

PERRYFIELDS INFANT SCHOOL



Helping each other to learn and grow

EXCLUSION POLICY

Approved By	Date	Next Review Date

1. AIMS

At Perryfields Infant School, every member of the school community works towards the same overriding aims to 'Help each other to learn and grow'. Through our Core Values approach to learning, all members of the school community aspire to be the best that they can be by improving self-belief and working hard, demonstrating commitment and perseverance. All staff strive to demonstrate that they care about themselves, each other, people from different faiths and backgrounds, the wider national and global community, the environment and about making a difference. All members of the school community aim to develop into lifelong learners, acquiring knowledge and skills that will remain with them forever through access to real, purposeful and engaging activities as part of a broad and balanced curriculum.

Through the success of our Positive Behaviour Policy we aim to:

- Encourage a calm, purposeful and happy atmosphere within our school
- Ensure that every member of the school community is safe and able to learn
- Foster positive, caring attitudes towards other people, where achievements at all levels are acknowledged, valued and celebrated
- Encourage increasing independence and self-discipline so that each child learns to accept responsibility for their own behaviour
- Encourage children to be good citizens of our school community, the local community and the wider national and global community
- Ensure that pupils, staff and parents contribute to a shared ethos that is based upon respect for each other and ourselves, our core values and a feeling of common purpose and community where everyone is valued
- Ensure a consistent approach to modelling and managing behaviour

2. PURPOSE

This policy should be read in conjunction with the Whole School Behaviour Policy and the DFE guidance 'Exclusion from maintained schools, Academies and pupil referral units in England'. This policy outlines the process that is followed once all other attempts to improve a child's behaviour have been undertaken. As stated in the Behaviour Policy, an exclusion would only be used as an initial response to a behaviour incident if another child or member of staff has sustained a significant injury as a result of a deliberate act or a criminal or serious bullying offence has been committed.

3. KEY POINTS TO CONSIDER PRIOR TO IMPLEMENTING AN EXCLUSION

The Government supports headteachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil must be lawful, reasonable and fair. The school has a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration will be given to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. If there are concerns about a pupil's behaviour, the school will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation a multi-agency assessment that goes beyond the pupil's educational needs will be undertaken.

A strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour will be in place at the time of the exclusion.

All children have a right to an education. The school will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process in the presence of familiar adults, taking into account their age and understanding.

4. HEADTEACHER'S POWER TO EXCLUDE

Only the Headteacher can exclude a pupil and this must be on disciplinary grounds only. 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. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly disobey their teacher's academic instructions could, however, be subject to exclusion.

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

5. MAKING THE DECISION TO EXCLUDE

The decision on whether to exclude is for the Headteacher to take. However, where practical, pupils will be given an opportunity to present their case before the decision to exclude is taken. Whilst an exclusion may still be an appropriate sanction, the Headteacher will take account of any contributing factors that are identified after an 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.

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 will also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs

but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, the Headteacher will consider whether exclusion is providing an effective sanction.

A decision to exclude a pupil permanently should only be taken:

- In response to a serious breach, or persistent breacher, of the school's behaviour policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

6. VULNERABLE GROUPS WITH DISPROPORTIONATELY HIGH RATES OF EXCLUSION

The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEND; pupils eligible for Free School Meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Black Caribbean communities.

In addition to the approaches on early intervention set out above, the Headteacher will also consider what extra support might be needed to identify and address the needs of pupils from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of traveller Education Services, or other professionals, to help build trust when engaging with families from different communities.

7. VULNERABLE GROUPS AT RISK FROM THE IMPACT OF EXCLUSION

As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with Education, care and health plans (ECHP) and looked after children. The headteacher will, as far as possible, avoid excluding permanently any pupil with an ECHP of SEND or a looked after child.

The school will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children, the school will co-operate proactively with foster carers or children's home workers and the local authority that looks after the child. Where there is a concern about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an ECHP of SEND or a looked after child the school will, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupils' SEND. Where a pupil has an ECHP of SEN, the school will consider requesting an early annual review or interim/emergency review.

8. STATUTORY DUTIES OF THE HEADTEACHER AFTER AN EXCLUSION HAS BEEN GIVEN

Whenever the Headteacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it. They must also, without delay, provide parents with the following information in writing:

- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;

- Parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The written notification of the information above can be provided by: delivering it directly to the parents; leaving it at their last known address; or by posting it to this address.

Where an excluded pupil is of compulsory school age the Headteacher must also notify parents without delay, and by the end of the afternoon session

- That for the first five 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 reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the exclusion
- 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; and
- Any information required by the pupil to identify the person he/she 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 must be provided without delay and 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.

Parents must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required.

The failure of the Headteacher to give notice of the information above by the required time does not relieve the Head of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.

The Headteacher will ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration will be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the governing body have been understood.

The Headteacher must, without delay, notify the governing body and the local authority of:

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

For all other exclusions, the Headteacher must notify the local authority and governing body once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

In addition, within 14 days of a request, Governing Bodies must provide to the Secretary of State information about any exclusions within the last 12 months.

For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also advise the pupil's 'home authority' of the exclusion without delay.

9. GOVERNING BODY'S STATUTORY DUTY TO ARRANGE EDUCATION FOR EXCLUDED PUPILS

For a fixed period exclusion of more than five school days, the Governing Body must arrange suitable full time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintain by (or located within) a different local authority. In addition, where a pupil has an ECHP of SEND, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

10. GOVERNING BODY'S DUTY TO CONSIDER AN EXCLUSION

The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Appendix 1). The governing body will delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors. 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; or
- It would result in a pupil missing a public examination or national curriculum test

Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for the governing body, so far as is reasonable practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair can review an exclusion decision alone. In such cases parents still have their right to make representations to the governing body and must be made aware of this right.

The parents and the Headteacher must be invited to a meeting of the governing body and be allowed to make representations. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Where the governing body is legally required to consider the decision of a Headteacher to exclude a pupil they should:

- Not discuss the exclusion with any party outside of the meeting;
- Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN);
- Where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- Allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent and invite the parents to accompany their child to the meeting);
- Have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his/her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding or how the excluded pupil may feed in his/her views by other means if attending the exclusion meeting is not possible or is unsuitable.

The governing body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by governing body. These minutes should be made available to all parties on request. The governing body should ask all parties to withdraw before making a decision. Where, present a clerk may stay to help the governing body by reference to his/her notes of the meeting and with the wording of the decision letter. In reaching a decision on whether or not to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the headteacher's legal duties.

The governing body should note the outcome of their consideration on the pupil's education record, along with copies of relevant papers for future reference. In cases where the governing body considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record. Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, the school will retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

Where the governing body is legally required to consider an exclusion they must consider the interests and circumstances of the excluded pupil, including the

circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The governing body must also consider any representations made by the parents and the Headteacher. When establishing the facts in relation to an exclusion decision the governing body must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the governing body can either uphold an exclusion or direct reinstatement of the pupil immediately or on a particular date. Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

11. GOVERNING BODY'S DUTY AFTER CONSIDERING AN EXCLUSION

Where legally required to consider an exclusion, the governing body must notify parents, the Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. In the case of a permanent exclusion the governing body's notification must also include:

- 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 following information:
 - a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing body's decision was given to parents)
 - b) the name and address to whom an application for a review (and any written evidence) should be submitted;
 - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
 - d) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review, and
 - e) that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel and that parents may also bring a friend to the review. The following information should be included:
 - That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
 - That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

12. THE ACADEMY TRUST'S DUTY TO ARRANGE AN INDEPENDENT REVIEW PANEL

If applied for by parents within the legal time frame (15 school days of notice being given of the governing body's decision) the Academy Trust must arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil. The Academy Trust must take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the Academy Trust

received the parent's application for a review (panels have the power to adjourn a hearing if required).

13. APPOINTING INDEPENDENT REVIEW PANEL MEMBERS

The Academy Trust will constitute the panel with three members representing each of the three categories below.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or head teachers during this time
- Headteachers or individuals who have been a Headteacher within the last five years.

A person may not serve as a member of a review panel if they:

- Are a member/director of the Academy Trust or governing body of the excluding school;
- Are the headteacher of the excluding school or anyone who has held this position in the last five years;
- Are an employee of the Local Authority or Academy Trust, or the governing body, of the excluding school (unless they are employed as a headteacher at another school);
- Have, or at any time have had, any connection with the local authority or Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a headteacher at another school); or
- Have not had the required training within the last two years (See DFE guidelines on 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England')

14. MARKING ATTENDANCE REGISTERS DURING AN EXCLUSION/REMOVING A PUPIL FROM ROLL

Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E.

The headteacher must remove a pupil's name from the school admissions register if:

- 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; or
- 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 Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register. Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

15. PUPILS RETURNING TO SCHOOL AFTER AN EXCLUSION

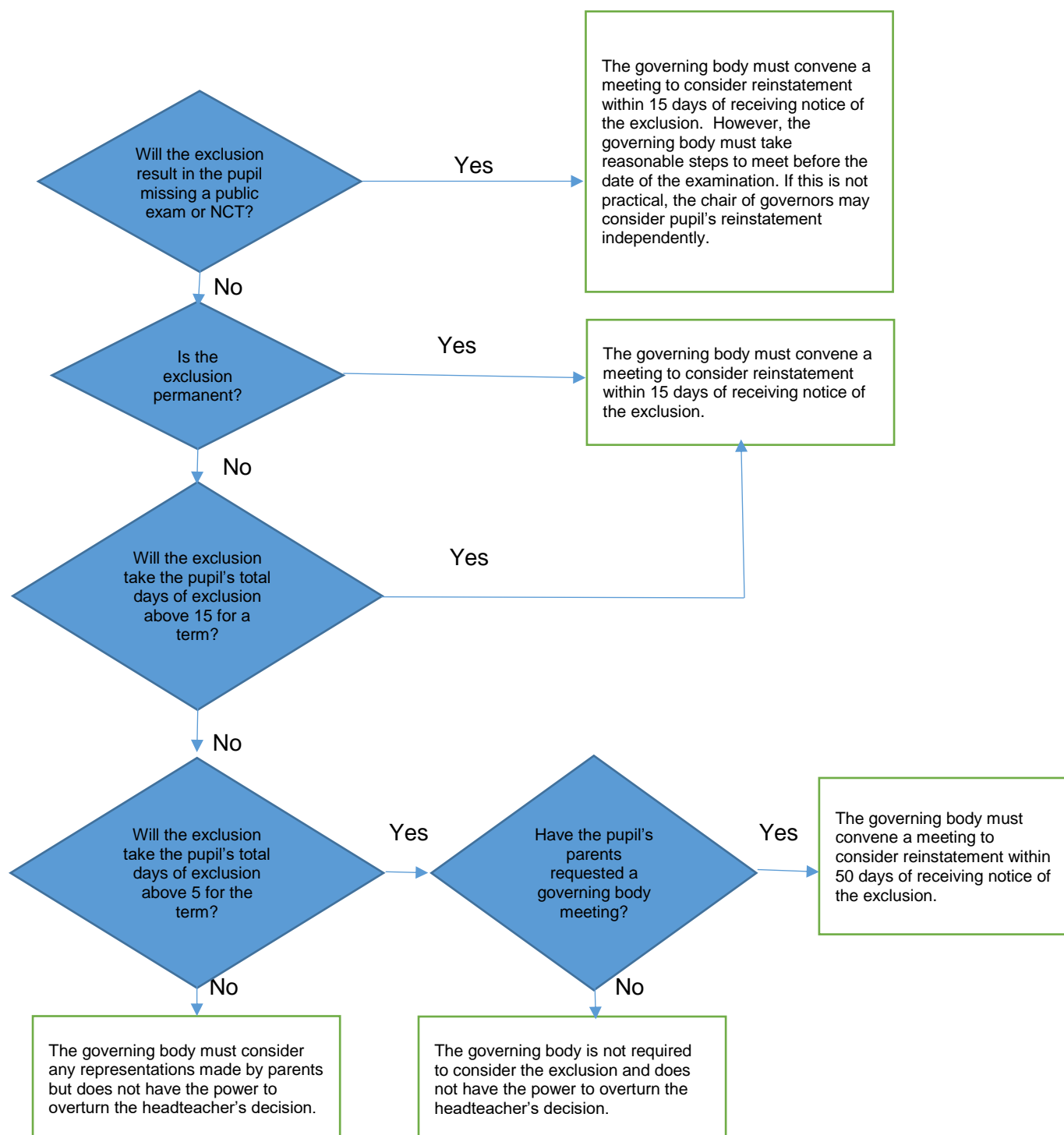
Following a fixed period exclusion (or following a permanent exclusion and a subsequent decision to reinstate the pupil), every effort will be made by the school to implement a reintegration plan. This plan will be agreed by the parents, the Headteacher and, where appropriate, the pupil. It will consider reasons suggested for the behaviour that led to the exclusion and will include support for the pupil on their return to education. This plan will be reviewed regularly by the parents, pupil and the Headteacher until such time as the pupil is no longer at increased risk of subsequent exclusions.

16. REVIEW OF THE EXCLUSION POLICY

This policy will be reviewed every two years or in the event of updated guidance submitted by the Department for Education.

Date of next review: February 2021

Annex A – A summary of the governing body's duties to review the headteacher's exclusion decision



The governing body may delegate its functions to consider an exclusion to a designated subcommittee.
Reference to days mean 'school days'.