



Headteacher – Miss H Kearsley

EXCLUSIONS POLICY

2022-2023

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EXCLUSION POLICY

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Overview

There is a statutory entitlement for every child to receive a full-time appropriate education provision and Hilton Lane Primary School believes that learning is the core purpose for all students. In order to ensure that all students can learn, we may at times need to consider exclusion as a consequence for preventing this happening, or for not following the high expectations we have.

Section 1: Guidance Framework

This policy is written in line with the DfE Statutory Guidance - Exclusion from maintained schools/ academies and pupil referral units in England (2017)

Section 2: Links to other Policies

This policy should be read in conjunction with the school/academy's policies for;

- Behaviour
- Equal opportunities
- Special Educational Needs

Section 3: Principles

The school is a learning institution which aims to provide life chances for all of its students. We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the underlying circumstances before reaching a decision to exclude.

Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

We adhere to the Equality Act and of our duty not to discriminate against students for any reason. We also take account of our statutory duties in relation to S.E.N.D. We aim to involve parents as early as possible in any process.

Section 4: The decision to exclude

The decision to exclude is made solely by the Head teacher, (or in their absence, the acting Head teacher). The Head teacher may consult others, excluding anyone who may later have a role in reviewing the Head teacher/Principal's decision

There are a number of circumstances where a student may be required to leave the School site with the authorisation of the Head teacher:

- a) Where a decision has been made to exclude
- b) Where a student has committed a serious offence outside the jurisdiction of the School and it is determined by the Head teacher that it is in the interests of the community for the student to be educated off-site. This is **NOT** an exclusion.
- c) Where, for medical reasons the presence of a student represents a serious risk to the health or safety of other students or staff. This is not an exclusion.

- d) If a student is given permission by the Head teacher to leave the premises briefly to remedy a breach of the School rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence.
- e) Where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be searched. In this circumstance the student can be refused entry. This is an exclusion because it contravenes the school behaviour policy.

The decision to exclude a student is not taken lightly and the Head teacher will:

- a) Ensure that a thorough investigation is carried out
- b) Consider all the evidence available to support the allegations
- c) Allow and encourage the student to give their version of events
- d) Keep a written record of the actions taken including the signed statements of witnesses
- e) Be confident that the procedures detailed later in this policy have been carried out
- f) Ensure S.E.N. expert advice has been taken into account where appropriate
- g) Take into account any contributing factors that are identified e.g. recent bereavement, mental health issues, subject to bullying or provocation
- h) Ensure that parents/carers have been kept informed throughout the process and consulted where appropriate

The standard of proof applied when deciding to exclude is 'balance of probabilities'. The more serious the allegation the more convincing the evidence substantiating the allegation needs to be.

Exclusion will not be used as a consequence for the following:

- a) Minor incidents such as a failure to complete homework
- b) Poor academic performance
- c) Lateness or truancy
- d) Breaches of School rules on uniform or appearance except where these are persistent or in open defiance of such rules
- e) Pregnancy
- f) As a punishment for the behaviour of their parent/carer

Once the decision has been made to exclude, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

Section 5: Fixed-term Suspension (fewer than 15 days in any term/ 15 school days or more during any term)

A decision to suspend a student for a fixed-term may be taken in response to breaches of the school/academy's behaviour policy

5.2 Examples of behaviour that may lead to a fixed-term suspension are;

- **Physical assault against pupil**

Includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

- **Physical assault against adult**

Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

- **Verbal abuse / threatening behaviour against pupil**

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

- **Verbal abuse / threatening behaviour against adult**

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

- **Bullying**

Includes:

- Verbal bullying
- Physical bullying
- Homophobic bullying
- Racist bullying

- **Racist abuse**

Includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

- **Sexual misconduct**

Includes:

- Sexual abuse
- Sexual assault
- Sexual harassment
- Lewd behaviour

- Sexual bullying
- Sexual graffiti

- **Drug and alcohol related**

Includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

- **Damage**

Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson
- Graffiti

- **Theft**

Includes:

- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

- **Persistent disruptive behaviour**

Includes:

- Challenging behaviour
- Disobedience
- Persistent violation of school rules

The Head teacher may suspend a student for one or more fixed periods which do not exceed a total of 45 school days in any one school/academy year.

During a fixed term suspension of 5 or fewer days, work will be set by the School for the student to complete at home. This work should be returned completed at the end of exclusion for marking.

For an exclusion of longer than 5 days, the School will arrange a full-time educational provision from the sixth day of exclusion.

Before the end of any fixed-term suspension, parents/carers will be invited to attend a reintegration meeting at the School with their child. The purpose of the meeting is to ensure that the student understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The School will consider all further support needed to help the student, including referral to external agencies if appropriate.

During the first five days of any exclusion, the parents of an excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent/carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

Whilst each exclusion is treated on its own merit, the number of days of exclusion will be appropriate to the reason for the exclusion.

Section 6: Permanent Exclusion

The decision to permanently exclude is taken only:

a) In response to serious breaches of the School Behaviour Policy

AND

b) If allowing the student to remain would seriously harm the education or welfare of that student or others at the School

A student may be permanently excluded where there have been repeated breaches of the behaviour policy for which a range of consequences and strategies have been applied without success. It is an acknowledgement that the School has exhausted all available strategies for dealing with the student and is a last resort.

There may be exceptional circumstances where, in the judgement of the Head teacher, it is appropriate to permanently exclude a student for a first or 'one off' offence. These might include;

- a) Serious actual or threatened violence against another student or member of staff
- b) Sexual abuse or assault
- c) Serious bullying including cyber-bullying
- d) Being in possession of an illegal substance and/or supplying an illegal substance
- e) Carrying an offensive weapon

Again this is not an exhaustive list and there may be other examples of behaviour where the Head teacher judges that a permanent exclusion is an appropriate sanction for a first or 'one off' offence.

In many cases investigation may not be immediately possible, for example, the incident is complex and a number of witness statements are required. In this case, a Head teacher may issue a fixed term suspension for a short period (a maximum of 5 school days is advised) in order to;

- a) Allow a full investigation to take place
- b) Give an opportunity for a reasoned decision

In exceptional cases, usually where further evidence, not available at the time of the investigation has come to light, a fixed term suspension may be followed by a permanent exclusion at the end of the initial fixed term period.

6.5 The Head teacher will:

- a) Meet wherever possible, with the parents/carers and students before reaching a decision to permanently exclude a student.
- b) Notify the parents without delay, ideally by telephone and followed up by a letter within one School/Academy day
- c) Inform the governing body/management committee and LA within one School/Academy day of the decision to permanently exclude
- d) Continue to provide education for the pupil for five School/Academy days. From the sixth day of a permanent exclusion the LA is statutorily responsible for ensuring that full time education is available.
- e) Prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties **at least 5 days in advance** of the meeting. The paperwork should include:

- The Head teacher/Principal's case for exclusion.
- A copy of the exclusion letter of notification to the parent
- Attendance records.
- Witness statements (where appropriate and signed and dated). Pupils names must be redacted when presented to governors and parents. Original copies to be retained with the pupils' records.
- Excluded pupil statement (where appropriate).
- School/academy behaviour policy (Or at least the appropriate section).
- Details of any Pastoral Support Programme or Individual Education Plan
- Records of interventions
- Details of any alternative or enhanced curriculum

Section 7: The Role of the governing Body/Management Committee to Review the Exclusion

The School/academy has a Governing body/Management Committee which has responsibility for reviewing decisions in relation to exclusions. The committee consists of at least 3 members, none of whom have a conflict of interest regarding the exclusion.

The Behaviour Committee will automatically review any exclusion which results in a student being excluded for more than 15 school/academy days in any one term, missing a public examination or any permanent exclusion.

Parents/carers have the right to appeal the decision to exclude their child. Full details of how these meetings operate can be found in Salford City Council's Exclusion Resources for Schools and also within the DfE Guidance (2017). The summary is contained below.

Fixed Term Suspension (less than 15 days)

A parent/carer may request that the Governing body/Management committee review the process within 50 school/academy days of receiving notice of the exclusion. The request should be made in writing and should set out the question(s) which they wish the Behaviour Committee to consider. The committee will respond in writing within 15 days.

Fixed Term Exclusion (more than 15 days fixed-term)

Governing body/management committee meets to review on the exclusion within 15 school days of receiving notice of the exclusion.

An Independent Review Panel will consist of 3 members and will be chaired by a lay member and two other independent members, one with governance experience, the other with Headship experience. This panel will decide whether to uphold the decision to exclude a student.

The Independent Review Panel can either uphold the decision to exclude the student or recommend that the School/academy reconsiders the matter. They cannot, however, direct the reinstatement of the student.

Section 8: Informing parents/carers

Following a decision to exclude, the Head teacher/Principal must without delay inform parents/carers of the reason and period of the exclusion. They must also, without delay put the decision to exclude in writing stating the date the exclusion takes effect.

The letter must also explain:

- The circumstances leading up to the decision to exclude
- Why the Head teacher/Principal decided to exclude the student

- If relevant, what steps were taken to try and avoid exclusion, details of any relevant previous warnings, fixed period suspensions or other disciplinary measures taken before the present incident.
- The arrangements for enabling the student to continue his/her education, including setting and marking of the student's work
- The parent's right to see and have a copy of their child's records
- The parent's responsibilities to ensure that their child is not in a public place in school/academy hours during the first five days of an exclusion
- If the suspension is for a fixed period, the letter will also state the length of the exclusion and the date and time the student should return to the School/academy
- The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration
- For permanent exclusions, the letter will also state the parent's right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen as well as the fact that the Behaviour Committee will meet to review the decision
- For fixed term suspensions, the letter will also state that if parents are concerned about the way in which the exclusion was managed, they may write to the Behaviour Committee to ask it to review the process. This may be done by just one member of the Committee. The Committee cannot overturn the decision to exclude but may put a note on the file.
- The involvement, if appropriate, of S.E.N. expert advice.

Section 9: Behaviour outside the school gates

Our exclusion and behaviour policy covers behaviour not only within school but also outside school.

The School may consider sanctions up to and including Permanent Exclusion, for any behaviour which contravenes school policies when a student is:

- Taking part in any school activity
- Travelling to or from school
- Wearing our school uniform
- In some other way identifiable as a Salford school/academy student

Or for behaviour which at any time:

- Could have repercussions for the orderly running of the school/academy
- Poses a threat to another student or member of the public
- Could adversely affect the reputation of the school/academy

Section 10: Internal advice, guidance and procedures for staff involved in the exclusion process

All investigations should, where practical, aim to be completed within 24 hours of a first report. Ideally an investigation should be completed on the first day of the incident however it is recognised that this is not always possible

Investigations must be thorough:

- Initial statements should be as detailed as possible giving the names of potential witnesses
- The Young Person should be spoken with as soon as possible and given an opportunity to give their version of events verbally and in writing. They should be placed in Internal Exclusion or an appropriate venue whilst the investigation is carried out and before a decision is made. On a rare occasion it may be necessary to send this student home promptly (they may pose a Health and Safety Risk). This should only be done after speaking with their parent/carer. If the student has not been able to give a statement, arrangements must be made as soon as possible for them to do so.
- All witnesses must be spoken to promptly and individually as soon after the incident as possible. Their safety is paramount and statements should be given in confidence.

- If it is suspected that a student is carrying an item which is important as part of the investigation eg an item that it is suspected they have stolen or an illegal item, a search may be carried out in accordance with legal guidance and in the presence of a witness
- The community police officer can be used to advise and assist but not in a formal capacity unless agreed by the Head teacher. If they are used in a formal capacity parents/carers must be notified
- All statements must be written clearly and they must be signed and dated. If the statement is dictated this must be indicated. The statement must clearly explain areas of contest and this means that the statements should be discussed with the witness to ensure that understanding and interpretation are clear.
- Advice must be sought from relevant experts such as SENCO if appropriate

Once the investigation is complete all paperwork should be presented to the Head teacher for a decision. Any previous exclusions and the suspect's behaviour record should be part of this information. The checklist should be completed if a permanent exclusion is recommended.

All paperwork relating to the exclusion must be filed immediately and details recorded on SIMS & CPOMS.

Behaviour/Disciplinary Review Committee

- Where a behaviour committee is called to review an exclusion the panel must consist of at least 3 members
- Parents/carers must be notified of the meeting date and be given at least 5 days notice ideally. They should also be notified that they may bring a representative if they wish
- All paperwork relating to the meeting should be available for the Behaviour Committee ideally at least 5 days before the meeting
- A clerk will minute all aspects of the meeting which will follow the guidance set out on the DfE document. The clerk should not have taught the pupil or been involved in any of the incidents in the case, and should not contribute to the meeting other than in an administrative capacity. Where possible the clerk should be experienced in exclusion matters.
- The Head teacher will present to the panel
- The parent/carer will present to the panel
- The panel will meet on its own with the clerk present to discuss its advice
- The panel will meet with the Head teacher to inform of their advice (or they may have further questions to ask)
- The panel will inform the parent/carer of their decision
- The panel will inform the Head teacher of their decision
- The LA officer will attend.

The Behaviour Committee must inform the parent, Head teacher/Principal and the LA officer of their decision, in writing without delay, preferably within one working day of the meeting, stating their reasons.

A note of the Behaviour/Disciplinary Committee's views on the exclusion should be placed on the pupil's school/academy record.