



Hatfield Heath, Roseacres & Takeley Primary Schools

EXCLUSIONS POLICY

This policy was originally created October 2016 and now reviewed and updated in light of the DfE's statutory guidance, September 2017

Consultation with school partners – Takeley & Roseacres Primary Schools - Oct 17

It will be ratified by the Governing Body and directors on 15/11/17

This policy will be reviewed autumn 2018 or earlier if statutory duties change

Serious incidents of Misbehaviour leading to Fixed Term or Permanent Exclusion Action to be invoked by Senior Staff in Serious Disciplinary Matters

Purpose of this policy

This policy is designed to briefly outline the school's approach to exclusions within the DfE Guide '*Exclusion from maintained schools, academies and pupil referral units in England 2017*'. It outlines the legal responsibilities and clarifies what each stakeholder must have regard to when carrying out their function in relation to exclusion.

The DfE guidance, linked with the Local Authority's Exclusion Guidance, is used, alongside our own relevant documents such as the Behaviour, Anti Bullying and Equality Policies where applicable. These help clarification and operation in the day-to-day operation of the school.

Principles

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

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

2) In discharging their duties the CEO, Headteachers, Directors and Governors will have regard to DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which came into force September 2017 and any subsequent DfE updates to this guidance. They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.

The phrase 'must have regard' when used in this context does not mean that the statutory guidelines sections have to be followed in every detail, but that they should be followed unless there is good reason not to in a particular case.

3) Before excluding a pupil, in most cases a range of alternative strategies will have taken place. Where a one-off incident of sufficient gravity has taken place, this may not apply.

4) A Fixed Term Exclusion from the school can only be authorised by the Headteacher or one of the Deputy Headteachers acting directly on delegated authority. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

5) In the case of a Permanent Exclusion this can only be authorised by the Headteacher.

6) The Trust seeks to reduce the number of incidents leading to exclusion by promoting clear expectations and a positive atmosphere of mutual respect and discipline within the schools. Each school is responsible for the day to day modelling, developing and promoting of these expectations into action.

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

8) A decision to exclude a pupil will only be taken:

a. In response to serious breaches of the schools/Trust's Behaviour Policy if allowing the pupil to remain in the school would seriously harm the learning or welfare of the pupil, other students or staff in the Academy

b. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]

9) Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

Responsibilities of the Headteacher

10) The Headteacher alone (or his/her designate, if he/she is absent) has the power to exclude a pupil and this must be on disciplinary grounds.

11) In considering the exclusion of a pupil the Headteacher should ensure that the following range of activities are carried out:

a. Undertake a thorough investigation

b. Consider all the relevant facts and firm evidence to support the allegations

c. Take into account the Trusts/School's Behaviour Policy including, where appropriate, the Equality and Anti Bullying policies

d. Check for relevant background information including whether an incident appeared to be provoked by racial or sexual harassment

e. Ensure that all pupils involved have the opportunity to give their version of events.

f. Consult other people or agencies except where they may be involved in any review of the exclusion.

g. Ensure time has been given to addressing and supporting the pupil's individual problems within the capabilities of the school/Trust.

12) Before deciding to exclude a pupil permanently the Headteacher will usually have first tried a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion. Only when other strategies have been tried, without success, will the Headteacher consider permanent exclusion. Except, or not withstanding (8), where a one-off incident of sufficient gravity has taken place.

13) There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.

14) The Headteacher may exclude a pupil for up to 45 school days in any academic year. Any exclusion beyond 45 school days will be permanent. However before that point is reached the Headteacher will have held preliminary discussions with the LA to seek advice or alternative placements/options.

15) The Headteacher will aim for the shortest possible period of exclusion but however brief, an exclusion plan will be made to:

- Enable the student to continue their education
- Use the time to address the student's problems; examine the process of reintegration.

In relation to permanent exclusions, the Headteacher will give regard to the DfE's guide to reasons for exclusion (attached). These should be referred to when completing associated paperwork

Informing Parent(s)/carer(s) about the Exclusion

16) Parents/carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day which will include details of where a copy of the Behaviour Policy and Exclusion Policy can be obtained from if required. (Website)

17) If the Headteacher wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the Headteacher will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

18) A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour. This may need further clarification at the reintegration meeting. Where the pupil's age and stage of development potentially hinders this, e.g. 4/5 year old or severe special needs, other options can be found such as working with the family so this can be reinforced over a period of time. Immediately after the incident may not be the best timing and can aggravate a situation still further.

19) The nominated governor, LA Inclusion Officer and relevant school staff will be notified of all Permanent Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

Students Returning from a Fixed Term Exclusion

20) All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school. It may also be relevant to complete a risk assessment at this meeting.

21) In some incidents, on the return from a Fixed Term Exclusion pupils will be required to attend Seclusion within the school so that a phased reintegration of the student can take place.

Appeals

22) All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance.

23) The person who should be contacted to initiate an appeal is the Clerk to the Governors.

Responsibilities of the Governing Body

24) The Governing Body will establish a nominated governor and when the need arises an Independent Review Panel.

25) The Governing Body will establish a Discipline Committee.

26) The Governors do not have the right to exclude a pupil.

27) Governors will review the use of exclusion in school and directors will do the same in The Learning Partnership Trust regularly.

Informing the Governors

28) The Headteacher will inform the nominated governor of:

- All permanent exclusions
- All exclusions which result, separately or in total, in the pupil missing more than five school days in any one term, or which deny pupils the chance to take a public examination

The Role of the Governors in Permanent Exclusion Cases

29) The Discipline Committee will consist of no less than three Governors who will review the use of exclusion within the school, including considering the views of the Parent(s)/carer(s), of an excluded pupil, and deciding whether or not to confirm exclusions of more than five academic days or those where a pupil would miss an opportunity to take a public examination. The Governing Body will appoint a clerk to the Discipline Committee to provide advice on the exclusions process and to handle the administrative arrangements for considering exclusions.

30) If the exclusion is for five academic days or fewer the Discipline Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s). If the exclusion causes the pupil to miss sitting a public examination the Discipline Committee will meet before the public examination. Where a public examination is concerned, if it is not practical for the Discipline Committee to meet, the Chair of the Committee will consider the exclusion. Alternative arrangements to allow an excluded pupil to take public examinations will be considered.

31) The governing body discipline committee must meet in cases of:

- Permanent exclusions
- Fixed term exclusions that have been converted to permanent exclusions
- Exclusions which would result in the loss of an opportunity to take any public examination.

32) The governing body discipline committee must meet to:

- a) Consider the circumstances in which the pupil was excluded;
- b) Consider any representations about the exclusion made by the parent;
- c) Consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.

33) For permanent exclusion, the governing body discipline committee should normally satisfy itself that all possible strategies to improve a pupil's behaviour were tried, without success, unless the severity of the action dictated that this, for health and safety and/or Safeguarding reasons was not practicable or advisable as the well-being of the pupil, other pupils or staff would be put at significant risk.

34) For permanent exclusions the governing body discipline committee will consider the exclusion and decide whether the pupil should be reinstated. Such consideration will take account of the pupil's disciplinary record and the likely impact of their continued attendance. (See 33)

35) The governing body discipline committee may not attach conditions to the reinstatement of a pupil.

36) If the governing body discipline committee upholds the Headteacher's decision to exclude a pupil permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2017*.

37) If the governing body discipline committee upholds a decision to exclude a pupil permanently it will notify the Local Authority in writing of this decision within one school day of the hearing.

After the meeting – Permanent Exclusions

38) A note of the governing body committee views on the exclusion shall normally be placed on the pupil's record with a copy of the Principal's exclusion letter.

39) Parent(s)/carer(s) whose child is excluded permanently from school have the right to appeal against the governing body discipline committee decision to uphold the exclusion. This should follow statutory guidelines as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2017* and Local Authority related Guidance.

Independent Review Hearings

40) If applied for by parents within the legal time frame (15 days), the school will arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

41) Any application made outside the legal time frame will/must be rejected by the Trust.

42) Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the governors made their decision

43) All arrangements for the Independent review hearing will be made by school's LGB or the organisation commissioned by the school to manage this process on their behalf and this includes:-

- Establishing an Independent Review Panel which complies with DfE regulations
- Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding school)
- Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter (the Clerk to the excluding school governing body will not be eligible to perform this role)

44) The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions

45) Where it has been requested, arrange for a SEN expert to attend the review hearing

46) The role of the independent review panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded and have regard to the interests of other students and people working at the school. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"

47) Following its review the panel can decide to:

- a. Uphold the exclusion decision
- b. Recommend that the governing body reconsiders their decision or,
- c. Quash the decision and direct the governing body to consider the exclusion again

An independent review panel does not have the power to direct a governing body to reinstate an excluded panel (p7)

48) The decision of the Independent Review Panel is binding on the; pupil, parents, governing body, LA and Trust.

49) New supporting evidence may be presented to the panel but the school may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced

50) Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's exclusion

51) Members of the School's Discipline Committee and School's presenting team will be invited to attend the hearing to present their case to the panel

52) As with the governing body exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present the case will be heard in their absence

53) Where a panel quashes the governing body's decision and directs it to reconsider an exclusion it has the power to order that the school makes a payment of £4k to the Local Authority if the governing body does not offer to reinstate the student within 10 academic days of receiving notice of the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)

54) A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.

55) Following the review, the panel must issue written notification to all parties without delay. This notification must include:-

a. The panel's decision and the reason for it

b. Where relevant, details of any financial payment to be made if the governing body subsequently decides not to offer to reinstate a pupil

c. Any information that must be recorded on the pupil's educational record to reflect the decision

56) If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the school, the pupil's "home local authority".

Relationship to other school policies

57) The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other school policies, where appropriate to the case, particularly the Special Educational Needs, Anti Bullying, Attendance and Equality Policies.

Monitoring and Review

58) The impact of this policy will be reviewed by each school's LGB and the Trusts directors annually.

59) The Headteacher will provide the LGB with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

60) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

When notifying parents about an exclusion, the headteacher should draw attention to relevant sources of free and impartial information. This should include:

- A link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.ace-ed.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday 10.00 am – 1.00 pm term time.

Appendix A – DfE 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.