



## STOCKLAND CofE PRIMARY ACADEMY EXCLUSIONS POLICY

Ref No	
Policy Written	April 2020
Policy Agreed	May 2020
Panel Responsible	T&L Committee/FGB
Date Full Review	May 2022

This policy is designed to outline the Academy Trust's approach to exclusions within the statutory framework as defined in the 'Exclusion from maintained schools, Academies and pupil referral units in England Sept 2017'. It outlines where the Academy applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the Academy

### Principles

Exclusion is a sanction used by the academy only in cases deemed as serious breaches of the academy Behaviour Policy. A pupil may be at risk of exclusion from school for:

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other pupils' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

In discharging their duties the Principal and Governors will have regard to the Department for Education guidance "Exclusion from maintained schools, Academies and pupil referral units in England" which came into force on 1<sup>st</sup> September 2017 and any subsequent DfE updates to this guidance.

They will also take into account their statutory duties in relation to special educational needs including having regard to the SEN Code of Practice.

### Procedures

#### The Decision to Exclude

In considering the exclusion of a pupil the Principal should ensure that the following range of activities are carried out:

- Undertake a thorough investigation
- Consider all the relevant facts and firm evidence to support the allegations
- Take into account the academy's Behaviour Policy and the Equality Scheme and Anti Bullying policies
- Check whether an incident appeared to be provoked by racial or sexual harassment
- Ensure that all pupils involved have the opportunity to give their version of events.
- Consult other people or agencies except where they may be involved in any review of the exclusion.

- Ensure time has been given to addressing and supporting the pupil's individual problems within the capabilities of the Academy.

Having considered these matters the Principal will make a decision based normally on the balance of probability, having regard to any current guidance from the Department of Education

Exclusions can either be for a Fixed term or Permanent. 'Informal' or 'unofficial' exclusions, such as sending a pupil home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

### **Reasons an exclusion may be unlawful**

Non disciplinary reasons

It's unlawful to exclude a child for non-disciplinary reasons. Examples of unlawful reasons include:

- The actions of the pupil's parents
- The pupil having additional needs or a disability that the school feels unable to meet
- Poor academic ability or attainment
- The pupil failing to meet specific conditions before they're reinstated, such as failing to attend a reintegration meeting

### **Fixed Term Exclusion**

The Principal is permitted to exclude a pupil for one or more fixed term periods not exceeding 45 Academy days in any one Academy year. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

The Principal may withdraw an exclusion that has not been reviewed by the governing board.

Any decision of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful; rational; reasonable; fair; and proportionate.

### **Permanent Exclusion**

The decision on whether to exclude is for the Principal to take. Where practical, the Principal should give the pupil an opportunity to present their case before taking the decision to exclude.

Whilst an exclusion may still be an appropriate sanction, the Principal should take account of any contributing factors that are identified after an incident of poor behaviour has occurred.

The decision to exclude a pupil permanently is a serious decision and will be taken in the following circumstances:

- In response to a serious breach or persistent breaches of the Academy's Behaviour Policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Any decision to exclude taken by the school must be lawful, reasonable and fair.

Examples of exceptional 'one-off' offences are:

- Serious violence, actual or threatened, against a pupil or member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Any other one-off offence considered by the Principal to be exceptionally serious in nature

### **Factors that must be taken into account before making the decision to exclude**

Whilst an exclusion may still be an appropriate sanction, the Principal should take account of any contributing factors that are identified after an incident of poor behaviour has occurred.

Early intervention to address underlying causes of disruptive behaviour will include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Principal should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

### **Managed Moves**

A managed move is a voluntary agreement between the school, parents/carers and a pupil, for that pupil to change school or educational programme under controlled circumstances. Managed moves can be used as an alternative to permanent exclusion; the result is that no exclusion is formally logged on the pupil's school record.

The threat of exclusion should never be used to influence parents to remove their child from the school.

### **Procedure for excluding a pupil**

#### **Informing parent(s)/carer(s) about the exclusion**

Parents/carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day; the letter should also enclose a copy of the academy's Exclusion Policy, or guidance of where to access the policy.

The letter will include the following information:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- 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; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

#### **Arranging education for pupils who have been excluded**

For a fixed period exclusion of more than five school days, or consecutive fixed period exclusions

totalling more than five days, the academy will arrange suitable full time education. This provision will begin no later than the sixth day of the exclusion.

For permanent exclusions, the local authority will arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

In addition, where a pupil has a statement of SEND/EHCP, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

For exclusions of less than five days, the academy will take reasonable steps to set and mark work for pupils.

### **Reintegration Interviews**

On all occasions when a pupil is excluded from the Academy a reintegration interview will be requested. This will initially be the day of return after exclusion. A record will be made on the pupil file should a parent choose not to attend without good reason. Where necessary, a strategy will be agreed for reintegrating the pupil and for managing their future behaviour, and this will include consideration of the needs and well-being of any pupil(s) directly affected by the incident/s.

### **Informing governors and the local authority**

The Principal must, without delay, notify the Chair of the governing board and the local authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent);
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the Principal must notify the local authority and governing board once a term.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Principal must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

### **Review of decision**

All correspondence regarding an exclusion from the school will inform parents of their right to ask the Governing Board to review the decision to exclude. This procedure is clearly set out in the statutory guidance.

The person who should be contacted to request a review is the Clerk to the Governors.

### **The Responsibilities of the Discipline Committee**

#### **The Discipline Committee**

The governing board delegates its functions with respect to the consideration of an exclusion to a

designated sub-committee consisting of at least three governors (The Discipline Committee).

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

- the exclusion is permanent;
- 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.

The requirements are different for fixed-period exclusions where a pupil would be excluded **for more than five but less than 15 school days in the term**. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

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 board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

#### **Further details of the Exclusion Procedure, proceedings of the Discipline Committee, Reinstatement & Appeals Process through the Independent Review Panel:**

Stockland CofE Primary Academy Trust will follow procedures as outlined in the latest version of the [DfE "Exclusion from maintained schools, Academies and Pupil referral units in England"](#) and the [Devon County Council guidance on exclusion](#).

#### **Equal Opportunities**

In making decisions about exclusion the Principal and Discipline Committee will take into account any special educational needs, disabilities, gender, and cultural differences that may be relevant to the case. The Principal will consider the advice in the DfE 'Improving Behaviour and Attendance', and any published codes of practice, including the SEN code of practise.

#### **Monitoring & Review**

The Governing Board regularly monitors the number of fixed period & permanent exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met. The Principal provides the governing board with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures. The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders. The governing board formally reviews this policy every two years. The governing board may however, review the policy earlier than this, if the government introduces new regulations, or if the governing board receives recommendations on how the policy might be improved.

The school keeps a record of incidents of misbehaviour through the CPOMS system.

#### **Related Academy Policies:**

- Behaviour Policy
- Anti-Bullying Policy

Equality Policy  
Positive Handling Policy  
SEN Policy  
Attendance Policy