

## Exclusions Policy

### Rationale

The purpose of this policy is to explain the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

1. To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.
2. To realise the aim of reducing the need to use exclusion as a sanction through the school's commitment to meeting the needs of each child and working closely with parents.

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

- (a) In response to a serious breach of conduct
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

Exclusion is an extreme sanction and is only administered by the Head Teacher (or, in the absence of the Head, the Senior Leader 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:

- Attack on staff
- Attack on pupils
- Serious threatened violence against another pupil or a member of staff
- Verbal abuse to staff
- Verbal abuse to pupils
- Indecent behaviour
- Serious damage to property
- Misuse of drugs
- Theft
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson

- 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 Head Teacher makes the judgment that exclusion is an appropriate sanction.

### **Fixed Term Exclusion**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DFE regulations allow the Head Teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year. Following exclusion, parents are contacted immediately where possible. A letter will be sent giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA 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 the parent/carer, child, the Head Teacher (or, in the absence of the Head a Deputy) and other staff where appropriate.

During the course of a fixed term exclusion, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.

### **Permanent Exclusion**

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a 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, 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) or a repeated aggressive or threatening behaviour.
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 might include:
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Carrying an offensive weapon\*
  - Arson

The school will consider police involvement for any of the above offences.

\*Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or such adapted for causing injury to the person; or intended by the person having it with him for such use by him.”

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects discipline in the school and well-being of staff and pupils.

Before deciding whether to exclude a pupil either permanently or for a fixed period the Head will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations/incident
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked
- Consider whether there are any safeguarding concerns.

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

Please note that any assault on any member of staff by a pupil will result in immediate exclusion from school. The DFE and Home Office document School Security, Dealing with Troublemakers defines assault as:

“Any intentional or reckless act which causes a person to fear or expect immediate unlawful force of personal violence. The two offences may often be committed together.”

### **Exercise of discretion**

In reaching a decision, the Head will always look at each case on its own merit. Therefore, a tariff system, fixing a standard penalty for a particular action, is inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Head will consider:

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

### **Alternative to Exclusion**

The school works closely with the Walsall Local Authority and other primary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned.

### **Behaviour Outside School**

Pupils' behaviour and conduct, outside school on school business for example school trips and journeys, or a school sports events, is subject to the same expectations as within school. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school.

### **School Records**

All records in relation to exclusion are kept in the pupil's file.

### **Parent Responsibilities**

During fixed-term exclusion for the first 5 days of any exclusion:

- Parents have a legal duty to ensure that their child is not present in a public place during school hours unless they can prove reasonable justification for this. Parents may be prosecuted or given a fixed penalty notice if they do not comply with this duty.
- It is parents' responsibility to ensure that any work that has been set for the exclusion period is completed and returned to the school.

### **Special Educational Needs**

- Parents of children with SEN who are excluded from school will receive advice on the options available for their child's future education. The local SEN Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

### **Looked After Children**

- If an exclusion is deemed necessary for a Looked After Child, the Virtual school Head Teacher will be contacted to seek advice on the appropriate course of action.

### **Disabled Pupils**

- An exclusion of a disabled pupil for a reason directly related to their disability can only be justified if there is a 'material' and 'substantial' reason for it and the Head Teacher can show that there were no 'reasonable steps' that could have been made to avoid the exclusion. Maintaining order and discipline in the school could be a 'material' and 'substantial' reason if there was a specific incident that gave rise to the exclusion. Reasonable steps in response to the pupil's disability could include developing

strategies to prevent the pupil's behaviour; requesting external help with a pupil (e.g. requesting a statutory assessment) and staff training.

- Appeals against permanent exclusion, where discrimination is alleged to have taken place, or the disabled pupil has allegedly been placed at a substantial disadvantage by the exclusion procedures, will be heard by the Independent Appeal Panel. Claims alleging discrimination in respect of fixed period exclusions will be heard by the SEN and Disability Tribunal (SENDIST).

### **The role of Governors**

The governors' role is essentially one of reviewing the Head Teacher's exclusion decisions. The Head Teacher will inform the Chair of Governors of any exclusions, if it is apparent to the governing body that the purported exclusion is not for a disciplinary matter, it is unlawful and cannot stand, and they do not need to investigate further. The governors would have a role in the consideration of any complaint a parent may make about the unlawful exclusion, but that should be considered separately via the school's complaints procedure. If the governing body decides to establish a discipline committee it should consist of at least three members. The governing body should appoint a clerk to the committee. The Head Teacher may not be a member.

In cases of:

- Permanent exclusions and fixed-period exclusion converted to permanent exclusions;
- All fixed-period exclusions totalling more than 15 school days in any one term;
- Fixed-period exclusion totalling more than five school days in any one term, where the parent expresses a wish to make representations to the governing body;
- Exclusions that would result in the loss of an opportunity to take a public examination; the governing body (or discipline committee) must meet to:
- Consider the circumstances in which the pupil was excluded;
- Consider any representations about the exclusion made by the parent and by the LA;
- Consider whether the pupils should be reinstated immediately, reinstated by a particular date or not reinstated.

Review: July 2024

Next Review July 2025