



Dream big, shine bright

St NICHOLAS

C of E Primary School, Alcester

Exclusion Policy



Reviewed: July 2020

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Introduction

The school's Behaviour Policy outlines expectations and key strategies for promoting good behaviour. The Government supports headteachers in using exclusion as a sanction where it is warranted. However, exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's Behaviour Policy (see 'High' level behaviours, Appendix 1, Page 11 of the Behaviour Policy); and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils in the school.

This policy is implemented in line with guidance from the Department for Education (DfE).

Key Guidance and regulations:

- Exclusion from maintained schools, Academies and pupil referral units in England - A guide for those with legal responsibilities in relation to exclusion (DfE 2012)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent.
Fixed period exclusions may not be for more than 45 days in any one year.

The Decision to Exclude

The Head teacher holds responsibility for taking the decision to exclude a pupil for a fixed period or to permanently exclude a pupil.

Permanent exclusion is used as a last resort, when all other reasonable steps have been taken and, despite this, there is no improvement in the pupil's behaviour.

A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy. At St Nicholas C of E Primary School this could apply in the event of violence or threatened violence against a pupil or member of staff.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

Exclusion will not be used for minor offences or as a punishment for non-attendance.

Where a pupil is excluded, steps will be taken to refer the pupil for support or to other relevant agencies

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break.

Procedures for Exclusion

Following the decision to exclude a pupil, the Head teacher must:

- Inform the child's parents or guardians, either in person or by telephone, that their child has been excluded, the type and length of the exclusion and the reasons
- Inform the parents in writing of their right to appeal to the Governing Body and to ask

- for an independent review panel to meet
- Model letters are used for this purpose (Appendix A)
- Inform the Local Authority the same day.
- Provide systems for work to be set for the child to undertake at home during a fixed exclusion
- Details of procedures and timescales are given in Appendix B

Upon the child's return from a fixed term exclusion, a reintegration meeting will be held with the child's parents/carers. The purpose of this meeting is to discuss the child's return to school and how this can be best managed. This will include a review of any interventions/support that has been put in place in order to reduce the risk of further exclusion.

Procedures for permanent exclusion: Action by the Governing Body

The Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff or parent governor, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the exclusion as soon as is practicable according to set criteria (see table below for details). The meeting should be arranged at a time and place convenient for the parents within reason. All efforts should be made to provide an environment which avoids intimidation and excessive formality. The governing body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

Appendix A – example notification letter

Model letter 1

From head teacher notifying parent of a fixed period exclusion of 5 school days or fewer in one term, and where a public examination is not missed.

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **he/she** will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify full reason for exclusion]**.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion, specifically **[specify dates]** unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

[Optional paragraph – school should take reasonable steps to set and mark work for pupils]

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of **his/her** exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned promptly for marking.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **[Name of Contact] on/at [contact details — address, phone number, email]**, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>.

[Optional paragraph for reintegration interview]

You and **[name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before **[Child's Name]** is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best their return to school can be managed.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of their school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following sources of information are available to you:

For general advice on the exclusions process you may contact the Admissions Service at Warwickshire County Council by telephone: 01926 738353, by email: exclusions@warwickshire.gov.uk or view the website at

www.warwickshire.gov.uk/exclusions ,

You may also find it useful to view the Coram Children's Legal Centre website www.childlawadvice.org.uk . The website can offer advice and information on child, family and education law.

The Department for Education statutory exclusions guidance can be found at www.gov.uk/government/publications/school-exclusion

[Child's Name]'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

[Name]

Head teacher

Appendix B - Exclusions: procedures and timescales at a glance

Fixed period exclusion 5 days or less (or 10 or fewer lunchtimes or half days)	Fixed period exclusion 6-15 days (block or accumulated in any one term) or more than 10 lunchtimes or half days
<ul style="list-style-type: none"> • Notification to parent/carer & LA immediately. No requirement for GDC to meet unless parent/carer wishes to make a representation. (Although there is no legal requirement for governors to meet with parents to discuss the representation, good practice dictates that this should take place and preferably as soon as convenient to all.) Notification to the GDC once a term. • GDC has no power of reinstatement or mitigation, but must place the parent's/carer's statement on the pupil's record along with a copy of the GDC view. • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place (see DFE Guidance pages 58-59). • The headteacher of a primary school must arrange a reintegration interview during or following the expiry of any fixed period exclusion. 	<ul style="list-style-type: none"> • The school shall make available, suitable full time education from day 6 of a block exclusion. • Notification to parent/carer, GDC & LA immediately. • No requirement for GDC to meet unless parent/carer wishes to make representations and then the GDC meets between 6 and 50 school days after receiving notification of the exclusion. NB However the LA would recommend that this is convened a.s.a.p. • Parents/carers may make representations to the GDC orally and/or in written form. • GDC has power to uphold, reinstate or mitigate the length of the exclusion (although time served will remain as served and a note will go on the pupil's file). • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place (see DFE Guidance pages 58-59). • The headteacher must arrange a reintegration interview (applies to all schools)

GDC = Governors' Discipline Committee

Exclusions: procedures and timescales at a glance

Long fixed period exclusions 16-45 days in any one term, block or accumulated
<ul style="list-style-type: none"> • The school shall make available, suitable full time education from day 6 where a block of exclusion exceeds 5 days. • Notification to parent/carer, GDC, & LA immediately. • GDC to meet between 6 and 15 school days after the date of the receipt by the GDC of exclusion. • Parents may make representation to the GDC orally and/or in written form. • LA must be consulted in order to assess whether LA statement and/or attendance at the GDC is appropriate. • Full paperwork should be provided by the school to all the parties prior to the meeting. • LA may provide a written statement to all parties where applicable • The exclusion must be used to plan for the child and a BAP or PSP should be put into place if not already initiated. • GDC has the power to uphold, reinstate or mitigate the length of the exclusion (although time served will remain as served and a note will be placed on the pupil file). • A copy of the GDC decision letter should be sent to the LA • There are no rights of Independent Appeal although appeals could be made to the First Tier Tribunal where disability discrimination is alleged to have taken place. • The headteacher must arrange a reintegration interview (applies to all schools) <p style="text-align: center;">GDC = Governors' Discipline Committee</p>

Exclusions: procedures and timescales at a glance

Permanent exclusion
<ul style="list-style-type: none"> • The LA shall make available, suitable full time education from day 6. • Notification to parent/carer, GDC & LA immediately. • GDC to meet between 6 and 15 school days from the date of receipt by the GDC of a notice of exclusion. • Parents may make representation to the GDC orally and/or in written form. • The LA must be invited to the meeting at a time convenient to all parties. • Full paperwork should be provided by the school to all the parties 5 days prior to the meeting (see Section D). • LA will provide a written statement to all parties. • GDC has the power to uphold, or reinstate the pupil immediately or by a particular date. They should write to parents and LA informing them of their decision within one school day. • If reinstated, the exclusion remains on the pupil record as a matter of fact, but the reinstatement is added to the record. • Parents have the right to make an appeal to an Independent Review Panel (IRP) even if they do not attend the GDC meeting and/or if they do not wish their child to be reinstated to the excluding school. They must do this within 15 school days after the receipt of notification of the GDC decision to uphold the permanent exclusion. • IRPs will also hear appeals against permanent exclusion where disability discrimination is alleged to have taken place. • See the Introduction for “relevant date” and “when a pupil comes off roll”. Schools will be notified by the LA.

GDC = Governors’ Discipline Committee