be a difficult and worrying time for you and your child. The following information will tell you what will happen next and where you can get advice and support. Permanent exclusion is a very serious matter. Only a school's HT can permanently exclude a pupil or a named deputy if the HT is out of school. All exclusions must be for disciplinary reasons only. All schools must have a behaviour policy setting out what the school rules are.

An exclusion can be for a **Fixed Period**. This means that a pupil is not allowed in school for a specified number of days because they have breached the school's behaviour policy. Most fixed period exclusions are for 5 days or less. Only the HT of a school can exclude a pupil or, in the HTs absence, the most senior teacher.

When deciding to exclude a pupil the HT should:

- make sure that a thorough investigation has been carried out.
- give the child the chance to say what happened.
- think carefully about the evidence available.
- take into account the school's behaviour and equal opportunities policies plus the law on race relations and disability discrimination if relevant, as schools have a positive duty to promote equality.
- check whether bullying or racial or sexual harassment of your child led to your child's actions.
- if necessary consult with others.
- keep a written record of actions taken, including an interview with your child (witness statements must be dated and should be signed, where possible).

The HT must tell you about the exclusion immediately, ideally by telephone. Within one school day from deciding to exclude your child the HT should send a letter to you which must include:

- the precise period of the exclusion.
- the reasons for the exclusion.
- the days when you must make sure your child is not in a public place during school hours.
- what arrangements the school has made for your child to continue his or her education for the first 5 days, eg. by giving homework and marking it.
- when your child will be provided with alternative suitable full-time education (if the exclusion is for more than 5 days).
- the arrangements for a reintegration meeting where appropriate.
- your right to state your case to the governors and how to go about this.
- your right to see a copy of your child's school record
- who to contact if your child has a disability

An exclusion can also be **Permanent**. Again, only the HT of a school can exclude a pupil or, in the HTs absence, the most senior teacher. Permanent exclusion should be used as a last resort when all other alternatives have been exhausted.

Your child should only have been permanently excluded:

- if they have seriously broken the school's behaviour policy and
- it would seriously harm the education or welfare of themselves or others if they stayed in school.

### **Can my child be permanently excluded for a serious first incident?**

Yes but not normally. Permanent exclusion should not normally be used for a first serious incident unless the HT feels that he must take action immediately to protect the pupils and staff in the school. Even then he must take time to consider the matter carefully and use permanent exclusion as an absolute last resort. This is done on a case by case basis.

### **What if my child has emotional and behavioural difficulties or a learning difficulty that affects their behaviour in school?**

The school can ask the LA to review the statement if your child is at risk of permanent exclusion. You would be invited to the review meeting. At the review meeting other ways of dealing with your child's behaviour can be discussed to try to avoid permanent exclusion.

### **What if my child has a statement for Special Educational Needs?**

The school may present evidence about your child's educational ability, behaviour and social background as well as the facts surrounding the incident which led to the permanent exclusion. The LA will give its view and say whether it feels that permanent exclusion is appropriate or not. You will receive copies of this information in advance of the hearing.

### **How am I told that my child has been excluded?**

When your child has been excluded, the HT teacher or his representative will make contact with you by telephone if possible and will write to you on the same day setting out the circumstances and reasons for exclusion. The exclusion would normally begin on the next school day.

The HT's letter will contain the following information:

- the reason for your child's exclusion
- arrangements for your child to have school work to do at home
- your right to give your views on your child's permanent exclusion at a meeting with school governors on the discipline committee
- your right to see a copy of your child's school record
- the name and telephone number of the Education Welfare Officer
- who you can contact if you wish to state your case at a discipline committee meeting
- a final date for you to send any written statements to the discipline committee before the meeting
- Who to contact if your child has a disability

### **What if I disagree with my child's permanent exclusion?**

You can put your views in writing and in person to school governors at a meeting of their discipline committee. The clerk to the discipline committee will write to give you the date and time of the meeting.

### **What is the discipline committee?**

The discipline committee is made up of three to five of the school's governors. They follow guidance from the government and the local education authority to decide whether exclusion is being carried out correctly in the school.

### **What happens at the discipline committee meeting?**

The governors will consider the views of the school, you and your child and the LA. The governors can decide to uphold your child's permanent exclusion or allow your child to return to school.

### **If the governors uphold the permanent exclusion, is there anything else I can do to return my child to school?**

You can appeal to an independent appeal panel. You have up to 15 days to lodge an appeal after you have received confirmation from the discipline committee that your child has been permanently excluded.

### **For further support and information:**

By telephone: 01225 718230 (Single Point of Contact - Early Help)

By post:

Early Help Service,

Wiltshire Council

County Hall,

Bythesea Road,

Trowbridge

BA14 8JN

By email: [IYSReferrals@wiltshire.gov.uk](mailto:IYSReferrals@wiltshire.gov.uk)