



# **Thistly Meadow Primary School**

## **EXCLUSIONS POLICY**

# THISTLY MEADOW PRIMARY SCHOOL

## EXCLUSIONS POLICY

### Overview

It is the policy of Thistly Meadow 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.

Exclusions can be a worrying, upsetting and difficult time for parents and their child. Provided here is a brief overview of the process involved when a child has either been excluded from school permanently or for a fixed period (including lunch times). The process of exclusion that all schools must follow is based on the guidance *DfE Exclusion from maintained schools, Academies and pupil referral units in England (updated September 2017)*. Guidance for Parents (Appendix A) sets out the process for exclusions in further detail.

The exclusion guidance affects all pupils, including those who may be below or above compulsory school age. However, the guidance in relation to education provision beyond the sixth day, only applies to those children who are of compulsory school age and are excluded for more than six days. This means if your child is of compulsory school age, they will continue to receive an education provision beyond the sixth day of exclusion.

### Purpose of this policy

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

## 1. Principles

As a school we feel it is important to promote a caring and supportive environment to enable all members of the school community to feel secure, respected and therefore promote good behaviour in others. The development of personal qualities and social skills and the fostering of socially acceptable behaviour are an integral aspect of the school curriculum. 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.

## 2. Behaviour

Exclusion is a sanction used by the school only in cases deemed as **serious breaches** of the School Behaviour Policy.

A pupil may be at risk of an exclusion from school for:

- serious fighting
- verbal or physical assault of another pupil or adult
- threatening/intimidating behaviour towards other pupils and/or adults
- bullying behaviour including racism
- foul language directed at another pupil or adult
- defiance towards any authorised adult in the school
- damaging school or others' property
- persistent and repetitive disruption of lessons and other pupils' learning
- extreme misbehaviour, which is deemed outside the remit of the normal range of sanctions

## 3. Evidence of Poor Behaviour

In many cases, except for when the pupil places himself or others at risk or there is a serious breach of the Behaviour Policy, the Head teacher and senior staff will have considered the following before making a decision about an exclusion:

- Verbal or written reports from members of staff
- Discussions with the pupils concerned
- Discussions with the parent/s of the pupils concerned
- Responses to any of the following:
  - persistent loss of playtime
  - entries into the school's behaviour monitoring systems / reports of incidents
  - staff contacted parents / carers to inform them of their concerns with their child and the consequences could result in an exclusion as a consequence of poor behaviour.

#### **4. Decision to exclude**

An exclusion from school can only be authorised by the Head teacher (including the Head of School or Deputy Head teacher acting on their behalf). If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Consider if the pupil has special educational needs (SEN)
- Where possible, allow the pupil to give their version of events

#### **5. Types of Exclusion**

##### **In-School exclusion**

An In-School or internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This is not a legal exclusion but a discretionary measure, where a pupil's behaviour is escalating but there are not grounds for a fixed term exclusion.

##### **Fixed Term Exclusion**

- Fixed period exclusions are either a set number of days or during lunch time. During this time a child must not return to school or enter the school premises.
- For the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- The school 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.

## **Permanent Exclusion**

This can only be authorised by the Head teacher and must only be done after notifying the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Head teacher of the school.

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 Head teacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

### **6. Notification of an Exclusion**

The pupil who has been excluded will have the reason for his/her exclusion explained to them by either the Head teacher or senior staff, so that they understand the nature of their misbehaviour and why it is unacceptable.

- If an incident takes place at the end of the school day or after school that day, the parents of the pupil will be contacted and a meeting with the parents and pupil will be arranged for the next morning to investigate the incident and provide the pupil with an opportunity to discuss what took place and why before a decision to exclude is made.
- Parents will be notified immediately of an exclusion (usually by phone) and a letter will be sent within one school day of the Head teacher's decision. The letter will set out the reasons for the exclusion (it should explain clearly what has happened), the length of the exclusion (in school days) and the date and time the child must return to school.
- 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, outlining the reasons for the decision, the date upon which the pupil will be allowed back into school, the procedures for appeal which are open to the parents.
- In the case of a permanent exclusion parents will be notified by the Head teacher in a face-to-face meeting.
- The Chair of Governors will be informed, and a copy of the letter to parents made available.
- The school administrator will record the nature and length of the exclusion on the schools SIMs system
- The exclusion will be reported to the next full Governing Body meeting.
- Work will be set for the pupil to complete at home during a fixed-period exclusion. This will be made available to the parents on the morning following an exclusion.

## **For permanent exclusions**

In the case of a permanent exclusion the Head teacher will inform the parents of the decision in a face to-face meeting. The parents will be informed of the decision and the reasons for it. The evidence leading up to the decision will be explained.

- A letter of confirmation will be sent on the same day by first-class post outlining the reasons for the decision, the procedures for appeal which are open to the parents.
- The Chair of Governors and the Chair of the Learning and Wellbeing Committee will be informed, and a copy of the letter to parents made available.
- The school's governing body is required to review the Head teacher's decision and parents may meet with them to explain their views on the exclusion
- the Local Authority must provide full-time education from the sixth day of a permanent exclusion
- A special meeting of a delegated committee of the Governing Body will be called within fifteen working days of the date of exclusion, of which the parents will be notified, in order to consider the decision of the Head teacher

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

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.

## **8. 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.

## **9. Exclusions Committee**

The Governing Body delegates authority to a committee comprising at least three governors, of whom the Head teacher shall not be one. The committee is delegated the authority, to consider:

- the report of the Head teacher in respect of the decision to exclude a pupil
- the representations of the parents of the pupil (if present)
- to question those involved, if appropriate
- to allow cross-questioning, and
- to decide either to endorse the decision of the Head teacher, or to direct the Head teacher to reinstate the pupil.

## **10. Relationship to other school policies**

The Exclusion Policy should be read in conjunction with the school's Behaviour Policy (including Anti-Bullying) as well as other relevant school policies, particularly the Special Educational Needs Policy, Equal Opportunities Policy and Attendance Policy.

## **11. Monitoring and Review**

The impact of this policy will be reviewed by the governors' Learning and Wellbeing Committee of the Governing Body and through Head Teacher's Reports to Governors

The Head teacher will provide the Committee with regular monitoring reports, which will help it to evaluate the effectiveness of the policy and procedures.

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

## **Appendix A**

### **GUIDANCE FOR PARENTS**

#### **Fixed Period Exclusion from school**

- Fixed period exclusions are either a set number of days or during lunch time. During this time your child must not return to school or enter the school premises.
- You will be notified immediately of an exclusion (usually by phone) and a letter must be sent to you within one school day of the Head teacher's decision. The letter should tell you the reasons for the exclusion (it should explain clearly what has happened), the length of the exclusion (in school days) and the date and time when your child must return to school.
- A child cannot be excluded from school for a period of more than 45 school days in any school year (either as a single sanction or cumulative). Once a pupil has reached the limit of 45 days, any subsequent exclusion will result in a permanent exclusion.

#### **Long term fixed period exclusions (i.e. more than 15 days):**

- If your child has been excluded for 15 school days or more over a term, then the Governing Body must meet to review the exclusion within 15 school days after the exclusion. The Discipline Committee can decide to uphold the Head teacher's decision or allow your child back in to school (called reinstatement). If your child would miss a public examination, the governors will try to hold the meeting before the date of the examination.
- The committee will have a clerk to record what is said and to ensure that everybody can state their case fairly.

#### **Short term fixed period exclusions:**

- If your child has been excluded for between 5.5 - 15 school days in a term (adding together all the exclusions that term), the Governing Body will meet within 50 school days, but only if you (the parent/carer) request to do so to review the exclusion. You are entitled to attend this meeting. Even if your child has returned to school, Governors can still say if they would have upheld the exclusion or not and place a statement of their views on your child's record. The school will write to you with details and the arrangements for this meeting.
- The Local Authority will make arrangements for off-site education from the 6th school day of a fixed period exclusion.
- If your child has been excluded for up to 5 school days, the Governing Body do not have to meet with you. However, you can make written representations if you wish,

which must be considered within 50 days of the decision to exclude. The decision will be placed on your child's file.

**There is no right to an independent review for fixed period exclusions.**

- Details of your child's exclusion will be entered on their school records.
- You have a right to see your child's school record. If you would like to do so, you will need to contact the school direct.

During the first 5 days of an exclusion you must ensure that your child is not in a public place during normal school hours without good reason (This applies whether or not the parent is with the child). A failure to comply with this is an offence and you can be given a fixed penalty notice from the Local Authority.

**Permanent Exclusion from School**

- Permanent exclusion means that your child cannot return to the school or enter the school premises. Only the Head teacher has the right to exclude your child from school.
- You will be notified immediately of an exclusion (usually by phone) and a letter must be sent to you within one school day informing you of the decision to permanently exclude your child from school and the reasons why this happened.
- The Governing Body must meet within 15 school days of a Head teacher's decision to permanently exclude a child. You will be invited to attend this meeting with a friend or legal representative, as well as sending a written statement if you wish. The school will write to you with details and the arrangements for this meeting.
- After the Governor's meeting, you will receive a letter from the Clerk to Governors' stating the decision reached by the Governing Body and the reasons why. If the Governing Body uphold the Head teacher's decision to exclude, then you have the right to have the Head teacher's decision reviewed by an Independent Review Panel (IRP).
- The Clerk to the Governors' will write to you to let you know when you must lodge your review by. This is within 15 school days of being officially notified by the Governing Body in writing.
- The role of the IRP, as an impartial body, is to review the decision of the Governing Body. The panel, in reviewing the decision, can make one of three decisions, which are: -
  - Uphold the decision of the Governing Body;
  - Recommend that the Governing Body reconsiders the matter, or

- If it considers that the decision of the Governing Body was flawed, when considered in the light of the principles applicable on an application for judicial review, the IRP can quash the decision of the Governing Body and direct the Governing Body to reconsider the matter.

If you do not wish to have the exclusion reviewed, your child will be taken off roll at the school from which they were permanently excluded, the day after the Review period expires.

If you decide to have the decision reviewed, your child's name cannot be removed from the school roll until after the outcome of your IRP is known or the period within which the right of review has elapsed (unless you formally waive your right to have the decision reviewed at an earlier date).

The school has to provide education for your child for the first five school days of the exclusion. This is usually done by work being sent home to complete. The Local Authority will contact you in order to arrange provision from the 6th day and to discuss your child's needs to continue his/her education.

You have the right to see your child's school records. You will need to contact the school direct if you wish to see these records.

### **Pupils with special educational needs**

Schools should avoid permanently excluding pupils with an Education, Health and Care Plan. Where a child is excluded, the Head teacher should use the period between his decision to exclude and the meeting of the Governing Body, to work with the Local Authority to see whether more support can be made available or whether the Plan can be changed to name a new school.

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