

# East Meon Church of England (Controlled) Primary School

## Exclusion Policy



Learning inspired by love, hope and courage.

**Approved by Full Governors**

**Date:** 21<sup>st</sup> February 2024

**Reviewed by:** Catherine Olver (Headteacher)

**Next review due by:** February 2025

East Meon Church of England Primary School strives to create an inclusive culture which promotes equality along with a shared sense of belonging for all who work, learn and use the services of our school. This is a reflection of our school values and our statutory obligations, including those set out in the Equality Act 2010. In this regard, the school recognises that no one must suffer discrimination, either directly or indirectly, or harassment in the application of this Exclusion Policy.

Policies applied in the same way to all pupils may cause unfair disadvantage and discrimination so we aim to take account of diversity, including any protected characteristics our pupils may possess, when making decisions.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. However, East Meon Church of England Primary School recognises that all children may go through times of inappropriate behaviour. We recognise that each child has a unique contribution to make to school life within the safe and well managed boundaries the school set out through the school's behaviour policy.

We want to support them to achieve their best. We also note that statutory guidance confirms that disruptive behaviour may be an indication of unmet needs and we approach all challenging behaviour in a supportive and positive way. Our aim is to include.

A decision to exclude a pupil, either for a fixed period or permanently, will only be taken as a last resort. The physical and emotional health of all our children and staff is our paramount concern and we therefore accept that, in some exceptional situations, exclusion may be necessary.

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. Other school policies which are relevant to a decision to exclude, include: Behaviour Policy, Anti-Bullying Policy, SEN Policy, Safeguarding Policy and Equality Policy.

Our Exclusion Policy reflects our values and pays due regard to the Equality Act 2010 and the statutory guidance provided by the Department for Education (Exclusion from Maintained schools, Academies and Pupil Referral Units in England 2017).

### **Reasons for Exclusion**

Exclusion, whether fixed term or permanent, may be used for any of the following infringements of the Behaviour Policy:

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the school

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, without a thorough investigation. Wherever possible, the school will use all available alternatives to exclusion. Where this is mitigation for an action or behaviour this will be viewed as a reason not to exclude.

All decisions to exclude must be lawful, rational, reasonable and fair. A decision to exclude must be a proportionate response to the behaviour.

In addition, we are committed to preventing exclusions by using effective strategies to manage behaviour and arranging appropriate support where required. We will also work proactively and collaboratively with parents, encouraging the discussion of concerns.

We also believe that pupils should be enabled and encouraged to participate at all stages of the behaviour management process, taking into account their age and understanding.

### **Types of Exclusion**

There are two types of exclusion:

- Fixed period exclusion
- Permanent exclusion

The procedure in relation to both types of exclusion is set out below.

### **Fixed Period Exclusion**

A fixed period exclusion prevents a pupil from being in school for a specified number of days because they have breached the school's behaviour policy. A fixed period exclusion must be for the shortest time necessary and we take into account evidence which suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

### Who can exclude a child?

Only the head teacher can exclude a child. The decision after investigation has to be on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. This means the head teacher must decide whether it is more likely than not that the pupil did what they are accused of. Where practical, the head teacher should allow a pupil to present their case (with appropriate support where required) before deciding whether to exclude. This may or may not include enabling the child's parent or carer to support in this process.

### Why can a child be excluded?

A child can only be excluded for disciplinary reasons (see 'reasons for exclusion' above) and this will be in accordance with the school's behaviour policy which sets out the school rules.

Before excluding, the head teacher will take into account factors which may have caused the child's behaviour such as bullying, mental health issues or unidentified or unmet SEN. The head teacher will also consider whether underlying causes of disruptive behaviour have been addressed, including making an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. This may include the use of multi-agency assessments for pupils demonstrating persistent disruptive behaviour.

The head teacher must ensure there is sufficient recorded evidence to support the decision.

In the event that systems and processes in place for a child have not been adhered to or have been deviated from, exclusion is an unlikely option unless the severity of the incident warrants no other approach.

### Exclusion Procedure

The head teacher, where appropriate, will explain the decision to the child. The head teacher will immediately try and telephone the parents/carers about the exclusion and will write a letter to them without delay (on the first day of the exclusion) informing them of:

- the reason for the exclusion and the circumstances, including the steps taken to avoid it
- the length of the exclusion
- the date and time when the pupil should return and the time of the 'return to school' meeting
- if the exclusion is up to five days in any one term, their right to make written representations to the Governing Body and details of how to make such representations
- for longer exclusions (over 5 but not over 15 days in any one term) their right to request a meeting of a committee of the Governing Body and put their views in person
- if the exclusion is for more than 15 days in any one term (or the pupil will miss a public exam or national curriculum test), their right to make written representations and the Governors' obligation to meet to consider the exclusion within 15 school days
- their rights of access to the child's school record
- the arrangements for setting and marking work in line with statutory requirements
- the relevant sources of free and impartial information (see below: 'Advice for Parents')
- the parents'/carers' legal responsibilities to keep their child at home during the first five days of the exclusion.

The head teacher may be required to give evidence to a committee of the Governing (see Appendix A) and, in the case of permanent exclusion, to an independent review panel. The head teacher may withdraw an exclusion that has not been reviewed by the Governing Body.

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. In such cases the head teacher must write again to the parents explaining the reasons for the change and providing any additional information required (as required by the procedure for permanent exclusion set out below).

### Return to school meeting

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve the head teacher and other staff where appropriate.

## **Permanent Exclusion**

Permanent exclusion is a very serious decision as it involves removing the child from the school roll. A permanent exclusion is a last resort and will only occur when all appropriate strategies have been exhausted or it will be in response to a most 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
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment.

### Who can permanently exclude a child?

Only the head teacher can exclude a child. The decision has to be on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. This means the head teacher must decide whether it is more likely than not that the pupil did what they are accused of. Where practical, a head teacher should allow a pupil to present their case (with support where required) before deciding whether to exclude.

### Why can a child be permanently excluded?

A permanent exclusion can only happen when the head teacher has decided that:

- (i) a pupil should not continue at the school because of a serious breach of the school's behaviour policy and
- (ii) allowing the pupil to remain in school would harm the education or welfare of the pupil or others in the school.

Permanent exclusion will only ever be considered where a child has a history of disruptive behaviour or the child has been involved in a single serious incident such as an act of violence.

As with fixed term exclusion, before excluding, the head teacher will take into account factors which may have caused the child's behaviour such as bullying, mental health issues or unidentified or unmet SEN. The head teacher will also consider whether underlying causes of disruptive behaviour have been addressed, including making an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. This may include the use of multi-agency assessments for pupils demonstrating persistent disruptive behaviour. The head teacher will ensure there is sufficient recorded evidence to support the decision

If educational failings are identified by the school, this may act as mitigation for a permanent exclusion. All staff have a responsibility to follow school plans and policies to ensure that significant decisions such as permanent exclusion are appropriate and fair.

### Permanent Exclusion Procedure

The head will tell the child and will write a letter to the parents/carers without delay (on the first day of the exclusion) informing them of:

- the reason for the exclusion
- the fact it is permanent
- the parents'/carers' rights of access to the child's school record
- their right to make written representations and to attend a meeting of the Governing Body (with a friend and/or representative at their own expense) and put their views in person with details about how they can do this (see Appendix A)
- arrangements for setting and marking work for the first five days of the exclusion (after this time the Local Authority has a duty to provide suitable full-time alternative education)
- details of any alternative provision (this may be provided subsequently but at least 48 hours before the provision is due to start)
- their responsibilities to keep their child at home during the first five days of the exclusion
- relevant sources of free and impartial information (see below: 'Advice for Parents').

In the event of a permanent exclusion, regardless of whether the decision is being challenged by a parent or carer, the school may seek to ask an independent practitioner to act as an advocate on behalf of the pupil to ensure that the decision is robust. This will not negatively impact on complaints or appeals around the decision.

### **Special Educational Needs, Disability and 'Looked after' Children**

This policy pays particular regard to children with additional needs, special educational needs (SEN) and disabilities. We note that certain pupils are far more vulnerable to exclusion (e.g. pupils with statements of SEN and children who are described as 'looked after'). We have a legal and moral duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability.

The head teacher will ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to it. This could include: differentiation in the school's behaviour policy, developing strategies to prevent the pupil's behaviour or requesting external help with the pupil and staff training.

Where a child with additional needs, a pupil with an Education Health Care Plan of SEN or a 'looked after' child has behaviour problems or is at risk of exclusion, we will work in partnership with others (including the local authority) to consider what additional support may be required.

Other than in the most exceptional circumstances, the school will avoid permanently excluding pupils with a statement of SEN. Where the pupil's behaviour makes this difficult, the school will seek advice from Hampshire County Council (HCC) and other relevant professionals. If the problems remain unresolved, the school will liaise with parents, the pupil and HCC to provide additional support for the pupil or naming another school.

## **Notification of Exclusions**

The head teacher will inform the Governing Body and HCC of all permanent exclusions and all fixed period exclusions that extend beyond five days in any term.

The head teacher must also inform HCC of any exclusion which means the pupil misses the chance to take a public examination/national curriculum test.

For all other exclusions, the head teacher must notify the local authority and Governing Body once a term.

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

Fixed period exclusions do not have to be for a continuous period and a pupil may be excluded for one or more fixed periods up to a maximum (in law) of 45 school days in a single academic year.

## **Marking Attendance Registers Following Exclusion**

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 Offsite) or Code D (Dual Registration), should be used.

Where pupils are not attending alternative provision they should be marked absent using the code for internal exclusions.

## **Internal Exclusions**

Internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons and in accordance with the school behaviour policy. It is not a legal exclusion, so exclusions legislation and the Department for Education guidance on exclusion from school do not apply. Internal exclusion is a planned strategy. Its aim is to reduce formal exclusions by ensuring more effective responses to inappropriate behaviour in school. Internal exclusions will be monitored in the same way as incidents in general. Evidence of regular internal exclusions will prompt further dialogue with parents/carers. It may also trigger further discussions about the need for enhanced support if the child has additional or special needs.

There is no right of appeal over internal exclusion, although these will be reported and recorded and data shared with governors. Issues with internal exclusions can be dealt with through the schools complaints process.

## **Drug Related Exclusions**

Any response to drug-related incidents will balance the needs of the individual pupils concerned with the wider school community. Government guidance confirms that it is for schools to decide what action to take following their own disciplinary procedures.

Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. Drug use can be a symptom of other problems and there may be a need to involve or refer pupils to other services. For further details see: DfE and ACPO: Drug advice for schools (2012) .

### **Safeguarding**

An exclusion will not be enforced if doing so may put the safety of the child at risk. In cases where parents will not comply by, for example, refusing to collect the child, 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.

The head teacher retains safeguarding responsibility during a period of exclusion and may set a system of check-in with the pupil to ensure that their safeguarding responsibility is discharged.

### **Advice for Parents/Carers**

Exclusions are worrying for parents/carers and we will endeavour to work collaboratively with you. Relevant sources of free and impartial information include:

- Statutory guidance on exclusion (Exclusion from Maintained schools, Academies and Pupil Referral Units in England 2017).
- The Advisory Centre for Education has produced a guide to the law on exclusion.
- Coram Children's Legal Centre has a factsheet available.
- The independent education charity IPSEA has a range of leaflets.



## Appendix A – Governor Reviews of Exclusions

The Governing Body has a duty to consider parents' representations about an exclusion.

Their responsibilities vary depending on the type of exclusion.

The Governors must meet within 15 school days of a decision on exclusion if:

- it is a permanent exclusion; or
- 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.

Additionally, on application by the parent, the Governing Body will 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 5 school days, but not more than 15, in a single term.

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 will consider any representations made by parents, but it cannot direct reinstatement and it is not required to arrange a meeting with parents. Where an exclusion would result in a pupil missing a national curriculum test, the Governors will, so far as is reasonably practicable, consider the exclusion before the date of the test. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil.

### Procedure

The procedure will be as follows:

#### 1. Arranging a meeting

- The Governors will attempt to arrange a meeting at a time and date convenient to all parties
- Parents/carers must be invited to attend the meeting and may be represented (at their own expense) and bring witnesses
- At least three Governors should attend and a clerk will attend to take notes and advise on procedure
- The Governors will not discuss the exclusion with any party outside of the meeting
- The head teacher will also be present and a representative of the local authority may also attend
- Where possible, the Governors will 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
- The Governors will also 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

- The Governors will 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.

## 2. At the meeting

- The parents and head teacher (and other witnesses) will have a chance to give evidence
- The Governors' decision is made on the balance of probabilities and must be based on the interests and circumstances of the excluded pupil and having regard to the interests of other pupils and people working at the school
- They must decide whether the head teacher's decision was lawful, reasonable and procedurally fair
- Minutes will be taken of the meeting as a record of the evidence that was taken into account.

## 3. Making and communicating their decision

- The Governors may either uphold the exclusion or direct reinstatement immediately or on a particular date. If reinstatement is not possible 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 head teacher's decision to exclude the child was justified based on the evidence
- The decision should be logged on the child's school record along with copies of the relevant papers
- The Governing Body must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.

## 4. Permanent exclusions

In the case of permanent exclusions, if the Governors decide that exclusion is justified, their letter to the parents/carers will (in accordance with statutory guidance in: Exclusion from Maintained schools, Academies and Pupil Referral Units in England 2017) inform them of:

- the fact the exclusion is permanent
- their right to ask for the decision to be reviewed by an independent review panel
- the timescales for such a review and how the application should be made
- their right to ask for a SEN expert (at no cost to them) to attend the review (whether or not the school recognises that a pupil has SEN)
- their right to be represented (at their own expense)
- relevant free and impartial sources of information

- their additional rights to make a claim to the First Tier Tribunal if they believe that the exclusion has occurred as a result of discrimination within 6 months of the date on which the discrimination took place (i.e. date of exclusion).

A child must not be removed from the school roll until the outcome of any Independent Review Panel is known.

#### 5. Duty to reconsider an exclusion decision following a review

Where an Independent Review Panel directs or recommends that the Governing Body should reconsider their decision, the Governing Body will do so within 10 school days of being given notice of the panel's decision.

In the case of either a recommended or directed reconsideration, the Governing Body will notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents
- the head teacher
- the local authority and, where relevant, the 'home authority' if the pupil lives outside the school's local authority.