

Exclusion Policy



'We can and we will'
GLEBE PRIMARY SCHOOL

Exclusion Policy

Mission Statement:

At Glebe School we believe in an ethos that values the whole child. We strive to enable all children to achieve their full potential academically, socially and emotionally.

Aims

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;
- Pupils do not become N.E.E.T (not in education, employment or training).

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](https://www.gov.uk/government/publications/school-exclusion).
<https://www.gov.uk/government/publications/school-exclusion>

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/1033/made>
- Sections 64-68 of the School Standards and Framework Act 1998
<http://www.legislation.gov.uk/ukpga/1998/31/contents>
- In addition, the policy is based on:
 - Part 7, chapter 2 of the [Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2), which looks at parental responsibility for excluded pupils.
<http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2>

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- Section 579 of the [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/579), which defines 'school day' .
<http://www.legislation.gov.uk/ukpga/1996/56/section/579>
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](http://www.legislation.gov.uk/ukpsi/2014/3216/contents/made), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](http://www.legislation.gov.uk/ukpsi/2014/3216/contents/made)
- <http://www.legislation.gov.uk/ukpsi/2014/3216/contents/made>

Introduction

Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. At Glebe, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These include our Behaviour Policy, Anti-Bullying Policy and our school code of conduct, The Glebe Way.

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use information to assess patterns of challenging behaviour in pupils. Where patterns emerge we will intervene and put support in place. We will work with the pupil's family and other agencies to put additional support in place. Our nurture room and the learning mentor who leads this facility will be vital in this support.

No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

The decision to exclude

Only the Head teacher, or acting Head teacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

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We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

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).

Reasons for Exclusion

A decision to exclude a pupil, either internally, for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some serious situations, exclusion may be necessary, if all other strategies have been exhausted. The decision to exclude will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on school premises;
- Persistent bullying;
- Persistent prejudice based harassment or hatred based acts
- Serious incidents of theft or deliberate damage to property
- Persistently poor behaviour or a serious single incident.

Types of Exclusion

The length of an exclusion will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

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- **Internal Exclusion:**

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom. An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the learning mentor etc)

Internal and temporary/fixed-term exclusion may be used in response to a persistent poor behaviour which breaches school rules and policies. In the most serious cases where the problem persists and there is no improvement a permanent exclusion may be necessary. These would be imposed only when the school had already offered and implemented a range of support and management strategies. These could be joint action plans with parents, child and school, behaviour intervention with the Learning Mentor, target setting, home/school communication book etc.

- **Temporary / Fixed-Term exclusion:**

A temporary or fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

Single incident Internal and temporary/fixed-term exclusion may be used in response to a very serious breach of school rules and policies or a disciplinary offence. In the most serious cases where the problem persists and there is no improvement a permanent exclusion may be necessary. In such cases the Head teacher or a designated senior leader will investigate the incident and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Head teacher will check whether the incident may have been provoked, for example by bullying or racial harassment. The Governing Body will be informed of all exclusions on a termly basis; and additional consultation may also take place about key incidents with the Chair of Governors.

- **Permanent exclusion:**

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Head teacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

Responsibilities

- **Head teacher**

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If the Head teacher decides to exclude a pupil s/he will:

- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the pupil if the pupil is in the state of mind to listen to the decision;
- Contact the parents, explain the decision and ask that the child be collected;
- Send a letter to the parents:
 - confirming the reasons for the exclusion,
 - whether it is a permanent or temporary exclusion,
 - the length of the exclusion and any terms or conditions agreed for the pupil's return;
 - the exact date and time the child is to return,
 - give information about the parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
 - if 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.
- 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.
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- Plan how to address the pupil's needs and integration back into their class on his/her return;
- Plan a meeting with parents and pupil on his/her return to be conducted by a suitable senior member of staff.
- The Head teacher will immediately notify the governing board and the local authority (LA) of:
 - A permanent exclusion, including when a fixed-period exclusion is made permanent;
 - Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term;

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- Exclusions which would result in the pupil missing a public examination;
- For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay;
- For all other exclusions, the Head teacher will notify the governing board and LA once a term.

The Governing Body

- The governing body has a duty to consider the reinstatement of an excluded pupil.
- Within 14 days of receipt of a request, the governing body will provide the secretary of state and the Local Authority with information about any exclusions in the last 12 months.
- For a fixed-period exclusion of more than 5 school days, the governing body will ensure the Head teacher has arranged suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. In this situation the local authority will contact parents directly with the necessary arrangements.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child or dropping the child off at school in spite of the exclusion, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Re-integration:

After fixed term exclusion the pupil and parent will be requested to attend a reintegration meeting with a senior member of staff. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will be also be discussed. The meeting will be recorded on the school re-integration form and a copy retained by the parent, child and school.

Considering the reinstatement of a pupil

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

- The exclusion is permanent;
- It is a fixed-term 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.

If requested to do so by parents, the governing body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The governing body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the governing body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing body will notify, in writing, the Head teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, [the governing board's/name of committee of the governing board's] decision will also include the following:

- 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 date by which an application for an independent review must be made;
 - The name and address to whom an application for a review should be submitted;
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion;
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local authority to appoint an SEN expert to attend the review;

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- Details of the role of the SEN expert and that there would be no cost to parents for this appointment,
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review,
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That if parents believe that the exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An Independent Review

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing body of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Head teacher category.

- 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 5 years, provided they have not been teachers or Head teachers during this time;
- Head teachers or individuals who have been a Head teacher within the last 5 years;

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

- Are a member of the Local Authority or governing board of the excluding school,
- Are the Head teacher of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Local Authority, or the governing board, of the excluding school (unless they are employed as a Head teacher at another school);
- Have, or at any time have had, any connection with the Local Authority, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

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- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil 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 has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Work Set When a Pupil is Excluded for More Than One Day

Work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a child is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning.

Behaviour outside school

Pupils' behaviour outside school on school business e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally this includes the any serious breach of policy which could 'bring the school into disrepute'.

Managed move

In cases where the Head teacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent's failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Head teacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and in such cases the Head teacher may assist the parents in placing the pupil in another school.

Removal from the school for other reasons

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The Head teacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time. A pupil cannot be 'sent home' for other reasons, including poor behaviour.

Equal Opportunities:

The Governing Body recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at Glebe Primary School should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

Procedure for appeal:

If parents wish to appeal the decision to exclude, the matter will be referred to the Governing Body and handled through the school and LA appeal procedure.

Reviewed: March 2020

To be reviewed: March 2021

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Appendix 1: Independent review panel training

The Local Authority must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making;
- The need for the panel to observe procedural fairness and the rules of natural justice;
- The role of the chair and the clerk of a review panel;
- The duties of Head teachers, governing boards and the panel under the Equality Act 2010;
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Appendix 2: Guide to Possible Reasons to Exclude a Pupil or not Exclude a Pupil

No Grounds	Reasonable Grounds	Strong Grounds
Minor incidents, for example: Failure to do homework or failure to bring dinner money	Serious harm to the education or welfare of the pupil or others	Bringing the school into disrepute through inappropriate or dangerous behaviour or seriously endangering the safety of others
Poor academic performance	Persistently leaving school premises without authorisation	Supplying or using an illegal drug on school premises
Lateness or poor attendance	Bringing adults or other young people onto school premises with malicious intent	Carrying, threatening to use and or using an offensive weapon (including fireworks)
Breaches of school uniform expectations or rules on appearance, for example: wearing jewellery	Bringing the school into disrepute at a public event	Attempted arson on school grounds, destruction or serious damage of school property or buildings
Failing to meet the requirements of the Disability Discrimination	Persistent refusal to co-operate with school staff, verbal aggression	Repeated threats and highly offensive and abusive language

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Act by excluding disabled pupils without due regard to their disability or treating them less favourably than others because of their disability	towards staff, pupils or other members of the school community	towards school staff, pupils or other members of the school community
Failing to meet the requirements of the Race Relations Act by excluding pupils or discriminating unfavourably on the grounds of race	Bullying, racial ,sexual or other harassment of staff, pupils or other members of the school community	Repeated bullying, racial, sexual or other harassment of staff ,pupils or other members of the school community
	Repeated incidents of stealing lower value items from other pupils, staff, the school for example toys other children have brought in	Physically assaulting another pupil, member of staff or visitor to the school.
		The theft of more valuable items from another pupil, staff, the school for example an iPad or serious and deliberate damage to school property.