

# Exclusion of Pupils Policy



RHODES AVENUE  
PRIMARY SCHOOL

<b>Approved by:</b>	Full Governing Body	<b>Date:</b> Jan 2020
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## **Context**

This document outlines Rhodes Avenue Primary School's (hereafter referred to as 'the school') policy and practice with regards to exclusion. It is underpinned by the shared commitment of all members of the school community to achieve the school's primary aim:

- to ensure the safety and well-being of all pupils and staff.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education and Rhodes Avenue Primary School believes that fixed and/or 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/or where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Decisions by the school to exclude a pupil would be made in line with the principles of administrative law, that it is: lawful, rational, reasonable, fair and proportionate.

The school accepts freely that it has a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race and the school will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

## **Legislation**

The principle legislation to which this policy takes account of is

- *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 (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007*;
- *Equality Act 2010*;
- *SEN Code of Practice*.

## **Definition of 'parent' within this guidance**

In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example a foster carer) with whom the child lives. This policy refers to 'parents' throughout and where practicable it is expected that all those with parental responsibility should be engaged with the exclusions process.

## **The Decision to Exclude**

The school has a range of policies and positive reinforcement procedures in place which communicate the school's expectations of behaviour to all its stakeholders:

- Pupil Code of Conduct;

- Behaviour for Learning Policy;
- Anti-bullying Policy;
- Positive Handling;
- Home School Agreement.

The decision on whether to exclude is for the head teacher to take. When considering exclusion – internal, fixed or permanent the head will approach each case on its own merits, examining:

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

Additionally, the head teacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, if it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying before the sanction of exclusion is implemented. All these factors will be considered before a decision is made.

### **Early Intervention and Support**

Early intervention by the school to address underlying causes of disruptive behaviour could include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Head teacher may 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 head teacher will/should consider whether exclusion is providing an effective sanction.

In addition to early intervention, the head teacher should/will/may consider what extra support might be needed to identify and address the needs of pupils that statistically have higher than average exclusion rates. This includes: pupils with SEND, pupils eligible for free school meals, Looked After children and pupils from certain ethnic groups (Gypsy/Roma, Travellers of Irish Heritage and Black Caribbean communities).

The school will engage proactively with parents in supporting the behaviour of pupils with additional needs – a pupil with a statement/Education Health and Care Plan (EHCP) or a looked after child – it will wherever possible in partnership with others (including the local authority as necessary), consider what additional or alternative placement may be required. This might involve assessing the suitability of provision for a pupil's SEND and/or consider requesting an early Annual Review or interim review.

### **Types of Exclusion**

#### i.) Internal

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.

#### ii.) Fixed Term

A fixed term is when a pupil is temporarily excluded from school for a fixed amount of time. A pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a

single academic year.

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.

During the first five days of an exclusion, the school will take reasonable steps to set and mark work for pupils. The work provided will be accessible and achievable.

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

### iii.) Permanent

For a permanent exclusion the local authority must arrange suitable full time education for the pupil to begin no later than the sixth day of the exclusion.

### iv.) 'Informal' 'Unofficial'

Sending pupils home to 'cool off' are unlawful, regardless of whether they occur with the agreement of parents and any exclusion of a pupil from the school – even for short periods of time – will be formally recorded.

## **Informing Parents**

If the head teacher excludes a pupil they will without delay, notify parents of the period of the exclusion and the reasons for it. The head teacher will also, without delay, provide parents with the following information in writing:

- the reasons for the exclusion;
- the period of a fixed period exclusion;
- for a permanent exclusion, the fact that it is permanent;
- the parent's 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;
- 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.

Written notification of the above information can be provided by:

- delivering it directly to parents;
- leaving it at their last known address;
- by posting it to the last known address.

When notifying parents the head teacher will draw attention to any relevant sources of free and impartial information which may include:

- a link to the statutory guidance on exclusion (<https://www.gov.uk/topic/schools-colleges-childrens-services/school-behaviour-attendance>)
- a link to the Coram Children's Legal Centre (08088 020 008) ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com))

Parents will be informed where a fixed period exclusion had been extended or converted to a permanent exclusion. In such cases the head teacher will write again to the parents explaining the reasons for the change and provide any additional information required.

## **Informing the Governing Body and Local Authority**

The Governing Body will be informed of any exclusions at full Governors Meetings (or once a month) through the *Head's Report* and additional consultation may also take place if any serious behaviour incidents occur that warrant discussion.

The Head teacher will, without delay, notify the Governing Body and the Local Authority of:

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

## **Safeguarding**

An exclusion will not be implemented if doing so could put a pupil's safety at risk. In cases where parents refuse to comply or accept the exclusion; for example refusing to come to school, then the school may consider an internal exclusion until the end of the day and implement the original exclusion decision from the time the pupils is collected from school. In more severe circumstances the school could decide to contact Social Services.

## **Removal from School**

The Head teacher may send a pupil home, after consultation with parents and a health professional as appropriate, if a pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of an illness. This is not an exclusion and should be for the shortest possible amount of time.

## **Re-integration**

After a 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. Strategies, targets and support for positive behaviour will be discussed and the salient points of the meeting will be recorded.

## **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 Local Authority procedure. (See Appendix 1)

## **Links with other policies and documents**

- Behaviour for Learning
- Home School Agreement
- Positive Handling
- Equalities

## **Procedures for policy monitoring and dissemination**

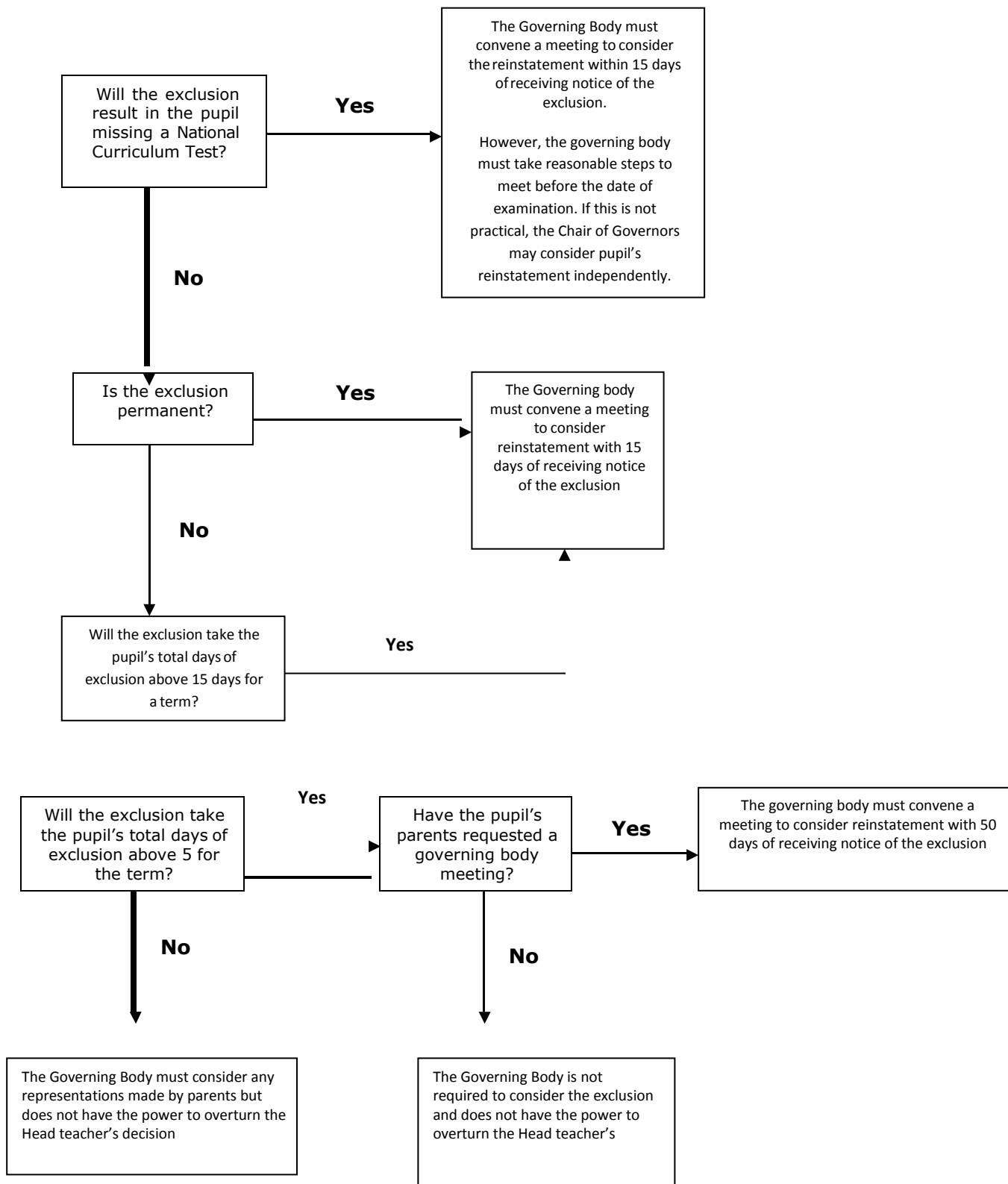
This policy will be reviewed according to the Governing Body's schedule of policies. All members of staff and Governors will receive a copy of this policy. A copy will be available to download from the school's website and a hard copy will be available from the school office.

## **Persons responsible**

Headteacher  
Assistant Headteacher  
Curriculum Committee

# APPENDIX 1

A summary of the Governing body’s duties to review the Head teacher’s exclusion decision



The Governing Body may delegate its functions to consider an exclusion to a designated sub- committee. References to days mean 'school days'



