



## EXCLUSION POLICY

### Exclusions

Exclusion, either for a fixed period of time or permanently is the final consequence and sanction. In considering exclusions the Headteacher, Governors, LEA and Exclusions Appeal Panels must, by law, have regard to the DfE Guidance on exclusions and the following legislation: The Education Act 2002 as amended in 2011 and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, when deciding

- whether to exclude a pupil for a fixed term or permanently;
- the length of the exclusion;
- whether to direct the Headteacher to reinstate the pupil.

A decision to exclude a pupil should be taken only:

- in response to serious or persistent breaches of the schools' discipline policy; **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others at the school.

In reaching the decision to exclude a pupil the Headteacher should:

- make sure s/he has all the relevant facts and firm evidence to support the allegations, taking into account the Behaviour Policy, Equality Objectives and the Safeguarding Policy;
- check whether the incident was provoked by racial or sexual harassment;
- allow the pupil(s) to give their version of events;
- explore the possibility of a managed move by liaising with other local schools and the Local Authority;
- inform the Chair or Vice-Chair of Governors immediately.

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

Before excluding a child, **in most cases** a range of alternative strategies should be tried. **Exclusion should not be used for minor incidents**, poor academic performance, lateness, or truancy, breaching school uniform policy or punishing pupils for the behaviour of parents.

**Lunchtime Exclusions** - Pupils whose behaviour at lunchtimes is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as half a school day, even if the pupil returns to school in the afternoon.

**Suspensions (Fixed Term Exclusions)** - The law allows a pupil to be excluded for up to 45 days in a school year but an individual exclusion should be for the shortest time necessary.

For periods of suspension work should be set and marked.

For a single suspension the Headteacher must:

- plan to enable the pupil to continue his/her education;
- plan how to use the time to address the pupil's problems;
- agree with the LEA arrangements to help the pupil re-integrate into school at the end of the exclusion.

**Permanent Exclusions** – The Headteacher and Governing Body recognise that a decision to exclude a child permanently is a serious one. Therefore, it should only be used as a last resort and would not normally be taken after a first offence. However, in extreme cases, should the first offence be deemed as very serious then a pupil could be excluded permanently on the grounds of this alone.

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There are two main types of situation in which a permanent exclusion may be considered:

1. The first is a final step in a concerted process for dealing with disciplinary offences following the use of a wide range of strategies, which have been used without success. This would include persistent and defiant misbehaviour including bullying (which would include cyber, racist or homophobic bullying,) or repeated possession and/or use of an illegal drug on the 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 include:

- Serious sexual or threatened violence against a pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Behaviour which poses a significant risk to the child's own safety

The school will involve the police in any relevant offences.

**Exclusion from school trips** – pupil participation in a school visit (residential or day visits) is a privilege, not a right. Therefore, a pupil whose behaviour has invoked the sanction of loss of privileges may be excluded from any trip organised during the period that the sanction is in force. We also reserve the right to exclude a child from a trip if we consider that their behaviour on the trip may jeopardise their own safety or the safety and enjoyment of others.

**Behaviour of pupils outside the school** – this can be considered as grounds for exclusion. This will be a matter of judgement by the Headteacher in accordance with the school's Behaviour Policy.

**Informing parents** – If a pupil is excluded, the Headteacher will inform parents without delay, and the reasons for it. Parents will receive the following in writing:

- the reasons for the exclusion;
- the period of suspension, or if permanent, the fact that it is permanent;
- parents' right to make representations to the Governing Body and how the pupil may be involved in this;
- how any representations should be made;
- where there is a legal requirement for the Governing Body to consider the exclusion, that parents have a right to attend the meeting.

Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known address, or by posting it. If parents consent, the information can be delivered electronically.

**Informing the Governing Body** – the Headteacher will inform the Governing Body and Local Authority of:

- a permanent exclusion
- exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term;
- exclusions which would result in the pupil missing a national curriculum test.

For all other exclusions the Headteacher will inform the Local Authority and Governing Body once a term.

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**Behaviour which may lead to exclusion** – exclusion is an extreme sanction and is only administered by the Headteacher. Exclusion, whether for a period of suspension or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, in line with the school's Behaviour Policy:

- Verbal abuse or threatening behaviour to staff and others
- Verbal abuse or threatening behaviour to pupils
- Physical abuse/attack on staff
- Physical abuse/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Sexual assault or assault
- Carrying an offensive weapon
- Use, or threat of use, of an offensive weapon
- Arson
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- 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 Headteacher makes the judgement that exclusion is an appropriate sanction.

During the period of suspension, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians.

Records relating to exclusions will be stored confidentially.

**The requirements of a Governing Body to consider an exclusion** – The Local Governing Body has a duty to consider parents' representations about an exclusion. The Local Governing Body will delegate their functions to a sub-committee of at least three governors.

The Local Governing Body must consider the reinstatement of a pupil within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed period exclusion of which would bring the total number of school days for the pupil to more than 15 in a term;
- It would result in a pupil missing a national curriculum test.

If requested to do so, the Local Governing Body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

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Where an exclusion would result in a pupil missing a national curriculum test, the Governing Body should consider the exclusion. If this is not practical, then the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil.

The Headteacher, parents and a representative of the Local Authority must be invited to a meeting with the Local Governing Body in order to make representations.

In the case of a suspension of no more than 5 days in a term, the Governing Body must consider representations made by the parents, but it cannot directly reinstate the pupil and it is not required to meet the parents.

**Appeals** – Where legally required to consider an exclusion, the Local 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 following information:

- The fact that it is permanent;
- Notice of parents' right for the decision to be reviewed by an independent review panel with the following information:
  - the date by which a review must be made;
  - the name and address to whom an application for a review should be submitted;
  - that any application should consider the pupil's special needs which are relevant to the exclusion;
  - parents have a right to a SEND expert to attend the review;
  - details of the role of the SEND expert and that there would be no cost;
  - parent's right to make a request to hold the meeting via the use of remote access and how and to whom to make this request;
  - parents may, at their own expense, appoint someone to make written and/or oral representations on their behalf.

**Pupils with Special Educational Needs** - A minority of pupils on the Special Needs register may have emotional and behavioural problems which make it difficult for them to always successfully abide by the rules and conventions of our school.

Although these children will be subject to the same rewards and sanctions as all other children, there may be times when, their particular special needs require additional strategies to be employed which are not necessarily the same as for other children. Exclusion is a sanction that these children may be subject to in accordance with our hierarchy of sanctions. However, the school will actively work with parents in supporting the behaviour of pupils with additional needs to try to avoid any such sanction.

In the case of children with a Statement of Special Educational Needs or an Education Health Care Plan, Cockwood Primary School will try every practicable means to avoid exclusion and maintain placement in the school, including seeking LEA and other professional advice. Where this process has been exhausted, the school should liaise with the LEA about initiating an "interim" annual review of the statement with every effort being made to avoid exclusion during the assessment process.