



## **Exclusion Policy**

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**Version 2**

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### 1. Purpose

This Policy sets out the School's approach to Exclusion and the circumstances where it is applied.

### 2. Scope

The Policy is applicable to parents, governors, all staff and children.

### 3. Definitions

#### Types of exclusion:

Internal exclusion – please refer to Personal Development, Behaviour and Welfare Policy

- requires a pupil to be removed from their class, but may not require removal from school premises

Fixed period exclusion

- the period must be specified
- 45 day limit in any one school year (applies to pupil, not school)

Lunchtime exclusion

- equivalent to a half-day exclusion

Permanent exclusion

### 4. Development of Policy

This policy should be read in conjunction with the Personal development, Behaviour and Welfare Policy, and deals with the policy and practice which inform the School's use of exclusion.

#### **Guidance and legislation:**

Guidance on Exclusions from both the Department for Education and Herts County Council can be accessed from the following link: <http://www.thegrid.org.uk/info/welfare/exclusions.shtml>

## 5. The Policy

### Aims & Objectives

1. To ensure the safety and well-being of all members of the School community, and to maintain an appropriate educational environment in which all can learn and succeed;
2. To realise the aim of reducing the need to use exclusion as a sanction.
3. Every child is entitled to feel safe and secure in school

The decision to exclude a student will be taken in the following circumstances:-

#### **Permanent exclusions:**

- a. In response to a serious breach of the School's Policy to encourage good behaviour or ongoing serious or repeated poor behaviour.
- b. If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

(see p6 dfe guidance – these points above come under “permanent exclusion”; I therefore suggest adding the subtitle “Permanent exclusions” (above), and also the following para re fixed period exclusion (from p10 of HCC guidance)....

#### **Fixed period exclusions:**

- o in response to breaches of behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and where lesser sanctions are considered inappropriate.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the Deputy Head who is acting in that role).

Exclusion, whether fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Golden Rules in our behaviour policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- ‘Cyber-Bullying’ (through use of the Internet or Mobile Phones)
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.
- Inappropriate sexual remarks or behaviour
- Deliberate damage to property / Vandalism

- Misuse of illegal drugs / other substances
- Stealing
- Carrying an offensive weapon
- Arson
- Any other unacceptable behaviour which has previously been reported, and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour

**This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.**

### **Exclusion Procedure**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

- The Department for Education (DfE) regulations allow the Headteacher to exclude a student ***for one or more fixed periods not exceeding 45 school days in any one school year.***
- In line with current legislation, the Governors have established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination or national curriculum test (refer to County Exclusion Procedures).
- The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following exclusion parents are contacted immediately where possible. A letter will be given to the parents in person giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LEA as directed in the letter. Parents will also, without delay, be provided with the following information in writing:
  - the reasons for the exclusion;
  - the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
  - parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
  - how any representations should be made;
  - where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents without delay, and by the end of the afternoon session:

- that for the first five days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that 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.

(Please refer to model letters in HCC Exclusion Guidance)

- The return to School following the expiry of the fixed term exclusion will be supported by a member of the Senior Management Team and other staff where appropriate.

- If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the School, pupil and parents.
- During the course of a fixed term exclusion where the student is to be at home, parents are advised that the student is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are several main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This may be the case following a minimum of three fixed term exclusions.
2. The second is where persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) continues to occur.
3. The third is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Carrying an offensive weapon \*.
  - Arson.

The School will consider police involvement for any of the above offences.

*(\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.")*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the School.

### **General factors the School considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the School or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Head will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Encouraging Good Behaviour Policy, Equal Opportunity and Race Equality Policies.

- Allow the student to give her/his version of events.
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

If the Head is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of Discretion**

In reaching a decision, the Head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider:

- a. The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the Golden Rules in our Behaviour Policy and
- b. The effect that the student remaining in the School would have on the education and welfare of other students and staff.

Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the School's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations of the Governors' Pupil Discipline Committee, when it meets to consider the Headteacher's decision to exclude.

This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's School record, witness statements and the strategies used by the School to support the student prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Personal Development, Behaviour and Welfare Policy. The School works closely with Local Authority and other primary schools to undertake managed moves where such a course of action would be of benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

### **Behaviour Outside School**

Students' behaviour outside School on school "business" for example school trips and journeys, away school sports fixtures is subject to the Personal Development, Behaviour and Welfare Policy (and Equal Opportunities Policy).

Bad behaviour in these circumstances will be dealt with as if it had taken place in School.

For behaviour outside School but not on school business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion then the Head may decide to exclude.