

# East Crompton St George's CE Primary School

## Exclusions Policy Autumn 2021



Date Adopted: Autumn term 2021

Review Date: Autumn term 2022

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Head Teacher

At East Crompton St George's we let our LIGHT shine

Love of Learning. Independence. God in our Hearts. High Achieving. Together as One Family.

## 1.0 Exclusions

The Local Committee has determined that pupil exclusion, in appropriate circumstances is a sanction that may be used in school to promote good behaviour and discipline and secure a safe and orderly environment for pupils and staff.

The Local Committee follows the current DfE Guidance for disciplinary exclusions from school, which was published in June 2012. This states that:

“Headteachers, Principals, governing bodies, Academy Trusts, LA’s, independent review panel members and clerks and SEN experts must by law have regard to this guidance when deciding:

- Whether to exclude a pupil;
- Whether to uphold an exclusion;
- Whether to direct reinstatement;
- Whether to recommend or direct that the governing body considers the exclusion again”.

Exclusions should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school’s discipline policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools or academies have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/academy as part of a ‘managed move’. The latter requires the consent of the parent/carer.

Any decisions of a school or academy in relation to exclusion must be made in line with the principles of the Human Rights Act – that is lawful, rational, reasonable, fair and proportionate.

Any reference in this document to parent(s) includes all those with parental responsibility.

## 2.0 Exclusion from School

The procedures in the DfE Exclusion guidance apply to all maintained schools, academies, free schools, maintained nursery schools, pupil referral units and all registered pupils in them, whether below or above compulsory school age. They do not apply to independent schools, city technology colleges or sixth form colleges, which have separate exclusion procedures.

There are two types of exclusion:

### 1. Fixed period suspension

This is an exclusion for a fixed number of days during which the child must remain at home up to the first five days and receive full time education provision from the 6<sup>th</sup> day. A maximum of 45 days applies across the school year for any pupil, and work should be set and marked in all cases by the school. A pupil is entitled to return to school once the period of exclusion has ended.

### 2. Permanent exclusion

This is where the Headteacher’s intention is that the pupil should not be allowed to return to the school. The decision should only be taken:

- In response to a serious breach/persistent breaches of a school’s discipline policy and;
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

In most cases, this will be after a wide range of alternative strategies have been tried without success, however, there will be exceptional circumstances where, in the Headteacher’s judgement, it might be appropriate to permanently exclude a child for a serious breach (one-off or first offence). These might include serious actual or threatened violence, sexual abuse/assault, supplying an illegal drug or carrying an offensive weapon.

## 2.1 Unofficial Exclusions

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). 'Informal or unofficial exclusions are illegal' regardless of whether they are done with the agreement of parents or carers.

## 2.2 The Decision to Exclude

Only the Headteacher, (or in their absence, the acting Headteacher, or teacher in charge) can exclude a pupil. The Headteacher may consult others, but not anyone who may later have a role in reviewing the Headteacher's decision.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

The decision on whether to exclude is for the Headteacher to take. Where practical, the Headteacher should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to exclude. Establishing facts will be decided on the balance of probabilities.

Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after the incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or provocation.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Headteacher should also consider the use of multi-agency assessment (including Early Help) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment should go further, for example, by seeking to identify mental health of family problems.

## 2.3 Fixed Term or Permanent

In many cases investigation may not be immediately possible if, for example the incident is complex and a number of witness statements are required.

In this case, the Headteacher may issue a fixed term suspension for a short period (a maximum of five days is advised);

- To allow an investigation to take place;
- To give opportunity for a reasoned decision.

In this case, the letter informing parents of the fixed term suspension should clearly state that the reason for the fixed term suspension is 'to allow investigation into an incident which may result in permanent exclusion'. The letter should not state that the fixed term suspension is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following;

- Notification for the pupil to return to school;
- An extension to the fixed term suspension;
- Notification of a permanent exclusion.

In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a fixed term suspension may be extended or converted to a permanent exclusion, similarly, the Headteacher may choose to withdraw an exclusion in the light of new evidence.

## 3.0 Pupils from Vulnerable Groups

### 3.1 Pupils with Special Educational Needs (SEN)

Schools and governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with an Education Health Care Plan (EHCP). Where a pupil has an EHCP and is at risk of exclusion, schools should request an early annual review or interim/emergency review.

### 3.2 Disabled Pupils

Schools have a legal duty under the Equality act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent exclusion and fixed term suspensions.

### 3.3 Race Relations

The law places a general duty on all maintained schools to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of policies on pupils, parents and staff from different racial groups.

### 3.4 Looked After Children

Looked After Children are at risk of low attainment in school and exclusion. Schools should be especially sensitive to exclusion issues where Looked After Children are concerned. Schools should try every practicable means to avoid exclusion and should seek LA and other professional advice as appropriate.

## 4.0 Behaviour Outside of School

There are situations where a pupil may be excluded for behaviour outside school. The Headteacher should seek advice in these instances.

## 5.0 Police Involvement and Parallel Criminal Proceedings

The process of disciplinary exclusion from schools and criminal proceedings can and should run parallel, however decisions should not be postponed merely because the police investigation has not been concluded.

## 6.0 Responsibilities of the Headteacher

The Headteacher should follow the procedures set out in the DfE Exclusion guidance, which has been designated to ensure fairness and openness in the handling of exclusions.

## 7.0 Informing Parents

Once a decision to suspend/exclude has been reached, the parent must be notified without delay, ideally by telephone, followed up with a letter preferably within one school day.

## 8.0 Informing Governors and the LA

Without delay, preferably within one school day, the Headteacher must inform the Local Committee and LA of:

- All permanent exclusions (if the pupil resides in another authority, the home LA should also be informed);
- Suspensions that would take the termly total to more than five days;
- Suspensions that would result in the pupil missing a public examination.

All other suspensions should be notified termly. The school must keep a record of all suspensions and exclusions for reporting to the DfE Census.

## 9.0 Registers

Pupils should be marked as Code 'E' during a period of suspension/exclusion. Other codes may be used if alternative provision has been made.

Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached.

## 10.0 Education Provision for Excluded Pupils

The school's obligation to provide education continues while the pupil is on role. In all cases of suspension work should be set from day one and marked.

**Where a pupil is given a fixed term period of suspension of six school days or longer, the school must provide full time educational provision from and including the sixth day of exclusion. This should be day one where possible for pupils with SEN and Looked After Children.**

**During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that he/she is not present in a public place during normal school hours without reasonable justification.**

**From the sixth day of suspension or a permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full-time education is provided. The school must ensure that the LA is notified on day one of any permanent exclusion.**

## 11.0 Local Committee Meetings

If a meeting is to be held, the Headteacher should prepare all supporting papers for the suspension/exclusion and pass them to the Clerk for circulation to all parties at least five days in advance of the meeting.

## 12.0 Reintegration Meetings

It is school policy that parents are expected to attend with the suspended pupil for a reintegration interview.

The Local Committee must, by law, review certain suspensions/exclusions and must consider any representations about a suspension/exclusion made by the parents of the suspended/excluded pupil. The Local Committee has delegated this function, in respect of suspensions/exclusions, to a committee consisting of at least three governors – The Exclusion Panel.

The Local Committee's role is to review suspensions/exclusions imposed by the Headteacher. The Local Committee can uphold a suspension/exclusion, or direct reinstatement immediately or by a particular date. A period of fixed term suspension cannot be extended or be substituted with a permanent exclusion.

The Exclusion Panel, which meets to consider any suspension/exclusion must be made up of at least three governors, none of whom have any connection with the pupil or incident that would affect their ability to act impartially. The Chair has the casting vote in all cases where an even number of governors are considering the case.

The governors should appoint a Clerk to the Exclusion Panel to handle the administrative arrangements.

## 13.0 When a Meeting Should Take Place

The Exclusion Panel has a duty to meet within fifteen days and consider each suspension/exclusion if;

- The exclusion is permanent
- It is a fixed period of suspension which would bring the pupil's number of school days of suspension to more than fifteen in a term; or
- It would result in a pupil missing a public examination or national curriculum test\*

\*The Local Committee should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of Governors can consider the suspension/exclusion independently and decide whether or not to reinstate the pupil. Parents still have the right to make representations.

If requested to do so by the parents, the Local Committee must meet and consider the reinstatement of a suspended/excluded pupil within fifty school days of receiving notice of the suspension/exclusion if a pupil would be suspended/excluded from school for more than five school days, but not more than fifteen in a single term.

In the case of one or more fixed term suspensions totalling five days or less in a school term, the Disciplinary Committee must consider any written representations from the parent. They cannot direct reinstatement in this case.

In all suspension/exclusion cases, the Local Committee will comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to do so.

Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

**Following updated Government guidance 'Changes to the school suspension and permanent exclusion process during the Coronavirus (Covid-19) outbreak' September 2021, due consideration should be made to the necessity to hold meetings online for health and safety reasons until March 2022. As such, school will risk assess each individual case as they arise. Remote meetings will be held through the use of 'Teams' and every endeavour will be made to hold the meeting within the allotted time frames as per the 2012 DfE guidance. Where Covid impacts the possibility to do this, the meeting will take place as soon as practically possible. Every effort will be made to ensure that all parties are able to access the remote meeting to share their views. Should this not be possible, the meeting will be postponed ensuring all parties are able to participate.**

#### 14.0 Prior to the Meeting

The Local Committee will invite the parents, and Headteacher to the meeting, at a time and place convenient to all parties, taking into consideration the possible requirement to meet remotely until March 2022. The parent can be accompanied by a friend or legal representative at their request.

A parent may invite an LA representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the Academy's Local Committee.

The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

The Exclusion Panel will consider:

- Any representations made by the parent, pupil and the LA;
- Whether the Headteacher has complied with the exclusion procedure and has had regard to the DfE 's Guidance on Exclusions;
- On the balance of probabilities, has the pupil done what they are accused of;
- Has there been a serious breach of the School's Discipline Policy. (Other policies may be relevant and should be taken into account;

and

- Would allowing the pupil to return harm the education/welfare of themselves or others;
- and in most cases,
- That a wide range of possible strategies to improve a pupil's behaviour were tried and have failed. Strategies could include the use of Pastoral Support.

Governors will have particular regard to:

- The needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010);

- The needs of Looked After Children.

### 15.0 Local Governing Committee's Decision

The Local Committee must inform the parent, Headteacher and the LA of their decision, in writing without delay, within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they will also inform the pupil's 'home' LA.

A note of the Local Committee's views on the suspension/exclusion will be placed on the pupil's school record with copies of relevant papers.

If the Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil.