

Brough Primary School



Exclusion Policy

Policy Date	November 2020
Policy Review Date	November 2022
Lead Person	Sarah Fraser

This policy should be read in conjunction with our Behaviour Policy, Anti-bullying Policy, SEND Policy, Safeguarding Policy, Inclusion Policy, Child Protection Policy, Physical Intervention Policy and all policies relating to complaints about staff.

It should also be read in conjunction with "Exclusion from maintained schools, Academies and pupil referral units in England" DFE September 2017.

Aims

Brough Primary is a very inclusive school. It works hard to meet the needs of all children. The happiness and welfare of all pupils is paramount. The promotion of positive behaviour is at the heart of the school. The school believes that exclusion is **not** helpful in the promotion of good behaviour. Therefore, fixed-term periods of exclusion from school will only be used as a last resort for one off serious incidents or as a culmination of recorded, disruptive or dangerous behaviour.

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

Under Section 51A(1) of the Education Act 2002:

"Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. 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".

The decision to exclude

Only the head teacher, or a person acting with the head teacher's authority, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- 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
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

If a child is sent home at any point on disciplinary grounds this must be recorded as an exclusion (recorded in minimum of half day 'blocks'). Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

If a child's behaviour outside of school can have a detrimental effect on behaviour in school, brings the school into disrepute or undermines the authority of senior staff, exclusion from

school can be a considered option. This is in line with the school behaviour policy and instances should be judged on their own merit or severity.

When establishing the facts in relation to an exclusion decision, the head teacher must apply the civil standard of proof, i.e. “on the balance of probabilities”; meaning that it is more likely than not that a fact is true, rather than the criminal standard of “beyond reasonable doubt”.

Under the Equality Act 2010 (the Equality Act), schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practises and the provision of auxiliary aids.

Roles and responsibilities for fixed term exclusions

- Informing parents

The head teacher 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 fixed-term exclusion 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
- 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 head teacher 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 an exclusion, in which case the information can be provided with less than 48 hours’ notice with parents’ consent.

Informing the governing board and local authority

The head teacher must also inform the governing body and the local authority of the following, immediately:

1. A permanent exclusion (including where a fixed period exclusion is made permanent)
2. Exclusions that would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
3. Exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the head teacher must notify the local authority and governing body once a term.

Duties of the governing body

The governing body must consider the reinstatement of an excluded pupil **within 15 school days** of receiving notice of the exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which 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 the parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

Parents, head teacher and LA representative must be invited to a meeting of the governing body, Pupil Discipline Committee, and allowed to make representations.

Where the governing body is legally required to consider an exclusion they must consider:

- The interests and circumstances of the excluded pupil
- The interests of other pupils and people working at the school
- The representations made by parents, head teacher and LA representative (if present).

The governing body can either uphold the exclusion or direct reinstatement of the pupil immediately or on a particular date.

Permanent Exclusion

In the case of a permanent exclusion the following procedures relating to the duties of the head teacher and the governors apply. Permanent exclusions can be auctioned on either one off events, if serious enough, or based on a catalogue of prior misdemeanours or poor behaviour. In all cases it is key that careful documentation is kept and includes the times and dates of incidents, interviews and follow up investigations.

If, following a meeting of the Pupil Discipline Committee the exclusion is upheld by the governing body, the head teacher must remove the child's name from the register as long as the following occur:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel

- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review panel has been made within 15 school days, the head teacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

Independent Review Panel

If applied for by parents within the legal time frame (15 school days), the local authority must arrange for an independent review panel hearing to review the decision of the governing body not to reinstate a permanently excluded pupil.

This is the duty of the Local Authority – further information regarding Independent Review Panels can be found in *'Exclusion from maintained schools, Academies and pupil referral units in England'* DFE, 2017.