



Goostrey Community Primary School

## Exclusion Policy and Procedure

**Adopted Summer 2022**

**To be reviewed Summer 2024**

**This policy includes appendix 1 - EXCLUSION ADMINISTRATION – BEST PRACTICE**

At Goostrey School we understand that good behaviour and discipline is essential for promoting a high quality education.

Amongst other disciplinary sanctions, the school recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The government supports head teachers in using exclusion as a sanction where it is warranted. Exclusions can be :

- Lunchtime
- Fixed term exclusions (FTE) – from one session (half day) to 90 sessions (45 days) in one academic year
- Permanent exclusion (PEX)

Wherever possible a school should consider alternatives to exclusion i.e. implementing behaviour strategies, meeting with parents, exploring any SEND issues and consider referring to other agencies for support where appropriate.

Permanent exclusion should be used as a last resort and only be taken:

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

Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. This decision must be lawful, rational, reasonable, fair and proportionate.

'Informal' or 'unofficial' exclusions are unlawful even where the child's parent/s or carer/s are in agreement. All exclusions must be formally recorded on CPOMs.

A head teacher can withdraw an exclusion at any time before it has been reviewed by the governors.

The head teacher's powers to exclude:

In exceptional circumstances, where further information has come to light a fixed term exclusion may be extended or converted into a permanent exclusion. In this case the initial fixed term letter should state that the FTE is pending further investigation and may result in a permanent exclusion. If a pupil is regularly receiving exclusions which are having no effect or if they are nearing the maximum 45 days limit the head teacher should consider other alternative sanctions and / or additional support / advice. The Head teacher should also inform the LA, Education Access Support Officer.

Lunchtime exclusions are counted as one session (half a day). These should only be used for a short period and have a start and finish date. If a pupil is in receipt of free school meals schools must make alternative arrangements to enable this.

Pupils can be excluded for behaviour outside of the school in accordance with the school's Behaviour Policy.

When reaching the decision to exclude, a head teacher must apply the civil standard of proof i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

School must not discriminate, harass or victimise pupils from groups with protected characteristics:

- **age**
- **disability**
- **race (includes ethnic or national origins, colour or nationality)**
- **sex**
- **gender reassignment**
- **maternity and pregnancy**
- **religion and belief (includes lack of belief)**
- **sexual orientation**
- **marriage and civil partnership**

For disabled pupils, this includes a duty to make reasonable adjustments to policies and practices. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

It is unlawful to exclude or increase the length of an exclusion for a non-disciplinary offence. A school cannot exclude a pupil:

- because they have additional needs or a disability the school feels it is unable to meet
- for low academic attainment / ability
- the action of a pupil's parent
- pupil failing to agree to or meet certain conditions before they are reinstated

#### Alternatives to exclusion:

A pupil can move to a new school through a Managed Move. These can only be arranged with the agreement of the parent and the pupil (see Managed Move Protocol).

A managed move is where a pupil will have a trial placement at another school. If this fails he/she will return to their home school, unless specified otherwise on the Managed Move agreement between the schools and parent(s).

Maintained schools have the power to direct a pupil off site for education which supports the improvement of their behaviour (Section 29A of the Education Act 2002). Academies can place a pupil either full time or part time in another educational setting only with the agreement of their parents. If a school decides to use this power they must inform the parent/s or carer/s at least 2 days before the start of the placement with the following information:

- the address of the placement
- who the pupil should report to on the first day and the start and finish times
- the number of days for which the requirement is imposed
- the reasons for and the objectives of imposing this requirement.

To note: these placements must be reviewed at least every 30 days. They cannot continue beyond the end of the school year in which the placement commenced.

#### Establishing the facts:

Investigations into an incident may involve a number of staff, however the decision on whether to exclude is for a head teacher to take.

Pupils should be given the opportunity to present their case before the decision to exclude. In the case of a possible permanent exclusion a head teacher may decide in the first instance to issue a fixed term exclusion whilst investigating the incident.

A full investigation should take place to establish the facts in relation to the incident leading to the exclusion and should take into account:

- any witness statements
- the pupils own statement
- any other relevant evidence to determine on the balance of probabilities it is more likely or not that a fact is true.

A head teacher should consider if there were any contributing factors affecting the pupil at the time of the incident. These would include personal and home circumstances.

Head teachers must take account of their legal duty of care when sending a pupil home following an exclusion.

Guidance is clear that early intervention should be used to address underlying causes of poor behaviour. This may include:

- an assessment of any special educational need or disability the pupil may have
- an assessment of whether appropriate support is in place
- multi agency assessment

#### Children with SEN and Cared for Children:

These are children who because of their additional needs / circumstances are particularly vulnerable to the impacts of exclusion.

Head teachers should, as far as possible, avoid permanently excluding a child with a Statement of Special Educational Needs/Education, Health and Care Plan (EHCP). Head teachers and governors must be mindful of their statutory duties in relation to children with special educational needs. Where a school has concerns about a pupil with SEN they should, in the first place, consult the relevant local authority personnel / department who will advise on the suitability of support for the pupil's SEN and / or consider what additional support or alternatives may be required.

Head teachers should not exclude a cared for child without firstly consulting with the virtual school for cared for children.

#### The procedure for excluding a pupil:

Once the decision to exclude has been made by the head teacher they must, without delay, notify parents / carers of the period of the exclusion and the reasons for it. This may be by phone or face to face.

For a permanent exclusion the head teacher should meet with the parent/carer and the pupil and explain the reasons for his/her decision.

They must also, without delay, provide the following information in writing (by delivering the letter directly to the parents, leaving it at or posting it to their last known address).

The letter must include:

- whether the exclusion is for a fixed term or permanent.
- the reason for the exclusion
- the period of the fixed term exclusion.
- the parent/carers right to make representation to the governing body and how the pupil may be involved in this
- how those representations can be made
- where there is a legal requirement for the governing body to consider the exclusion that the parents/carers have a right to attend and can be accompanied by a friend/advocate or legal representative (at their own expense).
- the legal responsibilities on parents for any exclusion between one and 10 sessions i.e. that parents/carers are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
- the right, on written request to see a copy of the child's record
- For all exclusions over 5 days details of what alternative education will be in place from the sixth day and where that will be held.

If the above information is not available to be included in the exclusion letter it must be provided without delay and no later than 48 hours before the provision is to due to start.

It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full time education from the sixth day of an exclusion, there is obvious benefit in starting this provision as soon as possible. Work should be relevant and accessible for the pupil to complete at home.

***Sample letters for fixed and permanent exclusions are available on the exclusions page on the Cheshire East website***

Administrative procedures following a fixed term exclusion:

- Record the exclusion on SIMS
- Convene a meeting of the Committee of the Governing Body should the parent wish to make representation.
- Report to the governing body termly
- Email a copy of any exclusion letters of 6 days or more to Cheshire East

- If a pupil has 30 days fixed term exclusion in any one academic year the school should inform the exclusions service at Cheshire East

#### Administrative procedures following a permanent exclusion

- Record the exclusion on SIMS
- Within 1 day the Head Teacher **must** write to the parent,
- Inform the Clerk of the Governing Body that a meeting will be required
- Advise the LA within one school day, with a copy of the letter issued to the parent attaching all appropriate paperwork.

Schools are advised at all times to use the guidance issued by the Department for Education entitled 'Exclusion from maintained schools, academies and pupil referral units in England Sept 2017' together with the sample letters on Cheshire East website

## Appendix 1 - summary

### EXCLUSION ADMINISTRATION – BEST PRACTICE

#### Fixed Term Exclusions

A fixed term exclusion can be for any period of time up to 45 days in an academic year.

- Lunchtime = 1/2 day = 1 session (not counting towards 45 days total)
- Half a day = 1 session up to a maximum of 45 days = 90 sessions in an academic year
- One day = 2 sessions

#### **Unofficial exclusions remain unlawful**

During an exclusion of 1 – 5 days the school is responsible for ensuring that work is set from the first day of the exclusion returned and marked.

Once the decision to exclude has been made by the Head Teacher the following process should be followed:-

- Appropriate contact to parent /carer immediately informing of the exclusion
- Write to the parent/s within 1 day (using appropriate model letter for length of exclusion). These can be found on Cheshire East's exclusion page on the Centranet.
- Record exclusion on Sims
- Report to the governing body.
- If the parent wishes to make representation convene a meeting of the Governors Disciplinary Committee. See statutory guidance Sept 2017.

If the exclusion is for longer than 5 days the school is responsible from the 6<sup>th</sup> day for providing an appropriate full time education at another venue. The relevant information about this should be included in the exclusion letter. Parents/carers should always know at least 24 hours in advance about these arrangements. In the case of an exclusion of 6 days or more the school should also send a copy of the exclusion letter to C E

If the exclusion is for more than 15 continuous days or accumulates to more than 15 days in a term, a meeting of the Committee of the Governing Body **must** be convened and the parent informed of the meeting date and venue etc. The meeting should be held at a time convenient to all parties.

If a pupil reaches 30 days fixed term exclusion in any one academic year the school should inform CE

## **Permanent Exclusion**

- Make appropriate contact with the parent /carer immediately and inform of the exclusion. It is good practice for the head teacher to meet with the parent/carer/pupil in order to hear their views and any mitigating circumstances that may affect the decision to permanently exclude the pupil. The Head teacher will then verbally inform them of his/her decision and the reasons for it.
  
- Within 1 day the Head Teacher **must:-**
  1. Write to the parent.
  2. Inform the Clerk to the Committee of the Governing Body that a meeting will be required
  3. Advise the LA of the permanent exclusion, emailing a copy of the letter sent to the parent(s)
  4. Email the LA a completed BSP 1 form attaching all appropriate paperwork enabling them to fulfil their statutory duty to provide sixth day full time education provision.

Schools are advised at all times to use the guidance issued by the Department for Education entitled 'Exclusion from maintained schools, academies and Pupil Referral Units in England' Sept 2017 together with sample letters on the Centranet.