

	<h2>Exclusion Policy and Procedures</h2>
This policy was presented to the full governing body: <b>November 2023</b>	Coordinator: E Ashcroft
Chair of Governors: Mrs Rogers-Hussey	Review Date: January 24
Head Teacher: E. Ashcroft	

**All information that is collected and stored relating to this policy is subject to the school's Data Protection Policy.**

This policy is to be read in conjunction with the policies below:

Anti bullying Policy  
 Safeguarding Policy  
 Behaviour Policy

### Introduction

This Policy and Procedure follows the statutory guidance from the DfE Document, 'Exclusion from maintained schools, academies and pupil referral units in England' (September 2017) and as such, incorporates their advice on following the requirements of the Equality Act 2010 'schools must not discriminate against, harass or victimise pupils because of their: age, sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity reasons or because of gender reassignment'. South End Infant School recognises that the decision to exclude a pupil must be lawful, reasonable and fair and that it will only be used as a last resort, in response to a serious breach, or persistent breaches of the school's Behaviour Policy.

### Rationale

This policy details the procedures which will be followed at South End Infant School in relation to any suspensions (fixed term exclusion) or exclusions (permanent exclusion). The policy is underpinned by the shared commitment of all members of the school community to achieve the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all pupils can learn and succeed. This policy will also aim to ensure that the rigorous strategies we use to support pupils will reduce the need for any type of exclusion.

### Managing behaviour in schools

South End Infant School has policies, procedures and staff training in place that promotes good behaviour and prevents poor behaviour. These behaviour policies are discussed with the children and all parents are aware of the standards of behaviour expected of pupils and the range of sanctions that can be imposed. We apply our behaviour policy in a consistent, rigorous and non-discriminatory way and all areas are monitored routinely to satisfy legal requirements under discrimination law. Our effective policies, procedures and training minimise the number of pupils at risk of either permanent or fixed period exclusion.

A decision to suspend or exclude a pupil, is seen as a last resort by the school and will only be taken when all other routes have been exhausted. The causal details of all exclusions will be thoroughly investigated and formally recorded, with the correct procedures being adhered to in every case. The Head teacher will consider all the evidence available to support the allegations taking into account the Behaviour Policy,

Equality Policy and the Anti-bullying Policy and will make a decision based on the 'balance of probabilities' as to whether the facts relating to the actions of a pupil are true or not i.e. if it is more likely that something happened than it did not. (See DFE Guidance Section 3 paragraph 19.) It is not appropriate for exclusion to be used for minor incidents such as academic performance or lateness. Informal or unofficial suspensions, such as sending pupils home to 'cool off' are unlawful, regardless of whether they occur with the agreement of the parents.

### **Dealing with persistent or cumulative behaviour problems**

As stated above, the decision to exclude a pupil will only take place once the school has exhausted all other options and where the school has identified the needs of a disruptive pupil and offered and implemented a range of support and behaviour management strategies to meet these needs.

At South End Infant School, these support strategies will include:

- Discussion with the pupil and their parents
- Checking/investigating any trigger points or provocation by other pupils
- Detention i.e. missed playtimes
- Mediation by an outside agency
- Internal exclusion
- Referral to outside agencies such as Jogo or the Educational Psychologist
- Pastoral support programme
- Investigation and establishment of any Special Educational Needs through involvement with Local Authority agencies
- Identification of any concerns regarding mental health of the child and referral to any appropriate Local Authority agencies.

The school will put into place an action plan utilising any specialist advice and ensure this is shared and agreed by a child's parents. Teachers and support staff will ensure that all recommended strategies are consistently adhered to over the recommended time period by the outside agencies and the Headteacher.

### **Unacceptable Behaviour outside of school**

Pupil's behaviour outside school on school business e.g. sports fixtures, trips or a school journey is subject to the school's Behaviour Policy and as such, is subject to exclusion. Unsuitable behaviour in such circumstances will be dealt with as if it had taken place at school. For behaviour outside of school, not on school business, the Head teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline amongst the rest of the pupils as a whole, or if it is deemed to be damaging to the reputation of the school.

It is important to note that pre-existing challenging behaviour of a child does not preclude their inclusion on any trip. Reasonable adjustments and risk assessments will be put in place to ensure they are able to access all events in a positive and safe manner.

## Alternatives to exclusion

Where possible the school will seek to have alternatives to exclusion such as increased supervision and / or a time limited reduced timetable.

**Internal exclusion** is used to defuse situations that occur in school and require a pupil to be removed from class. The internal exclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal exclusion is for the shortest time possible.

## Factors to consider before making a decision to exclude

Exclusion will not be imposed in the heat of the moment, 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 teacher will:

- ensure that a thorough investigation has been carried out;
- consider all the evidence available to support the allegations.
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult others, but not anyone who may later have a role in reviewing the head teacher's decision, for example a member of the governing body; and
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

## Unofficial exclusions

*If the head teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. **Informal or unofficial exclusions are illegal** regardless of whether they are done with the agreement of parents or carers.*

In every instance where a pupil is sent home for disciplinary reasons the head teacher will formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). The headteacher will ensure that:

- they are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion;
- that work is sent home or alternative provision is arranged.

## Removal of pupils on medical grounds

The head teacher will send a pupil home, after consultation with that pupil's parents and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness such as a notifiable disease he or she poses an immediate and serious risk to the health and safety of other pupils and staff. **This is not exclusion**, but it is an authorised absence and is recorded as such in the attendance register. It will be for the shortest possible time.

## Safeguarding Pupils who have been excluded

The Head teacher will take into account the circumstances of any pupil when making a decision to exclude. For example, if there is a worry or concern that the pupil will not be adequately supervised if an external exclusion is given, the Head teacher may decide that it would be more appropriate to

give a pupil an internal exclusion. This would be the case for any child who is subject to a Child Protection Plan. However, within these circumstances the school will inform Social Services or the relevant social care professional with their concerns.

### **Length of Suspension (fixed period exclusion)**

These are usually between one and three days in length and can be up to a maximum of 45 non-consecutive days in an academic year. A pupil may be excluded from school for one or more fixed periods if they have seriously broken the school rules or allowing them to stay in school would seriously harm their education or welfare, or that of other pupils. In exceptional circumstances such as where further evidence comes to light a fixed term exclusion can be followed by a further fixed term exclusion or a permanent exclusion.

Where a pupil has received multiple fixed term exclusions or is approaching the legal limit of 45 school days in a fixed period exclusion in an academic year, the Head teacher should consider whether exclusion is providing an effective sanction and seek further advice from the Local Authority. The school would provide work for the pupil during the time of the exclusion.

### **Lunchtime exclusion**

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes and to trigger governor meetings so that parents can make representations. Lunchtime exclusion for an indefinite period, like any other indefinite exclusion, is not lawful.

### **Procedures following a fixed period exclusion**

The school's obligation to provide education continues and is met during a fixed period exclusion. Where a pupil is given a fixed period exclusion of duration of six school days or longer, the school will arrange suitable full-time educational provision from and including the sixth school day of the exclusion.

During this period the school will set work for the pupil to complete and for it to be marked, unless arrangements have been made for suitable full-time provision for the pupil to commence earlier than the sixth day.

The head will ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance.

### **Marking attendance during an exclusion**

When a pupil is excluded temporarily, he/she will be marked as absent using Code E.

When a pupil is permanently excluded, the administrative team will remove the pupil from the school roll once alternative provision has been made for them. Once this is confirmed, the admin team will transfer their information to the new school. Until that point, they will be marked with Code E.

### **Reintegration interview**

The head teacher will arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a pupil. The pupil will normally attend all or part of the interview. The head teacher may choose to include other relevant members of staff in this meeting.

The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It will provide an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- discuss how behaviour problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child's behaviour;
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

The head teacher will try to arrange the interview for a date and time that is convenient to the parent. If possible the interview will be held on the day the pupil returns to school. The interview date suggested by the head teacher will be a school day. At least one of the child's parents is expected to attend the meeting. The school will keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend. However, a fixed period exclusion will not be extended if such an interview cannot be arranged in time or the parents do not attend. The interview will be conducted on school premises.

If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of, him or her, including at lunchtime, the school must have due regard for the pupil's safety in deciding what action to take.

Exclusion will not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents are unsuccessful the school will contact the Educational Entitlement Team.

### **Permanent Exclusion**

A permanent exclusion is a very serious decision and the Head teacher will inform the Chair of Governors before enforcing it. As with a Fixed Term Exclusion, the decision to exclude a pupil permanently will follow the use of a range of strategies which have been consistently and rigorously put into place by the staff. Permanent Exclusion will be seen as the final step in the process for dealing with disciplinary offences when no other option remains and support strategies have failed to make an impact on the pupil's behaviour. It will only be used following a very serious breach of school rules or a disciplinary offence such as;

- Serious actual or threatened violence against another pupil or a member of staff.
- Possession, supply or use of an illegal drug or alcohol on school premises.
- Sexual abuse or assault of another pupil (See Safeguarding/Child Protection Policy section on child on child Abuse.)
- Carrying an offensive weapon.
- Persistent bullying and intimidation

Permanent exclusions will therefore only take place in exceptional circumstances. The Head teacher will consider whether to inform the police where a criminal offence may have taken place and will also consider whether or not to inform other agencies such as social services. The Head teacher does not need to delay the decision to permanently exclude if there is a likelihood that criminal charges may follow.

### **Procedures following permanent exclusion**

In the case of a permanent exclusion the pupil remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought. During the first five school days of a permanent exclusion the school should send work home for the pupil to complete.

## **Procedures for review and appeal**

The head teacher will notify the governing body and LA of the type of exclusion. Where governing bodies are notified of an exclusion, they must (whether or not the parent requests) review all permanent exclusions from their school, and all fixed period exclusions that would result in a pupil being excluded for more than **15 school days** in any one term. The governing body has delegated the function of reviewing exclusions to the Curriculum, Standards and Pupil Welfare committee.

## **Pupils with special educational needs (SEN)**

Where a child is permanently excluded, the head teacher will use the period between his initial decision and the meeting of the governing body to work with the LA to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the head teacher should normally withdraw the exclusion.

## **Disabled pupils**

South End Infant School has a legal duty under the Equality Act 2010, not to discriminate against disabled pupils by excluding them from school because of behaviour related to their disability. This applies to both permanent and fixed period exclusions.

## **Governors' Arrangements for Reviewing Exclusions**

### **Delegation of duty**

1) The Governing Body has a duty to consider parent's representations about an exclusion. The Governing Body of South End Infant would form a review panel which must consist of at least three governors.

### **Circumstances in which the Governing Body will review an exclusion**

2) The review panel will consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- a. The exclusion is permanent;
- b. 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
- c. It would result in a pupil missing a public examination or national curriculum test.

3) If requested to do so by the parents, the review panel 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 five school days, but not more than 15, in a single term.

4) Where an exclusion would result in a pupil missing a public examination or national curriculum test, the review panel will, so far as it is reasonably practicable, consider the exclusion before the date of the examination or test. If this is not possible, the Chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair can review the exclusion decision alone. In such cases, parents still have the right to make representations to the review panel and must be made aware of this right. Furthermore, whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the review panel should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole

purpose of taking the examination or test.

### **Conduct of the Governing Body review**

- 5) The review panel will invite parents, the Head teacher and a representative of the Local Authority to a meeting and allow all parties to make representations. The review panel will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties within the statutory time limits.
- 6) 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 review panel will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 7) In considering the decision of the Head teacher to exclude a pupil the review panel will:
  - a. Ask for written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN);
  - b. Where possible circulate any written evidence and information, including a list of those who will be present, to all parties at least give school days in advance of the meeting;
  - c. Allow parents and pupils to be accompanied by a friend or representative (where a pupil is to be invited as a witness, the review panel will first seek parental consent and invite the parents to accompany their child to the meeting);
  - d. Have regard to its 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;
  - e. Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his/her own behalf 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;
  - f. Not discuss the exclusion with any party outside of the meeting.
- 8) In considering an exclusion, the review panel will:
  - a. Consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded and have regard to the interests of other pupils and people working at the school;
  - b. Consider any representations made by parents, the Headteacher and a representative of the Local Authority;
  - c. When establishing the facts, apply the civil burden of proof i.e. on the balance of probabilities it is more likely than not that a fact is true;
  - d. In reaching a decision on whether or not to reinstate a pupil, consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Head teacher's legal duties.
- 9) The review panel will ensure that clear minutes are taken of the meeting as a record of the evidence that was considered. These minutes will be made available to all parties on request.
- 10) The review panel will ask all parties to withdraw before making a decision. If present, a clerk may stay to help the P, C&C committee by reference to his/her notes of the meeting and with the wording of the decision letter.

11) Having considered the exclusion, the review panel can:

- a. Uphold an exclusion; or
- b. Direct reinstatement of the pupil immediately or on a particular date.

Note that where reinstatement is not practical 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 review panel must, in any event, consider whether the decision to exclude was justified.

### **Action following the review**

12) The review panel will note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference. In cases where the review panel considers parents' representations but does not have the power to direct a pupil's reinstatement, it will consider whether it would be appropriate to place a note of its findings on the pupil's educational record.

13) The school will retain records and evidence relation to an exclusion for at least six months.

14) The review panel will notify parents, the Headteacher and the Local Authority (if necessary both North Northants Local Authority and the pupil's "home authority") of its decision and the reasons for its decision in writing and without delay. The reasons must be set out in sufficient detail to enable all parties to understand why the reason was made.

15) In the case of a permanent exclusion, the review panel notification will also include the following information:

a. The fact that it is permanent;

b. Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- i. The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the review panel's decision was given to parents);
- ii. The name and address to whom an application for a review and any written evidence should be submitted;
- iii. That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
- iv. That regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review;
- v. Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- vi. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review; and
- vii. That parents may, at their own expense, appoint someone to make written and oral representations to the panel and that parents may also bring a friend to the review.

c. That in addition to the right to apply for an independent review panel, if parents believe that an exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination.

d. That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

16) Where the review panel decides to uphold an exclusion, the notice will draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.

17) Notice may be delivered directly to parents or by leaving it or posting it to their last known address. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after delivery if it is sent by first class mail.

#### **Action following a direction or recommendation of the independent review panel**

18) If parents refer the decision of the review panel to an independent review panel and if the panel directs or recommends that the Governing Body reconsiders their decision, the school Governor review panel committee must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

19) If following a direction to reconsider, the review panel does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision, an adjustment may be made to the school's budget in the sum of £4,000.

20) If the review panel offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget.

21) The review panel must comply with any direction of the panel to place a note on the pupil's educational record. This includes noting that, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community school, the Governing Body may appeal against the decision of the Local Authority as the admission authority to admit the child.

22) In the case of either a recommended or directed reconsideration, the review panel will notify the parents, Headteacher and Local Authority (including where relevant the pupil's "home authority") of its reconsidered decision and the reasons for it in writing and without delay.