

# Waltham-on-the Wolds Church of England

## Primary School

### Exclusions Policy



The Staff and Governors of Waltham-on-the-Wolds Church of England Primary School are fully committed to achieving high standards of discipline and behaviour in our school. We are a very inclusive school and have no wish to exclude any child, preferring to take reasonable steps so that exclusions are avoided. In extreme cases, however, it may be necessary to exclude a pupil.

Through our Attitudes, Behaviour and Discipline Policy and the teaching of our Christian Values, we aim to promote among pupils, self-discipline, a respect for authority, care and respect for others. The school actively teaches children that good behaviours attract positive attention and poor behaviour/poor choices will result in more negative consequences.

The school follows the 'Exclusion from maintained schools, academies and pupil referral units in England Statutory Guidance for those with legal responsibilities in relation to exclusion'. (February 2015).

#### **Alternatives to exclusion may include:**

- Restorative justice approach (where the "offender" redresses the harm caused to the "victim");
- Mediation (including the use of third parties to resolve conflicts);
- Internal exclusion (moved to another class or from particular activities but kept within the school setting);
- Reduced or part-time timetable for an individual pupil
- Dual registration with Oakfield Short Stay School (see additional application process)
- Managed Move (to another school to allow the child to have a fresh start).

#### **Removing pupils from a school site and the decision to exclude**

In the following circumstances, procedures for exclusion may be implemented:

- Physical assault
- Persistent verbal abuse
- Deliberate damage to school property
- Persistent and repetitive disruption of lessons and other pupils' learning
- Extreme misbehaviour which is deemed outside the remit of the normal sanctions
- Behaviour which compromises the education, well-being and safety of other pupils
- Behaviour which endangers the safety and well-being of staff

#### **A decision to exclude a pupil permanently will be taken only:**

- in response to serious breaches of the school's behaviour policy; and
- 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 child **permanently** is serious and will 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 will be used as a last resort.

There are, however, exceptional circumstances where, in the head teacher's judgment, 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.

In these circumstances the police or relevant agencies (such as social workers or Youth Offending Teams) will be informed.

### **Fixed Term Exclusion:**

A decision to exclude a pupil for a fixed period will be taken only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention or internal exclusions are considered inappropriate. Individual fixed period exclusions will be for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards.

### **Factors to consider before making a decision to exclude**

Exclusion will 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. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head teacher will:

- ensure that a thorough investigation has been carried out;
- consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult others, but not anyone who may later have a role in reviewing the Head teacher's decision, for example a member of the governing body;
- 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 will not be used for:

- minor incidents such as failure to do homework or to bring dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.), except where these are persistent and in open defiance of such rules;
- punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting;
- protecting victims of bullying by sending them home.

### **Procedure for excluding a pupil: role of Head teacher**

If the Head teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the school site for that reason, formal exclusion is the only legal method of removal. **Informal or unofficial exclusions are illegal** regardless of whether they are done with the agreement of parents or carers.

If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as exclusion.

In every instance where a pupil is sent home for disciplinary reasons, Head teachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They should ensure that:

- they are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- that work is sent home or alternative provision is arranged.

### **Length of fixed period exclusions**

Regulations allow Head teachers 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 Pupil referral Unit 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 Head teachers should bear in mind the 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 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 new regulations on providing pupils with education from the sixth day of their exclusion. Taking into account the child's age and vulnerability, the Head teacher 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. A 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.

### Notification of Exclusion

If the Head teacher excludes a child, parents or carers are informed immediately, giving reasons for the exclusion. This will be followed by written confirmation of the reason for exclusion and sent to parents or carers as soon as practically possible. A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they fully understand the nature of their misbehaviour. The Head teacher will make it clear to parents that they may, if they wish, appeal against the decision, to the Governing Body. The procedure for this is set out in the DFE Statutory Guidance. A Governing Body appeal panel will be convened and will decide if the pupil may be reinstated. The head teacher must comply with the panel's ruling.

The Head teacher will inform the Diocese of Leicester Academies Trust (DLAT) and the Governing Body about any permanent exclusion, and about any fixed terms exclusions beyond 5 days in any one term.

The Governing Body itself cannot either exclude a child or extend the exclusion period made by the Head teacher.

### **Penalty notice for excluded pupils**

Currently, schools and local authorities are required to make full-time educational provision for excluded pupils from the sixth day of their exclusion. Parents and carers have a duty to ensure their child is not present in a public place during the first five days of exclusion. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be given a fixed penalty notice of £50 if they fail to do this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

### Pupils Returning from Fixed Term Exclusions

Pupils returning from Fixed Term Exclusion will be invited to attend a reintegration meeting, accompanied by a parent/carer. This meeting will seek to establish practical ways in which

further exclusion can be avoided, through improvements in behaviour, in partnership between pupil, parent and school.

### **Re-integration Interview**

The Head teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a primary-aged pupil. An interview is not necessary where the pupil is leaving school within the period of the exclusion for a reason unconnected with his or her behaviour or where the first day of exclusion falls within the last ten school days in the school year. The pupil should normally attend all or part of the interview. The interview should be conducted by the Head teacher, with the Deputy Head and nominated governor in attendance.

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:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- discuss how behaviour problems can be addressed;
- explore wider issues and any circumstances that may be affecting the child's behaviour;
- 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
- 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 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.

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.

### **Procedures for review and appeal, Governor & DLAT Responsibilities**

The Head teacher must notify the governing body and DLAT of the types of exclusion listed below:

- permanent exclusions;

- exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- exclusions which would result in the pupil missing a public examination.
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In this school, the Head teacher reports all exclusions to the governing body as part of the termly Head teacher's report to governors.

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.

The governing body must decide whether or not to reinstate the pupil, if appropriate, or whether the Head teacher's decision to exclude the pupil was justified/appropriate. The governing body delegates the function of reviewing exclusions to a committee consisting of at least three governors.

The DLAT must make arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the governing body or management committee upholds the exclusion.

### **Parent Advice**

For further advice parents can visit the following website:

<https://www.gov.uk/school-discipline-exclusions/discipline>

Free legal advice and information on children's schooling and education rights is available from the Coram Children's Legal Centre. Factsheets can be downloaded from the website or an advisor is available to speak to on the phone.

### **Coram Children's Legal Centre**

[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

Telephone: 08088 020 008

Monday to Friday, 8am to 8pm

### Monitoring

Any exclusions from school will be monitored by the school and Governing Body to guarantee consistency and fairness. They will ensure that no group of pupils is unfairly disadvantaged or discriminated against and that any underlying needs of individuals are met.

This policy will be reviewed in autumn 2017 by the Governing Body.

J Hopkins

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