

Barlborough Primary School – Exclusion Policy
(Reviewed May 2019)

Introduction

At Barlborough Primary School permanent exclusions will be the last resort after a range of measures have been tried to improve the pupil's behaviour.

At our school we have a Behaviour Policy, Anti-Bullying Policy and staff training in place to promote good behaviour and prevent poor behaviour. We apply our Behaviour Policy in a consistent, rigorous and non discriminating way and in all areas of its application satisfy the legal requirements under race, disability and gender discrimination law.

Removing Pupils from a School Site

There are four sets of circumstances in which individual pupils may be required to leave the school site, namely where:

- there is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently. This guidance specifies procedures for exclusion;
- a pupil is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the Headteacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion.
- for medical reasons, a pupil's presence on the school site represents a serious risk to the health or safety of other pupils or school staff. In these circumstances a Headteacher/teacher in charge may send the pupil home after consultation with the pupil's parents. This is not an exclusion and may only be done for medical reasons.

The Decision to Exclude

A decision to exclude a pupil permanently should be taken only:

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

A decision to exclude a pupil for a fixed period should be taken, on a balance of probabilities, only in response to breaches of the school's behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

Individual fixed period exclusions should be for the shortest time necessary, bearing in mind that exclusion of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. Ofsted inspection evidence suggests that 1-3 days are often long enough to secure the benefits of exclusion without adverse educational consequences.

Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a pupil in response to the same behaviour, Headteacher/teachers in charge should consider alternative strategies for addressing that behaviour.

A decision to exclude a child **permanently** is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child 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; or
- carrying an offensive weapon

Schools should consider whether or not to inform the police where a criminal offence may have taken place. They should also consider whether or not to inform other agencies such as youth offending teams or social workers. These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

In cases where a Headteacher/teacher in charge has permanently excluded a pupil for:

a) one of the above offences; or

b) persistent and defiant misbehaviour including bullying or repeated possession and/or use of an illegal drug on school premises - see further guidance on bullying at

www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying

and drug-related incidents and where the basic facts of the case have been clearly established on the balance of probabilities, the Secretary of State would not normally expect the governing body/the management committee of a PRU or an Independent Appeal panel to reinstate the pupil.

Pupil's Opportunity to Participate in Exclusion Procedures

The pupil's participation in decisions related to their exclusion is not set out in primary legislation or regulations. Nevertheless the child or young person should be invited and encouraged to state their case at all stages of the exclusion process, where appropriate, taking account of their age and understanding.

Factors to Consider Before Making a Decision to Exclude

Exclusion should 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. DCSF Guidance should be followed at all times. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher/teacher in charge should:

- a) Ensure that a thorough investigation has been carried out.
- b) Consider all the evidence available to support the allegation, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended and the Disability Discrimination Act 1995 as amended; Headteachers/teachers in charge and others involved in exclusion procedures have a positive duty to promote equality;
- c) allow and encourage the pupil to give their version of events
- d) check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment:

- e) if necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's/teacher in charge's decision, for example a member of the governing body.
- f) 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

When Exclusion is not Appropriate

Exclusion should not be used for:

- a) minor incidents such as failure to do homework or to bring dinner money:
- b) poor academic performance;
- c) lateness or truancy;
- d) pregnancy;
- e) breaches of school uniform rules or rules on appearance:
- f) punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting :
- g) protecting victims of bullying by sending them home.

Length of Fixed Period Exclusions

Regulations allow the Headteacher of Barlborough Primary School to exclude a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year. The limit of 45 school days applies to the pupil and not to the institution. Therefore, any days of fixed period exclusion served by the pupil in any school or PRU in the same school year will count towards the total. It is important therefore that, when a pupil transfers to a new school during the academic year, records of the fixed period exclusions a pupil has received and served so far during the current academic year are also transferred promptly to the new school. When imposing fixed period exclusions Headteachers/teachers in charge should bear in mind guidance concerning duration and frequency. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal authority exists.

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/management committee meetings so that parents can make representations.

Lunchtime exclusions will not be counted towards the school's duty to provide fulltime education from day six of a fixed period exclusion. Therefore lunchtime exclusions are not affected by the regulations on providing pupils with education from the sixth day of their exclusion. Taking into account the child's age and vulnerability, the Headteacher/teacher in charge should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. Lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful.

The Secretary of State does not expect lunchtime exclusion to be used for a prolonged period e.g. for longer than a week. In the long run another strategy for dealing with the problem should be worked out. Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

Following an Exclusion

The Headteacher will arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion. The pupil should normally attend all or part of the interview. The interview will be conducted by the Headteacher or by the deputy head teacher in her absence.

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

- a) emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- b) discuss how behaviour problems can be addressed;
- c) explore wider issues and any circumstances that may be affecting the child's behaviour;
- d) 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; and
- e) create a useful forum to consider with parents the possibility of a parenting contract.

The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to school.

The Headteacher/deputy head teacher must try to arrange the interview for a date and time that is convenient to the parent.

If possible the interview should be held on the day the pupil returns to school. The interview date suggested should be a school day, but the interview can be held on a non-school day if the Headteacher/deputy head teacher and parent agree. At least one of the child's parents is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority.

Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend.

The interview must be conducted on school premises. The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion or relating to the alternative educational provision that the pupil must attend whilst excluded. The notice must be given no later than six school days before the date of the reintegration interview.

Procedures for Review and Appeal

The Headteacher/deputy head teacher must notify the governing body and LA of the types of exclusion. Where governing bodies are notified of an exclusion, they must (whether or not the parent requests) review any exclusion which is a permanent exclusion from their school, or a fixed period exclusions that would result in a pupil being excluded for more than 15 school days in any one term, or missing a public examination.

Informing Parents or Carers about the Exclusion

Whenever a Headteacher excludes a student, the parents or carers will be notified, ideally by telephone followed up by a letter within one school day. Letters of notification of exclusion will state:

- a) for a fixed period exclusion, the precise period of the exclusion;
- b) for a permanent exclusion, the fact that it is a permanent exclusion;

- c) the reasons for the exclusion;
- d) the parents' right to make representations about the exclusion to the Governing Body and how the student may be involved in this;
- e) the person whom the parent should contact if they wish to make such representations.

References

Statutory Guidance is **“Exclusions from maintained schools, academies and pupil referral units – A guide for those with legal responsibilities in relation to exclusion”** (September 2012 *Updated 2017*).