

# Exclusion Policy

## Debden CE Primary Academy

Reviewed by: Matt Hawley

February 2020

Shared with staff:

February 2020

Shared with Governors:

February 2020

Review date:

February 2022

### Aims and objectives:

Debden C. of E. Primary Academy is committed to safeguarding and promoting the welfare of children and young people in its care, believing that, "The Welfare of the child is paramount"- Children Act 1989. This policy plays an integral part in safeguarding our children and promoting their wellbeing in order to ensure their optimum development.

The Headteacher, governing body and local authority must by law have regard to Exclusions from Maintained Schools, Academies and Pupil referral units in England (DfE September 2012) when making decisions on exclusions and administering the exclusion procedure. The procedures out-lined in this guidance must be followed.

It is the policy of Debden CE Primary Academy to deal with all behavioural issues in an active, positive way, in line with our school values (Nurture, Progress and Excel) and behaviour motto (Be Kind, Be Brave, Be Safe, Behave). We employ a wide range of strategies to develop our children personally, including those specifically designed to avoid such issues reaching the point of exclusion. The strategies we use in our school are all detailed in our Behaviour Policy.

### Principles:

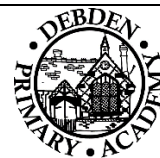
1) Exclusion is a sanction used by the school only in cases deemed as serious or persistent breaches of the School Behaviour Policy. A student may be at risk of exclusion from school for:

- ☐ Verbal or physical assault of a student or adult;
- ☐ Persistent and repetitive disruption of lessons and other students' learning;
- ☐ Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

2) A Fixed Term Exclusion from the school can only be authorised by the Headteacher. If the Head is not available to authorise the exclusion, a decision should be deferred until the opportunity for authorisation is available.

3) In the case of a Permanent Exclusion, this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.

4) The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.



5) The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Debden C. of E. Primary Academy seeks to avoid exclusions. These take place only for very serious incidents or when other strategies have been tried and have failed over time. In most cases, exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which may lead to exclusion.

The school has policies, procedures and staff training in place that promotes good behaviour and seeks to prevent poor behaviour. The school will apply these policies in a consistent, rigorous and non-discriminatory way and all areas of their application will be monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

The Headteacher and staff will identify pupils whose behaviours place them at risk of exclusion, and seek additional provision to meet their individual needs, which could include working in partnership with other agencies and parents.

The governing body has a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has **Special Educational Needs**. It is unlawful to exclude a disabled pupil for a reason related to their disability without justification.

**Looked-after children:** Many looked-after children have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. Schools are expected to proactively support and cooperate with carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked-after child.

**Internal exclusion** may be used to defuse situations that require a pupil to be removed from class but may not require removal from the school premises. The internal exclusion could be to a designated area within the school, with appropriate support and supervision. This may continue during break periods. Internal exclusion will be for the shortest time possible and will be subject to review.

**Fixed term and permanent 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.

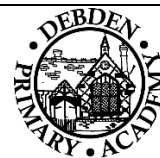
These could include:

- Sustained bullying (see Anti Bullying Policy);
- Frequent high-level disruption to lessons;
- Frequent high levels of non-compliance;
- Frequent high levels of disrespect to adults who work in school;

A serious offence could by itself justify a pupil's exclusion.

These could include:

- Violence towards an adult or child;
- Swearing at an adult;



- Racist verbal abuse.

**Appendix A:** DfE list provides descriptors of reasons for exclusions. These may apply to face to face or on-line incidents.

### **Classrooms**

Classrooms must be places where learning and teaching are able to take place. If this is prevented from happening by an individual or group, the behaviours must be tackled. The aim of our behaviour policy is:

- to help pupils recognise appropriate behaviour and provide strategy / guidance on achieving this
- to reward positive behaviour
- to provide support for behaviour modification if pupils persist in making inappropriate choices in their behaviour

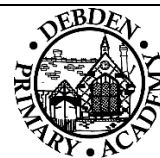
To support the children we have a clear sanctioning and reward process that is shared with the children. It is regularly reinforced to ensure that the children are clear about the levels of expectation of their behaviour.

- We accept that it is the behaviour that is the problem and not the child.
- The behaviour of children giving cause for concern will be assessed.
- Triggers or antecedents should be established.
- Individual programmes will be planned to help modify inappropriate behaviour.
- The child may be placed on the Special Educational Needs Register in accordance with the criteria in Essex guidelines.
- Parents will be invited to discuss their child's behaviour and an individual programme drawn up. Parents will be kept informed of progress.

### **Individual Behaviour Support Plans/Consistent Management Plans**

Behaviour Support Plans will be used as a means to help support the pupil in making appropriate behaviour choices. The plan will:

- Identify objectives and address one target at a time;
- Include strategies for managing the environment, the class or group, the activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours;
- Specify the behaviour that is unacceptable and the consequence should it occur e.g. time-out, reporting to Headteacher etc;
- Include some form of self-assessment – e.g. chart to grade their own behaviour during a session – to encourage responsibility for their own behaviour;
- Include a timetable for review of progress;



- Should be applied consistently – all members of staff, supply teachers and parents need to be informed.

### **Exclusion Process**

Individual situations will be investigated according to need. The Headteacher will gather evidence; seek the opinions and advice of colleagues. The views of the pupil/s will also be sought to gain the full picture before action is taken. If satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done; the Headteacher may exclude the pupil. The Headteacher alone has the power to exclude or the Deputy Headteacher (when acting upon their behalf).

All exclusion cases will be treated in the strictest confidence. Only those who need to know the details of an exclusion should be informed of them.

Whenever the Headteacher excludes a pupil, the parent must be notified immediately, ideally in person or by telephone and followed up by a letter. The Headteacher must immediately report all permanent exclusions and fixed period exclusions of more than 5 school days (or more than 10 lunchtimes) in one term to the LA/academy trust and governing body. The Headteacher must also report short fixed period exclusions of between one and five school days once a term to the LA/academy trust and governing body. A pupil may be excluded for a fixed period of up to 45 days in total of the school year.

The governing body is responsible for considering the views of the parents or carers of the excluded pupil and deciding whether or not to confirm permanent exclusions or fixed term exclusions of more than 5 school days in a term.

The Headteacher is responsible for ensuring a pupil is cared for on the day of exclusion until parents or carers can take over the responsibility. A letter should be sent to the parents or carers giving de-tails of the exclusion as per DFEE10/99.

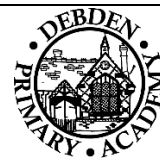
Appendix B: provides a Parents' guide for the procedure of permanent exclusion as a flow chart.

### **Responsibilities of the Governing body**

The governing body must ensure all procedures undertaken when considering exclusion follow the **Exclusions from Maintained Schools, Academies and Pupil referral Units in England (DfE September 2012)**.

The governing body must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. This responsibility is delegated to the Pupil Dis-cipline committee. A summary of the governing body's duties to review the Headteacher's exclusion decision is provided in **Appendix C**.

The Committee would comprise of at least 3 governors to include the Chair or Vice Chair. Other personnel would be drawn from the Teaching and Learning Committee (non-staff). Training on exclusion is available at least once per year, which governors on this committee are expected to take up.



## **The role of the governing body in reviewing exclusions**

In the case of short fixed term exclusions (up to and including 5 school days in total in any one term):

There is no legal requirement for the Headteacher to inform the governing body at the time but the law requires the Headteacher to report short fixed-period exclusions once a term to the governing body and LA/academy trust. The governing body has discretion to agree to a meeting if the parent requests this to discuss the exclusion. The governing body must consider any representations made by the parent but they cannot direct reinstatement. (There are model letters available in the DfE guidance.) They can place a copy of their findings on the pupil's school record.

In the case of longer fixed term exclusions or permanent exclusions the governing body cannot increase the severity of an exclusion, for example by extending the period of a fixed-period exclusion or by imposing a permanent exclusion in substitution for a fixed-period exclusion. The governing body upholds an exclusion; or directs the pupil's reinstatement, either immediately or by a particular date.

## **After Exclusion**

The School has an obligation to ensure that any excluded child's education continues to be met during a fixed-period exclusion (Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard.)

Where a pupil is given a fixed-period exclusion, for a duration of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion: this does not apply to pupils of non-compulsory school age.

During this period the school will set work for the pupil to complete and arrange for it to be marked.

The Head Teacher will plan:

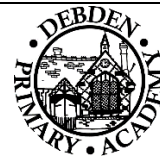
a) To make suitable full-time provision available to the pupil from the sixth school day of any period of fixed-period exclusion of six school days or longer, and if he or she wishes, make provision available to the pupil at an earlier day than the sixth school day.

ai) Provision should normally be off-site, but provision may be provided on-site where arrangements for shared on-site provision have been made jointly with the governing body of at least one other school and is available to excluded pupils from that or those other schools.

a ii) Provision can also be arranged by having reciprocal arrangements between schools.

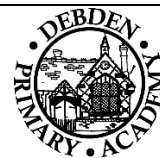
a iii) PRUs, other external providers and e-learning may also be used to provide full-time education.

a iv) For a pupil with a Statement of Special Educational Needs/ EHC Plan, suitable full-time provision must be appropriate to their needs as set out on the statement.



- b) To ensure that work is set for the pupil to complete during the first five school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision.
- c) To ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education.
- d) To ensure that the parent is fully informed of the requirement to attend the provision and of any sanctions that may be imposed for non-attendance.
- d) How the time might be used to address the pupil's problems.
- e) What support will best help with the pupil's reintegration into the school at the end of the exclusion. This will include arrangements for a reintegration interview with a parent of the pupil.

This policy was produced by the Headteacher in consultation with the SMT, staff and governors. It will be reviewed every three years.



## **Appendix A:**

### **Reasons for exclusion**

The DfE list provides descriptors of reasons for exclusions. This should be used as a guide when completing exclusion paperwork.

PP- Physical assault against a pupil

Includes:

- ☐ Fighting
- ☐ Violent behaviour
- ☐ Wounding
- ☐ Obstruction and jostling

PA- Physical assault against an adult

Includes:

- ☐ Violent behaviour
- ☐ Wounding
- ☐ Obstruction and jostling

VP- Verbal abuse / threatening behaviour against pupil

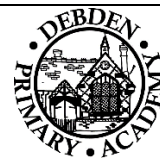
Includes:

- ☐ Threatened violence
- ☐ Aggressive behaviour
- ☐ Swearing
- ☐ Homophobic abuse and harassment
- ☐ Verbal intimidation
- ☐ Carrying an offensive weapon

VA- Verbal abuse / threatening behaviour against an adult

Includes:

- ☐ Threatened violence
- ☐ Aggressive behaviour
- ☐ Swearing
- ☐ Homophobic abuse and harassment
- ☐ Verbal intimidation
- ☐ Carrying an offensive weapon



## BU- Bullying

### Includes

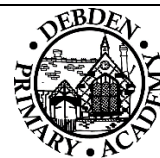
- ☐ Verbal bullying
- ☐ Physical bullying
- ☐ Homophobic bullying
- ☐ Racist bullying

## RA- Racist abuse

### Includes:

- ☐ Racist taunting and harassment
- ☐ Derogatory racist statements
- ☐ Swearing that can be attributed to racist characteristics
- ☐ Racist bullying
- ☐ Racist graffiti





### SM- Sexual misconduct

Includes:

- ☐ Sexual abuse
- ☐ Sexual assault
- ☐ Sexual harassment
- ☐ Lewd behaviour
- ☐ Sexual bullying
- ☐ Sexual graffiti

### DA- Drug and alcohol related

Includes:

- ☐ Possession of illegal drugs
- ☐ Inappropriate use of prescribed drugs
- ☐ Drug dealing
- ☐ Smoking
- ☐ Alcohol abuse
- ☐ Substance abuse

### DM- Damage

Includes:

- ☐ Vandalism
- ☐ Arson
- ☐ Graffiti

### TH- Theft

Includes:

- ☐ Stealing school property
- ☐ Stealing personal property (pupil or adult)
- ☐ Stealing from local shops on school outing
- ☐ Selling and dealing in stolen property

### DB- Persistent disruptive behaviour

Includes:

- ☐ Challenging behaviour
- ☐ Disobedience



☐ Persistent violation of school rules

OT- Other

Includes incidents which are not covered by the categories above, this category should be used sparingly.

## **Appendix B: Parents' Guide to the Procedure for Permanent Exclusion**

Head Teacher permanently excludes the pupil

Governors must meet within 15 school days. Parent may attend and/or be represented at the meeting and/or make written representations. In the case of pupils who are on school support or have an Education Health & Care Plan, support may be available through the SEND IASS.

Governors decide to overturn the Head Teacher's decision and reinstate the pupil.

Pupil returns to school.

Governors decide to confirm the Head Teacher's decision to exclude the pupil.

Parents have 15 school days in which to lodge a request for an independent review

Parents advise AECS that they do not intend to lodge an independent re-view or the time limit for review runs out.

Parents lodge an independent review against the governor's decision.

Review Panel must meet within 15 school days

Review Panel recommends Governing Body to reconsider decision

Review Panel decides to confirm the decision to exclude the pupil

If the child does not have a Statement of Special Educational Need the AECS will contact the parents about future placement.

If the pupil has a Statement of Special Educational Need the Statutory Assessment Service will contact the parents about future placement.

Alternative Education Commissioning Service (AECS) to ensure the provision of tuition is in place on 6th day after exclusion

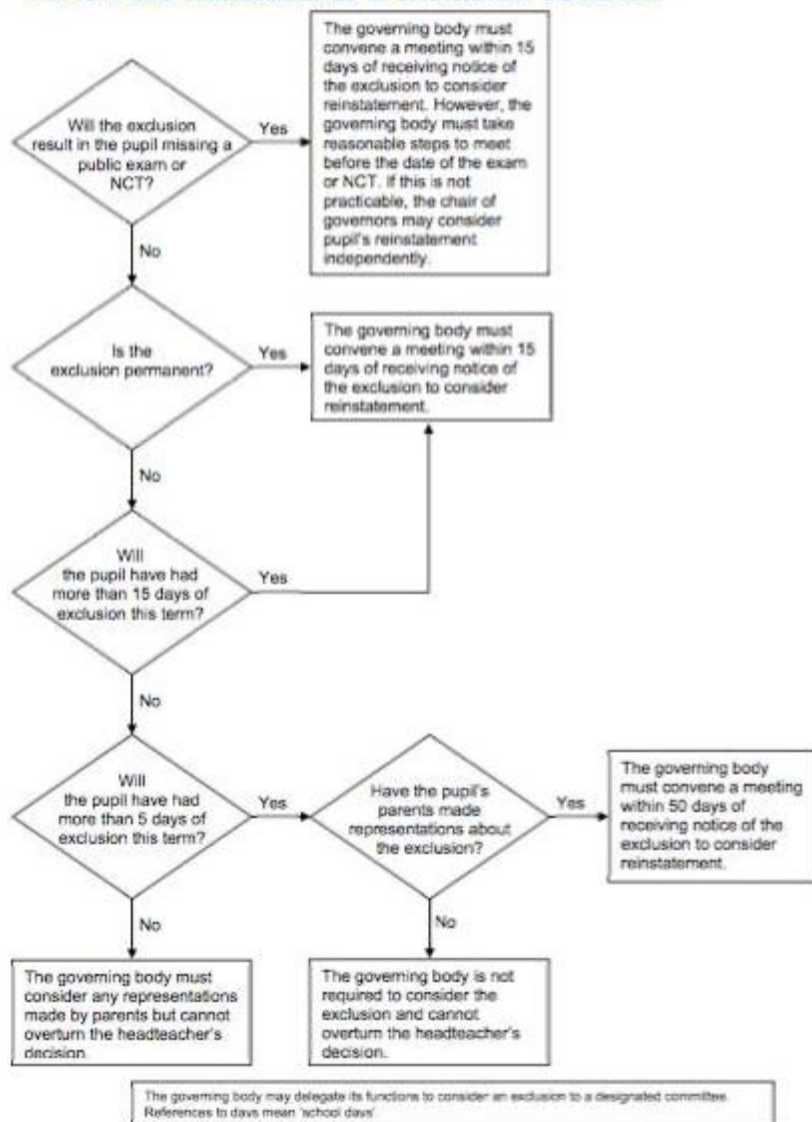
Review Panel directs Governing Body to re-consider decision

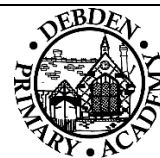
Governing Body will either readmit the pupil within 10 days of receiving notice, or uphold the exclusion. In cases where the exclusion is upheld, the school will be ordered to pay an additional £4000

The Governing Body can still refuse to reconsider the exclusion. You will be advised accordingly. Should the governors reconsider the exclusion; your child will remain on the school roll until a final decision is made

## Appendix C: Governing Body's Duties

### 11. A summary of the governing body's duties to review the headteacher's exclusion decision





## Appendix D: Exclusion Letter Template

Dear \_\_\_\_\_

I am writing to inform you of my decision to exclude \_\_\_\_\_ for a fixed period of \_\_\_\_\_. This means that he will not be allowed in school for this period. The exclusion will start at 1pm on Friday 24th January, for the remainder of the day. Thomas should return to school on Monday 27<sup>th</sup> January at 8.45am.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude \_\_\_\_\_ has not been taken lightly. \_\_\_\_\_ has been excluded for this fixed period because \_\_\_\_\_.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion. I must advise you that you may receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates unless there is reasonable justification.

You have the right to make representations about this decision to the Governing Board. If you wish to make representations, please contact \_\_\_\_\_, (Chair of Governors) as soon as possible. Whilst the Governing Board has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) or the County Court (for other forms of discrimination). Making a claim would not affect your right to make representations to the Governing Board.

Please attend a reintegration interview on \_\_\_\_\_ at, with \_\_\_\_\_. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of \_\_\_\_\_'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of \_\_\_\_\_'s school record. I will be happy to supply you with a copy if you request it.

You may find it useful to contact The Coram Children's Legal Centre on 0345 345 4345 [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) or Ace Education on 03000 115 142 Monday to Wednesday from 10am to 1pm during term time. [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Yours sincerely

\_\_\_\_\_

Head of School