



'Together we can make a difference'

Exclusions Policy

Name of school: Bexton Primary School

Date of review: Spring 2018

New review date: Spring 2020

Rationale

This policy is intended to clarify the School's procedures on expulsion and removal of pupils. It is designed to be fair to all concerned, and to assist co-operation between School and parents.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:-

- (a) In response to a serious breach of the School's Pupil Behaviour Policy;
- (b) If allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others in the School.

Exclusion is an extreme sanction and is only administered by the Head Teacher.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Pupil Behaviour Policy:

- Actions which put the pupil or others in danger
- Verbal abuse to Staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Illegal internet use including severe cyberbullying
- Arson

- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Head Teacher makes the judgment that exclusion is an appropriate sanction.

Exclusion procedure

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

The DfES regulations allow the Head Teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

The Governing Body have established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Governing Body have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible. A meeting will be called or a letter sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Head Teacher and Governing Body.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the School, pupil and parents.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians. The school requests the cooperation of parents/carers in reinforcing the severity of the sanction of exclusion.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff (including cyberbullying)
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon *.
- Arson.
- The school will consider police involvement for any of the above offences.

Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.

General factors the school considers before making a decision to exclude:
The Head Teacher broadly considers the following procedure.

- 1) First warning – inform parents / guardian by telephone and follow up in writing.
- 2) Second warning – invite parents / guardians to a meeting and agree a behaviour plan, confirm in writing.
- 3) Third warning – contact parents by telephone and in writing* – impose 1 day (or part) exclusion.
- 4) Fourth warning – contact parents by telephone and in writing* - meeting with parents, 4 day exclusion.
- 5) Fifth warning – contact parents by telephone and in writing* - meeting with parents and management meeting to discuss expulsion.

Depending on the severity of the offence, the procedure will begin at the appropriate point. The right of appeal is generally given from point 4.

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Head will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Pupil Behaviour, Equal Opportunities and Race Equality Policies.
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Head is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

* The model letter as recommended by Cheshire East should be used for this purpose.

Exercise of discretion

In reaching a decision on temporary or permanent exclusion, the Head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider:

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Pupil's Behaviour Policy; and
- b) the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.

Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governing Body when it meets to consider the Head Teacher's decision to exclude. This Committee will require the Head Teacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are always used if possible. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Pupils' behaviour outside school on school "business" for example school trips and journeys, travelling to and from school, away school sports fixtures or a work experience placement is subject to the Behaviour Management Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for exclusion then the Head may decide to exclude.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Head Teacher will have regard to the school's published policy on drugs and will also seek advice from the LEA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion.

APPENDIX 1

EXCLUSION ADMINISTRATION – BEST PRACTICE

Fixed Term Exclusions

A fixed term exclusion can be for any period of time up to 45 days in an academic year.

Lunchtime = 1/2 day = 1 session

Half a day = 1 session up to a maximum of 45 days = 90 sessions in an academic year

One day = 2 sessions

During an exclusion of 1 – 5 days the school is responsible for ensuring that work is set and marked and if relevant ensuring that the pupil can sit examination/s.

Once the decision to exclude has been made by the Head Teacher the following process should be followed:

- Contact parent immediately and inform of the exclusion
- Write to the parent/s within 1 day (using appropriate model letter for length of exclusion). These can be found on Cheshire East's exclusion page on the intranet.
- Record exclusion on SIMS
- Report to the governing body termly
- The clerk to the governors should convene a meeting of the Committee of the Governing Body should the parent wish to make representation.

If the exclusion is for longer than 5 days the school is responsible from the 6th day for providing an appropriate full time education at another venue. The relevant information about this should be included in the exclusion letter. In the case of an exclusion of 6 days or more the school should also send a copy of the exclusion letter to exclusions@cheshireeast.gov.uk

If the exclusion is for more than 15 days in a single exclusion or accumulates to more than 15 days in a term a meeting of the Committee of the Governing Body **must** be convened and the parent informed of the meeting date and venue etc. The meeting should be held at a time convenient to all parties.

If a pupil has 30 days fixed term exclusion in any one academic year the school should inform the exclusions service at exclusions@cheshireeast.gov.uk

If any exclusion will result in a pupil missing a public examination this must be reported to the school governors and to the Local Authority.

Permanent Exclusion

- Contact parent immediately and inform of the exclusion
- Within 1 day the Head Teacher **must**
 - write to the parent – see model letters
 - inform the Clerk to the Committee of the Governing Body that a meeting will be required
 - advise the LA by emailing a copy of the letter issued to the parent to exclusions@cheshireeast.gov.uk. A completed BSP1 form with all appropriate attachments should be emailed to the Local Authority within 48 hours.

If any exclusion will result in a pupil missing a public exam this must be reported to the school governors and to the Local Authority.

Please note it is essential that the BSP1 form is completed in as much detail as possible and sent with all attachments so that the Pupil Referral Unit staff can work effectively with the pupil and their parents / carers from the outset. For any advice about this process please contact 01625374241 / 07767481849

Schools are advised at all times to use the guidance issued by the Department for Children, Schools and Families entitled 'Improving Behaviour and Attendance: Guidance on Exclusion from Schools and Pupil Referral Units/September 2008, together with model letters.

APPENDIX 2

Model letter 1

From a head teacher notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed. (see paragraph 101).

Dear **Parent/Carer**

[Child's Name, Date of Birth]

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

[for pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the discipline committee of the governing body. If you wish to make representations please contact **[Name of Contact]** on/at **[contact details – address, phone number, email]**, as soon as possible. Whilst the committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

[This paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days of secondary aged pupils if the head teacher chooses to hold a reintegration interview]

You **[and your child or pupil's name]** are requested attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school **[within the next ten days]** to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed **[not for parents of secondary aged pupils]**. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

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 of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Mrs J Mills at Northwich Offices, Watling Street, Northwich, Cheshire CW9 5ET, telephone 01625 374751, e mail Julie.Mills@cheshireeast.gov.uk who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in

England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or text 'AskAce' to 68808 at www.ace-ed.org.uk

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

(Name)
Headteacher

APPENDIX 3

GOOD PRACTICE PROCEDURES FOR A MEETING OF THE GOVERNING BODY TO REVIEW AN EXCLUSION

Organising the Hearing

The Clerk to the Committee of the Governing Body must organise a meeting between the **6th and 15th school day (50th school day for less than 16 days exclusion)** following the exclusion by the Head Teacher and they should try and organise the meetings so that it is convenient to all parties. Governing body meetings need now only automatically take place for permanent exclusions or fixed term exclusions over 15 school days in a term. Parents have a right to request a meeting for shorter fixed term exclusions. For permanent exclusions a Local Authority Officer must be invited to the meeting (Education Support Access Officer 01625 374241 / 07767481849).

The Governing Body Committee should comprise either 3 or 5 members. Good practice suggests it is better to have a committee of 3 members. In the interests of natural justice it should be obvious to the parents that the Head has not had contact with the Governors prior to the meeting and the Head and the LA officer should be invited to join the meeting at the same time as the parents / pupil.

Arrangements must be made to ensure that the hearing is "**as open as possible**". Governors, parents, Head and the Local Authority representative should receive any papers regarding the exclusion at least 5 days before the meeting and parents should be notified of their right of access to their child's school record. Parents should be invited to state their case and to forward a written statement in advance of the meeting if they want to. Parents do not have to prepare a written statement and may prefer to make verbal representation.

The Governors should appoint a Chair of the panel and the Clerk to the Committee of the Governors should be present to minute the meeting.

The panel may find it helpful to agree the following procedure before the meeting commences:

- a) When to invite the family, their representatives, the LA officer and Head into the meeting and how parents are going to be informed of the outcome.
- b) Chair welcomes and introduces everyone.
- c) Chair outlines the purpose of the meeting and the procedures to be followed. (suggested procedure on the intranet). The Chair should also explain how the decision will be reached.
- d) Chair invites Head to speak.
- e) Parents have an opportunity to question the Head.
- f) Governors and Local Authority officer have an opportunity to question the Head.
- g) Family invited to put the case on behalf of the pupil. In many cases the pupil may want to speak themselves.
- h) Head has an opportunity to question the family / pupil.

- i) Governors and Local Authority Officer have an opportunity to question the family / pupil.
- j) Opportunity for final comments from the Head.
- k) Opportunity for final comments from the family.
- l) Family, Head and Local Authority Officer leave the meeting.
- m) Governors discuss and reach a decision.

What the members of the Governing Body must consider in reaching their decision

- a) Was the pupil responsible for the action, which led to exclusion?
Has the Head Teacher demonstrated that every effort has been made to investigate the incident thoroughly and that the investigation demonstrates the pupil's involvement on a balance of probabilities?
Was the pupil allowed to give his/her version of events and was the incident provoked by racial/sexual harassment?
- b) Was this incident, in itself, serious enough to warrant the fixed term / permanent exclusion
- c) If this was part of a pattern of unacceptable behaviour, has the school followed the government guidance of early intervention and alternatives to exclusion (Part 1 Improving Behaviour & Attendance: guidance on exclusion from schools and Pupil Referral Units)?
- d) Does the Home/ School Agreement make clear what is expected of every pupil? Were the pupil and parents/carers clear about the schools' expectations? Does the school regularly promote its Home/ School Agreement for example in classrooms, assemblies, reintegration meetings, parents' evenings / meetings, annual reports and the school prospectus in order that every pupil understands the level of expectation?
- e) Would allowing the pupil to remain in school seriously harm the education or welfare of the other pupils or others in the school.
- f) The Governors may invite the family and the Head Teacher to re-enter the room once a decision has been made. Or they may prefer to ask the parents to leave after the meeting and send a letter out in the post to inform them of their decision. This letter should be sent out either on the same day as the meeting or the next day if the meeting took place later in the day.
- g) The Chair must advise the Head Teacher and the parents that they will be notified in writing of the decision within **1 working day** of the meeting.
- h) The clerk should notify the Local Authority of the governors decision by forwarding a copy of the letter to Exclusions@cheshireeast.gov.uk within 2 days.
- i) As with all meetings of Governing Body Committees, minutes of the hearing must be taken and the decision recorded appropriately. Minutes taken in a representational hearing refer to an individual pupil and, therefore must be treated as **confidential**.