



# **Montgomery Junior School Policy Document**

# **Pupil Exclusion Policy**

**January 2017**

**This Montgomery Junior School policy and guidance was**

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**Ratification**

<b>Chair of Governors:</b>	Signed:  Print Name: Mrs Maxine Simon  Date: 17-01-17
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## Pupil Exclusion

Date	Review Date	Coordinator	Nominated Governor
01-03-16	01-03-17	Bill Aylett (Headteacher)	

We believe this policy relates to the following legislation:

- Education Act 2002
- Education and Inspections Act 2006
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Education Act 2011
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

The following documentation is also related to this policy:

- Exclusion from Maintained Schools, Academies and pupil Referral Units in England (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)

We believe that we promote good behaviour by creating a happy caring school environment where everyone feels valued, respected, secure and free from all forms of anti-social behaviour.

We encourage pupils to achieve in a learning environment where self-discipline is promoted and good behaviour is the norm. Any form of misbehaviour during lessons is not accepted as we believe pupils will achieve their full potential in a happy, stimulating and ordered school environment.

However, in the event of serious or persistent bad behaviour the Headteacher may after considering all options decide to exclude a pupil.

We believe pupil exclusion is best defined as when a pupil is not allowed to attend school for either a fixed term or permanently. Pupil exclusion is a sanction that will be used only as a last resort, except when an immediate exclusion is the only appropriate action to take.

We acknowledge that a pupil will only be excluded following serious breaches of discipline or if the safety of pupils and school personnel would be harmed if the pupil remained in the school. We are aware that it is unlawful to exclude a pupil for a non-disciplinary reason. Parents will be informed immediately in writing about a fixed period exclusion.

The Headteacher at all times will take into account his/her 'legal duty of care to a pupil when taking a decision to send a pupil home following an exclusion.'

Before a pupil is excluded a whole range of strategies such as early intervention and pupil support plans will be implemented in order to improve the behaviour of the pupil.

All exclusions will follow the correct procedures as outlined in 'The Department for Education guidance Exclusion from Maintained Schools, Academies and pupil Referral Units in England (2015)' and The Guidance for Exclusion and Part-Time Education published by Essex County Council (November 2015). We are aware that it is illegal to unofficially or informally exclude by just sending a pupil home for disciplinary reasons. At all times the correct procedures will be followed.

Parents will be made aware of their rights that they can appeal against an exclusion to the Governing Body. An independent review panel will deal with all appeals.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

We as a school community have a commitment to promote equality. Therefore, an equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

Our **Three Rights** clearly outline to the school community our expectations. The right to personal safety is paramount and as such we take a zero tolerance approach towards a child physically hurting another without significant provocation. A child acting in this manner will be warned on one occasion (written to parents). Any repeat of a similar action will result in a fixed-term exclusion being levied on the offending child.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

## Aims

- To promote good behaviour by creating a happy caring school environment.
- To encourage pupils to achieve in a learning environment where self-discipline is promoted and good behaviour is the norm.
- To only use exclusion as a last resort except when an immediate exclusion is appropriate.
- To have in place early intervention systems to deal with bad behaviour.
- To maintain full-time provision for permanently excluded pupils.
- To have in place systems to reinstate fixed period excluded pupils as soon as possible.
- To establish good working relations with parents of pupils who have been excluded.
- To work with other schools and the local authority to share good practice in order to improve this policy.

## Responsibility for the Policy and Procedure

### Role of the Governing Body

The Governing Body has:

- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- make effective use of relevant research and information to improve this policy;
- responsibility for the effective implementation, monitoring and evaluation of this policy

### Role of the Headteacher and Senior Leadership Team

The Headteacher and the Senior Leadership Team will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the link governor and coordinator;
- provide leadership and vision in respect of equality;
- make effective use of relevant research and information to improve this policy;
- provide guidance, support and training to all staff;
- monitor the effectiveness of this policy;
- annually report to the Governing Body on the success and development of this policy

When making the decision to exclude a pupil the Headteacher will:

- ensure all exclusions are lawful and that no pupil will be sent home to 'cool off' as this is deemed unlawful;

- be confident in using exclusion where they believe it to be lawful, reasonable and a fair sanction;
- formally record all exclusions;
- be aware that a pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year) or permanently;
- be aware that it is unlawful to impose a fixed period exclusion for an indefinite period of time;
- be aware that lunchtime exclusions are regarded as half a school day;
- undertake a thorough investigation into the alleged incident by looking at all the evidence that is available;
- from the outset keep a written record of all the stages of the investigation plus signed witness statements;
- listen to the pupil's version of what happened;
- check whether the alleged incident was provoked by racial or sexual harassment and to take into account any breach of the school's equal opportunities policy;
- if he/she thinks it is necessary, the Headteacher will consult with other relevant people other than those who might be later involved in reviewing this incident;
- comply with the Equality Act;
- ensure that work is set and marked for pupils during the first five days of an exclusion;
- look at alternatives other than exclusion such as:
  - internal exclusion by removal to another class
  - restorative justice
  - mediation
  - a managed move
- decide on the length of the exclusion:
  - fixed or
  - permanent
- inform parents (in writing) immediately of:
  - the reasons for exclusion
  - the period of exclusion
  - the days that their child must not be present in a public place at any time during school hours
  - any alternative educational provision being arranged for their child during the exclusion
  - arrangements in order for the pupil to continue his/her education before any alternative educational provision begins
  - their rights of appeal to the governing body
  - how the pupil may be involved in this appeal
  - how they can appeal
  - how they can attend any meeting where is a legal requirement for the governing body to consider the exclusion
  - all free and impartial information about pupil exclusion such as:
    - ❖ [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion)
    - ❖ [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)
    - ❖ [www.iassnetwork.org.uk](http://www.iassnetwork.org.uk)
- Report the exclusion to the:
  - The Chair of Governors
  - Local Authority (when appropriate)
  - Local Authority where the pupil resides
- have in place a strategy (including a behaviour plan) to reintegrate pupils back into school following a fixed period exclusion

## Role of the Governors

The Governors will:

- work closely with the Headteacher and the coordinator;
- ensure this policy and other linked policies are up to date;
- ensure that everyone connected with the school is aware of this policy;
- attend training related to this policy;
- annually review and discuss the policy at a Governing Body meeting.

## Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- report all incidents of serious violence, assault, sexual abuse, the use of illegal drugs, possession of offensive weapons and bullying;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

## Role of Pupils

Pupils will:

- be aware of and comply with this policy;
- support the school Code of Conduct and guidance necessary to ensure the smooth running of the school;
- liaise with the school council;
- take part in questionnaires and surveys

## Role of the School Council

The School Council will (when appropriate) be involved in:

- discussing improvements to this policy during the school year;
- organising surveys to gauge the thoughts of all pupils;
- reviewing the effectiveness of this policy with the Governing Body

## Role of Parents/Carers

Parents/carers will:

- be aware of and comply with this policy;
- be made aware of their rights of appeal against an exclusion;
- be asked to take part periodic surveys conducted by the school;
- support the school Code of Conduct and guidance necessary to ensure smooth running of the school

## Fixed Term Exclusion

In any one school year the Headteacher is allowed to exclude a pupil for one or more fixed term periods but not exceeding 45 school days.

During this period of exclusion the school will continue to provide education for the pupil and plan for the pupil to be reinstated after the exclusion period has ended.

Once a decision has been made parents will be informed by telephone and then by letter.

## Informing the Governors and the Local Authority

Within one school day the Headteacher will inform the Chair of Governors and the Local Authority (when required) of a pupil's exclusion.

## The Role of the Discipline Committee

The Discipline Committee will:

- Review all exclusions.
- Consider any representations from parents.
- Take the following into account when making a decision about exclusion:-
  - special educational needs
  - disabilities
  - gender
  - cultural differences

## Liaison with Parents

Every effort will be made to seek parental co-operation at all stages.

## Permanent Exclusion

A pupil may be permanently excluded if:

- All other strategies have failed.
- The offence was a serious one-off offence such as:
  - serious, actual or threatened, violence against a pupil or a member of the school personnel;
  - sexual abuse or assault;
  - supplying an illegal drug;
  - carrying an offensive weapon;
  - or any other serious offence

## Reporting

Annually the Headteacher will report the following to the Governing Body:

- The number of exclusions
- The type of exclusions
- The outcome of each exclusion
- The rates of exclusion from different groups such as SEND, free school meals, looked after children and ethnic groups

## Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Handbook/Prospectus
- the school website
- the Staff Handbook
- meetings with parents such as introductory, transition, parent-teacher consultations and periodic curriculum workshops
- school events
- meetings with school personnel

- reports such annual report to parents and Headteacher reports to the Governing Body

## Training

All school personnel:

- have equal chances of training, career development and promotion
- receive training on this policy on induction which specifically covers:
  - Pupil Behaviour & Discipline
  - Safeguarding and Child Protection
  - Complaints
  - Parental Responsibility
  - Equal opportunities
  - Inclusion
- receive periodic training so that they are kept up to date with new information
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications

## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

## Monitoring the Effectiveness of the Policy

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher and the nominated governor.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Governing Body for further discussion and endorsement. (See Policy Evaluation)

## Linked Policies

▪ Attendance	▪ Complaints
▪ Home-School Agreement	▪ Induction of New Staff
▪ Pupil Behaviour & Discipline	▪ Safeguarding and Child Protection
▪ Special Educational Needs & Disabilities	▪ Supervision of Pupils