



**Downsway
Primary
School**

EXCLUSIONS POLICY

Date policy approved by Governing Board	27.04.2022
Date of next review	April 2025
Policy owner	HT
Policy on website Y/N	Yes
Compliance tracker updated Y/N	Yes

Aims

Downsway Primary School takes seriously its responsibility to protect and safeguard the welfare of children and young people in its care. "The welfare of the child is paramount" (Children Act 1989).

This policy deals with the policy and practice concerning exclusion in line with the DFE statutory guidance. The aim of this policy is to ensure the safety and well-being of all members of the school and to maintain an appropriate educational environment in which all can learn and succeed.

Legislation and statutory guidance

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

Introduction

The school has a number of policies including: Behaviour Management, Anti-Bullying, Equality, PSHE and Special Educational Needs, which are designed to promote both inclusion and a high standard of behaviour and personal development. Exclusion is a behaviour management strategy that is applied in only the most serious and/or persistent cases. Exclusion means that a child has been barred from attending school for disciplinary reasons. Exclusions are either a suspension (for a fixed period of time) or permanent.

The decision to exclude

Only the Headteacher (or the Deputy in the absence of the Head) can exclude a child from school. A permanent exclusion will be taken as a last resort.

Downsway Primary is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil from the school roll without using a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and/or
- 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 suspension, the headteacher will:

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

Roles and responsibilities

The Headteacher

Informing parents - The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that 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.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place

- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority (LA) - The headteacher will immediately notify the governing board and the local authority of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For suspensions, the headteacher will notify the governing board and LA once a term.

The governing board

Responsibilities regarding exclusions are delegated to the Pupil Discipline Committee consisting of at least 3 governors. The Pupil Discipline Committee has a duty to consider the reinstatement of an excluded pupil. Within 14 days of receipt of a request, the governing board will provide the secretary of state and Local Authority with information about any exclusions in the last 12 months. For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The Local Authority

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Periods of exclusion

The school uses the following guidelines; however, each incident is looked at individually. It is likely that suspensions – internal or external – of one to three days will happen in the following circumstances:

- disrespect for peers, staff or school rules;
- swearing at or verbal abuse towards a member of staff;
- disrupting lessons; or
- failure to follow school expectations.

There may be other reasons for which a suspension of one to three days is the right response by the school, where other incidents can be seen as being on the same level as those described above.

It is likely that longer suspension of up to five days, will happen in the following circumstances:

- making a racist comment;
- bullying;
- abusive language and behaviour;
- threatening behaviour;
- violent conduct;
- vandalism or damage to property;
- repeating the cause of shorter exclusions;
- theft;
- bringing the school's name into disrepute;
- openly challenging the authority of a member of staff;
- inciting other pupils to disruptive behaviour;
- persistent failure to follow school expectations.

There may be other reasons for which a suspension of up to five days is the right response by the school, where other incidents can be seen as being on the same level as those described above.

A pupil may receive a suspension for between six and 15 days for a repeat of any behaviour which led to a previous shorter term suspension.

It is likely that a pupil will be excluded for 16 or more days in the following circumstances:

- persistent poor behaviour repeated over time, in spite of other sanctions and support having been applied;
- a serious offence, whilst further investigations are taking place.

Suspensions can be limited to just lunchtimes and the Headteacher can exclude the child from school during the lunchtime period. Arrangements will be made for those children entitled to free school meals to receive it. All cases will be reported to the governors in the Headteacher's termly report.

The maximum number of school days a Headteacher can exclude is 45 school days per child in any one school year.

It is likely that a pupil will be excluded from school permanently for the following reasons, and where allowing the pupil to remain in school would seriously harm the education or welfare of others:

- continued bullying following previous exclusion;
- possessing, using, being under the influence of, possessing with intent to supply, or supplying any drugs or illegal substances in school;
- possessing, consuming or being under the influence of alcohol in school;

- physical assault (intentional hit, punch, kick, spit);
- possessing a weapon (a tool or instrument that may be used in order to inflict damage or harm) in school, even without a threat to use it;
- regular refusal to be controlled by the staff of the school;
- posing a threat to any other members of the school community;
- any sexual abuse or assault;
- any action which may lead to another pupil, a member of staff, or passer-by being put at risk of serious harm;
- persistent racial abuse, assault, or harassment;
- the repeated use of foul language directed at any member/s of the school community;
- regularly repeating the cause of previous exclusions;
- demanding money with menaces;
- other serious offences.

There may be other reasons for which a permanent exclusion is the right response by the school, where other incidents can be seen as being on the same level as those described above. Unprovoked acts are likely to receive more serious consequences than those where other factors/circumstances need consideration.

Any incidents which are governed by the law, such as theft, common assault, harassment, threatening behaviour, are likely to be reported to the police (this may be by the school or the victim's parent/carer) as well as the pupil being excluded from school.

If incidents happen off the school site, or out-of-school hours, or when the pupil is not in school uniform, or on social media, the school still reserves the right to act, where the incident concerns members of the school community, or where the school's good name is being brought into disrepute.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. These will be legally recorded as half a day exclusion and it is the parent/carer's responsibility to organise supervision.

Exclusion for persistent failure to follow school expectations

Where a pupil's record of behaviour over a period of time is such as to suggest that a suspension may be called for, then the following action will have been taken before such a recommendation is made:

- a. contact and/or a meeting with parents/carers will have taken place during which a problem will have been discussed with the Headteacher
- b. a Therapeutic Behaviour Plan or a Support & Achieve Plan (SAP) will be in place
- c. a verbal and/or written warning of the intention to exclude for further misbehaviour has been issued by the Headteacher; and
- d. other agencies such as the Education Welfare Service and Child and Adolescent Mental Health Services will have been involved as appropriate.

External exclusion process

- The Headteacher, or Deputy in their absence, is the only person with the authority to exclude a child either for a suspension or permanent exclusion.
- The parent/carers will be informed of the exclusion without delay, probably by telephone in the first instance. This will be followed-up by the end of the day with a letter from the Headteacher to the parent/carers. This will outline the reasons for the suspension and the date the child should return to school.
- Parent/carers must be informed in writing of the type and length of the exclusion, the reason(s) for it, how work will be provided in cases of a suspension for more than one school day and their right of appeal and the procedure for re-integration (if applicable). A copy of the LA guidance for parent/carers should be included along with a copy of this policy in the case of all exclusions.
- The LA (via the Exclusion Officer) and the Chair of Governors must be informed in writing immediately of any exclusion and have a copy of the letter sent to the parent/carers. The Headteacher must report, via the termly report, all exclusions to the Governing Board and LA.
- The Governing Board will establish a Pupil Discipline Committee of three members and ensure that they receive training to fulfill their role. The Headteacher will not be a member of this committee.
- If the decision is to exclude the child for up to 5 school days then the decision maker must consider any representations from the parent/carers.
- For a suspension of more than 5 school days in any one term up to and including 15 school days, the Committee, if requested by the parent/carer, will meet no earlier than the 6th school day and no later than the 50th school day after receiving notice of the exclusion.
- For permanent exclusions and suspensions of more than 15 school days in any one term, the Committee will meet no earlier than the 6th school day and no later than the 15th school day after receiving notice of the exclusion.
- If the Pupil Discipline Committee decide that a pupil should be reinstated they will give the appropriate direction to the Headteacher (who is under a duty to comply with it) and inform the parent/carer and the Local Authority of their decision. If they decide that a pupil should not be reinstated, they will inform the parent/carer, the Headteacher and the LA of their decision. In the case of a permanent exclusion they will notify the parent/carer in writing of their decision and the reasons for it within one school day. The Committee has the authority to overturn the Headteacher's decision and their decision is binding on the Headteacher.
- While the suspension lasts, the child may not enter the school grounds. The parent/carers have the responsibility for supervising their child during the time she/he would normally be in school. Where the suspension exceeds one school day, work will be set and marked using Seesaw. The school will let the parent/carers know the arrangements for setting and marking the work.
- Before a pupil is readmitted to school, consideration should be given to taking appropriate steps to prevent the need for future suspensions. Ideally this should be agreed with the child and their parent/carers.

Internal Exclusion

Internal exclusion will be used as a sanction for minor breaches of the school's Behaviour Policy. This is different to a suspension and will usually involve a pupil being isolated from their peers in a space within the school. The advantage of this approach is that a pupil is kept within school and the school can work with the pupil to address the issues leading to the behaviour, and in some cases support the pupil in learning that their behaviour will not result in being sent home. Parents/carers will be informed and given the reasons for internal exclusion. Internal exclusions are not reported to the local authority.

Considering the reinstatement of a pupil

The Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- The suspension would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the exclusion board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Pupil Discipline Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The Pupil Discipline Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Pupil Discipline Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - *The date by which an application for an independent review must be made*
 - *The name and address to whom an application for a review should be submitted*
 - *That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion*
 - *That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA to appoint an SEND expert to attend the review*
 - *Details of the role of the SEND expert and that there would be no cost to parents for this appointment*
 - *That parents must make clear if they wish for an SEND expert to be appointed in any application for a review*
 - *That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review*
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

Links to other Policies

Behaviour Management Policy

Anti Bullying Policy

SEND Policy

Equality Policy

PSHE Policy

Monitoring and evaluation

The Governing Board will review this policy and assess its implementation and effectiveness on a triennial basis. Any amendments will be made in line with guidance from the DFE and/or West Berkshire Local Authority. The number of exclusions will be monitored each term through the Headteacher's report to governors.

Date approved by the Governing Board:

27th April 2022

Date of next review:

April 2025