

# St Mary's Bryanson Square CE Primary School Exclusions Policy 2011

**This policy should be read in conjunction with our Behaviour, Race Equality, Inclusion, Anti-Bullying Policies and our Equal Opportunities Statement**

## **Rationale**

This policy deals with the policy and practice that informs 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. The first is to ensure the safety and well-being of all members of the school community and to maintain an appropriate education environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

St Mary's is an inclusive school and will work hard to include all learners. In the unfortunate event that is necessary to exclude a pupil we will follow Department for Education guidelines and procedures for excluding the pupil.

## **Introduction**

Exclusions can only be authorised by the Headteacher, or, in the absence of the headteacher, the deputy headteacher. Exclusions should be used as a last resort and only when all other alternatives available to the school in managing a child's behaviour have been exhausted.

The decision to exclude a pupil for a fixed period will be taken in the following circumstances:

- (a) In response to a serious breach of the School's Pupil Behaviour Policy
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Pupil Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour

- Damage to property
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- 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 (or Deputy in the Headteacher's absence) makes the judgement that exclusion is an appropriate sanction.

### **Exclusion procedure**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

The DfES regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Governors have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible and always within a day. Parents will always be contacted by telephone in the event of an exclusion and will be asked to collect their child if necessary. A letter will be handed to the parent (or posted) giving details of the exclusion and the date the exclusion ends.

Parents have a right to make representations to the Governing Body if they disagree with the exclusion.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team (and other staff where appropriate), the pupil and the pupil's parent(s).

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Support Plan will be drawn up. This needs to be agreed with the school, pupil and parents.

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

## **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 alternative, 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 repeated possession and/or use of an illegal drug on school 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 might include:
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 193 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him").
  - Arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the behaviour and well being of the school.

## **General factors the school considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. 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 taking into account the Behaviour Policy, Equal Opportunity, Inclusion and Race Equality Policies
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.
- If the Head is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, exclusion will be the outcome.

## PROCEDURES FOLLOWING THE DECISION TO EXCLUDE

### Notifying parents and other agencies.

Notice of an exclusion must be writing and must state:

- For a fixed period exclusion, the precise period of the exclusion;
- For a permanent exclusion, the fact that it is a permanent exclusion;
- The reasons for the exclusion;
- The parent's right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- The person whom the parent should contact if they wish to make such representations (this will usually be the Clerk to the Governors);
- The school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so;
- The arrangements made by the school for enabling the pupil to continue his or her education during the first five school days of an exclusion, including the setting and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school;
- The school days on (or school day from) which the pupil will be provided with alternative suitable full-time educational provision and will be required to attend such alternative provision (as the LA has the duty to provide education from the sixth day of exclusion); separate notification of these details can be sent later if more time is needed by the school or LA to make arrangements; in the case of a fixed period exclusion the parent must be given this information in writing at least 48 hours before the education is to be provided. In the case of a permanent exclusion, on receiving details of the provision, its location, start times and transport arrangements if appropriate, from the relevant local authority, the Head Teacher should advise the parents in writing and confirm to the local authority that these details have been passed on;
- That, if appropriate, the parent will be invited to attend a reintegration interview and that the parent's failure to attend will be a factor taken into account by a Magistrates' Court when deciding whether to impose a parenting order, if this is applied for. Details of time, date and location of the interview should be included in the letter for exclusions of up to five days For longer exclusions separate notification of these details can be sent nearer to the date of the proposed interview. Any proposed interview should be held no later than the fifteenth school day, following the pupil's return to school.

### Letters should also mention:

- The latest date by which the governing body must meet to consider the circumstances in which the pupil was excluded (except where the exclusion is for a total of not more than 5 school days in any one term, and would not result in the pupil missing a public examination);
- The parent's right to see and have a copy of his or her child's school record upon written request to the school;
- In the case of a **fixed period** exclusion, the date and time when the pupil should return to school (in the case of a **lunchtime** exclusion, the number of

lunchtimes for which the pupil is being excluded, and if applicable the arrangements for the child to receive free school meals);

- If the exclusion is **permanent**, the date it takes effect and any relevant previous history;
- The name and telephone number of an officer of the LA who can provide advice;
- The telephone number for the Advisory Centre for Education (ACE) exclusions information line – 020 7704 9822, their website address: [www.ace-ed.org.uk](http://www.ace-ed.org.uk), and the fact that a text 'AskACE' can be sent to 68808. ACE is a long established independent national charity providing advice to parents.

## **INFORMING THE GOVERNING BODY AND THE LOCAL AUTHORITY**

- Within one school day the Headteacher must inform the governing body and the LA of:
  - Permanent exclusions;
  - Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term;
  - Exclusions which would result in the pupil missing a public examination.
- For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head Teacher must also advise the home LA of the exclusion, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of exclusion. It is essential that the home LA is speedily and fully informed of the details of the exclusion so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits. A database of exclusions officers in England and their e-mail addresses can be found at [www.teachernet.gov.uk/wholeschool/behaviour/exclusion](http://www.teachernet.gov.uk/wholeschool/behaviour/exclusion).
- For schools with three terms in a school year, fixed period exclusions totalling five or fewer school days, or 10 or fewer lunchtimes or half days, in any one term must be reported for monitoring purposes to the governing body and LA once a term. The school should also at the same time report this information in respect of any previous terms, if it has not already done so.
- Detailed exclusion reports should be sent to the LA and the governing body. Reports should include the following:
  - The pupil's name;
  - The length of the exclusion;
  - The reason for the exclusion;
  - The pupil's age, gender and ethnicity;
  - Whether the pupil has a statement of Special Educational Needs, is being assessed for such a statement, or is on School Action or School Action Plus;
  - Whether the pupil is looked after as defined in section 22 of the Children Act 1989;

- For fixed period exclusions of compulsory school age, where the exclusion is for more than five school days, what alternative provision has been put in place for the pupil.

## **MARKING ATTENDANCE REGISTERS FOLLOWING EXCLUSION**

- Where pupils are excluded for a fixed period and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations and pupils attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration).
- Pupils who are permanently excluded must not be deleted from either the admission register or the attendance register until the appeal process has been completed. If no alternative provision is made before the sixth day of exclusion for them to continue their education whilst excluded but still on the school roll, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual registration).

### **Monitoring and Review of Policy**

It is the responsibility of the Governing Body to review the policy in conjunction with the Head Teacher on an annual basis.

**Policy agreed by Governors: 16<sup>th</sup> November 2011**

Next review date: November 2012