



# Ellingham VC & Woodton Primary Federation

## WHOLE SCHOOL POLICY FOR **Exclusion**

Date Reviewed:	Agreed by Governors:	Date for Next Review:
May 2022		May 2023

*Our vision is to love our neighbour,  
enabling everyone to flourish and to  
reach their full potential.*

*Inspire Challenge Nurture*

## **1. Rationale**

This policy is designed to outline the school's approach to fixed-term and permanent exclusions within the statutory framework as defined in the School Discipline (Pupil Exclusions and Reviews) Regulations 2012.

## **2. Aims**

- To ensure the safety and well-being of all members of the school community
- To maintain an appropriate educational environment in which all can learn and succeed.

The school is committed to providing an environment where all children can feel safe, happy, and included. Any kind of exclusion is used as an absolute last resort, our aim is to nurture each child and support them with managing their behaviour.

## **3. Legislation and Guidance**

This policy has due regard to the related statutory legislation, including, but not limited to, the following:

- The Education Act 2002 (as amended by The Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

## **4. Introduction**

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

- In response to a serious breach of the school's Behaviour Policy
- If allowing the student to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Any decision to exclude must not discriminate against or harass pupils in relation to the protected characteristics and must take into account the SEND Code of Practice.

- Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the member of the Senior Leadership Team who is acting in that role). 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 Behaviour Policy;
- 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
- Verbal or physical abuse of other pupils or school staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm
- Indecent behaviour
- Bringing weapons or drugs into school

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

## **5. Exclusion Procedure (Fixed-Term)**

- Most exclusions are of a fixed term nature and are of short duration. The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- 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 beginning immediately after the end of the fixed term 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 head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a disciplinary meeting is triggered.
- The Governors 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 Governors have established arrangements to review fixed term exclusions which would lead to a student 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 letter will be sent home (on the same day if possible) giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governors as directed in the letter.
- A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate.
- 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. Parents

will also be informed of the risk of prosecution if their child is found in a public place during the school day.

- Work will be provided by the class teacher for the first 5 days, with alternative provision from day 6.

### **Pupils Returning from a Fixed Term Exclusion**

All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting accompanied by a parent. The meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school.

## **6. Exclusion Procedure (Permanent)**

The decision to exclude a pupil permanently is a serious one and is not taken lightly. There are two main types of situation in which permanent exclusion may be considered:

- The 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).
- When a serious criminal act has been committed, the school will involve the police in any such offence eg: dealing drugs or bringing in an offensive weapon.

As with fixed term exclusions, parents will be informed in writing of the decision to exclude and their right of representation and appeal at a disciplinary committee meeting, to be arranged within 15 school days.

Work will be sent home and marked when returned for the first 5 days.

From day 6 the local authority are responsible for providing full time alternative educational provision.

Where parents dispute the decision of the Governors not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the Governors to reinstate an excluded pupil.

## **7. Roles and Responsibilities**

### **The Head Teacher:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to exclude having checked all evidence.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and within 24 hours by letter.
- Send details of the exclusion to the Chair of Governors and the LA.
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to Governors.

### **Class Teacher:**

- Keep appropriate records of incidents that may lead to the decision to exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Use the time of the exclusion to review provision eg: seating arrangements, differentiation, behaviour support.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

### **Governors:**

- Review the policy in the light of monitoring.
- Attend Exclusion hearings as required.

## **8. Links with Other Policies**

- Attendance Policy
- Behaviour & Anti Bullying Policy
- Home School Agreement
- Safeguarding Policy