



## POLICY FOR Exclusions

### **Introduction**

Policy Ratified: November 2017

Policy Review Date: November 2019

Policy or Subject Co-ordinator: Robin Archibald, Loretta Negri and Julia Pearson

This policy is accessible to:

all staff (permanent, temporary, supply or otherwise)

advisers/inspectors

parents (on request)

Broadfields Primary School Governors.

All staff have access to a copy saved on the school website.

It is the policy of Broadfields Primary School to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. (See Behaviour Policy).

### **Purpose of this policy**

This policy is designed to briefly outline the school's approach to exclusions within the statutory framework as defined in the *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

### **Statutory framework**

Section 51A of the Education Act 2002 enables Headteachers of schools, Principals of Academies and Teachers in charge of Pupil Referral Units to exclude pupils from a school for either a fixed period or permanently.

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 came into force on 1 September 2012 and therefore Headteachers, Principals, Governing Bodies, Local Authorities and Academy Trusts must now have regard to these when carrying out their functions.

### **Principles**

1) Exclusion is a sanction used by the school only in cases deemed as serious 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.

Before a decision to exclude is made, the school will carry out a full investigation into the circumstances surrounding the incident, whilst considering contributory factors and allowing the pupil to present their case. It must be satisfied that, on the "balance of probabilities", the pupil is culpable.

A decision to exclude a pupil should only be taken:

In response to a serious breach, or persistent breach of the school's behaviour policy. Where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion can be for a fixed-term or permanent but must not be for an indefinite period. The Headteacher may not exclude a pupil for a fixed term more than 45 school days in the academic year.

2) A Fixed Term Exclusion from the school can only be authorised by the Headteacher or one of the Deputy Headteachers acting on their behalf. If none are 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.

### **Notification of an Exclusion**

1) Parents will be notified as soon as possible of the decision to exclude a student 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.

2) In the case of a Permanent Exclusion parents will be notified by the Headteacher in a face-to-face meeting.

3) A student 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.

4) The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. School Home Support Practitioner, Attendance Service or the Local Authority. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

5) The Chair of Governors, LA Inclusion Officer and relevant school staff will be notified of all Fixed Term 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.

### **Pupils Returning from a Fixed Term Exclusion**

All students 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 student, parent and school.

### **Permanent Exclusions**

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

If your child has been permanently excluded, be aware that:

- the school's governing body is required to review the headteacher's decision and you may meet with them to explain your views on the exclusion
- if the governing body confirms the exclusion, you can appeal to an independent appeal panel organised by the local authority
- the school must explain in a letter how to lodge an appeal

- the local authority must provide full-time education from the sixth day of a permanent exclusion

### **Appeals**

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

### **Relationship to other school policies**

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Inclusion Policy, Special Educational Needs Policy and the Equality & Diversity Policy. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

### **Monitoring and Review**

- 1) The impact of this policy will be reviewed by the governors' Standards Committee
- 2) The Headteacher will provide the Committee with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

## **Template Letter from School's Head Teacher to Parents Advising of Exclusion.**

### **Fixed Period of 5 days or Less.**

[ADRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[ADDRESS LINE 3]

[POSTCODE]

[DATE]

Dear [PARENT'S NAME]

I am writing to inform you of the decision to exclude your son/daughter, [CHILD'S NAME], from [NAME OF SCHOOL] for a period of [TIME PERIOD]. [CHILD'S NAME] must not attend school between the dates [START DATE and END DATE] (the "Exclusion Period"). [CHILD'S NAME] will be expected to return to school on [DATE].

### **Rationale**

[CHILD'S NAME] has been excluded from school because [REASONS].

I appreciate that the decision to exclude [CHILD'S NAME] may be disappointing for you and your family; however, I can assure you that it is not a decision that has been taken lightly.

### **Your Duties**

You have a duty to ensure that your child is not present in a public place during school hours throughout the Exclusion Period. You may be prosecuted or receive a penalty notice from the local authority should [CHILD'S NAME] be present in a public place during this time without reasonable justification.

The school will set work for [CHILD'S NAME] during the Exclusion Period. Please ensure that work set by the school is completed and returned to us for marking. [ARRANGEMENTS FOR DISTRIBUTION AND RETURN OF WORK]

### **Your Rights**

You have the right to make representations regarding the decision to exclude by requesting a meeting of the school's management committee. Should you wish to arrange such a meeting, please contact [CONTACT DETAILS] as soon as possible. Please be aware that the management committee has no direct power to reinstate [CHILD'S NAME], however, they must consider your representations and may place a copy of their findings on [CHILD'S NAME] school record.

You also have the right to see a copy of [CHILD'S NAME]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy. There may be a charge for photocopying.

Should you consider the decision to exclude relates to disability discrimination, you have the right to appeal, and/or make a claim to the First Tier Tribunal (Special Educational Needs and Disability).

**[OPTIONAL PARAGRAPH]:** I have arranged for you and [CHILD'S NAME] to attend a 'Reintegration Interview' with [NAME AND POSITION OF STAFF ATTENDING] at [DATE, TIME, LOCATION]. The purpose of this meeting is to consider how best to manage [CHILD'S NAME]'s return to school.

You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

**Conclusion**

To confirm, [CHILD'S NAME]'s exclusion from [NAME OF SCHOOL] is for a period of [TIME PERIOD] starting on [DATE] and expiring on [DATE]. We expect [CHILD'S NAME] to be back in school on [DATE] at [TIME].

In the meantime, please ensure [CHILD'S NAME] completes and returns all work set and is not present in public places during school hours throughout the Exclusion Period. Should we not hear any further from you, we shall expect to meet with you at the 'Reintegration Interview' on [DATE].

Yours sincerely

.....

[NAME]

Headteacher