

LUNT'S HEATH PRIMARY SCHOOL

EXCLUSION POLICY

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Lunt's Heath Primary School Safeguarding Statement

“Lunt's Heath Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and visitors to share this commitment.”

Lunt's Heath Primary School Equality Statement

“Lunt's Heath Primary School promotes equal opportunities for all pupils, staff and service users. We ensure that all persons have equal access to the full range of opportunities provided by the school. We celebrate diversity and actively encourage respect for all as well as promoting fairness and justice in the education that we provide.”

SCOPE

Schools, and each class within a school, must be managed effectively in order to secure an orderly learning environment. In the interests of all pupils, disruption, in whatever form, must be minimised.

The school acknowledges the importance of good behaviour and its effect on standards of attainment and achievement, and the expectations in keeping everyone safe. This policy is designed to provide the Headteacher and the Governing Body of Lunt's Heath Primary School with clarity to the law in managing the temporary or permanent exclusion of children where there is just cause.

AUTHORITY

In discharging their duties the Headteacher and Governing Body will have regard to DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" which was published in September 2017 and any subsequent DfE updates to this guidance. Staff will also take into account their statutory duties under Section 175 of the Education Act 2002 and in relation to special educational needs (SEN) including having regard to the SEN Code of Practice.

STATEMENT OF POLICY

We believe that good behaviour and discipline are essential in obtaining a happy and positive learning environment in which all children will have the opportunity to reach their full potential and feel safe and secure. Where a pupil's behaviour falls short of the expected standard, and there is just cause, exclusion is a legitimate option open to the Headteacher in sanctioning a child's poor behaviour. The decision to exclude a pupil will be taken:

- In response to serious breaches of the school's Behaviour Policy; and
- If allowing the student to remain in the academy would seriously harm the learning or welfare of the student, other students or staff in the school.

Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's Behaviour Policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

In making the decision to exclude a pupil we will act lawfully, reasonably and fairly. Lunt's Heath will never discriminate against pupils on the basis of protected characteristics, such as disability or race. We will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

AIM

We aim to promote an atmosphere of mutual trust and respect between all those involved in the life of the school. These attitudes are important life skills and we believe that it is, therefore, essential to have a consistent approach to discipline throughout the school.

RESPONSIBILITY

The Governors, with the advice of the Headteacher, have an overall responsibility to ensure that children behave well and are kept safe whilst at school.

The Governing Body has a duty to arrange education from the sixth day of a fixed-period exclusion triggered by consecutive fixed-period exclusions totalling more than five days.

The Headteacher is solely responsible for the decision to exclude a child. In making this decision to permanently exclude, the Headteacher will ensure that a range of strategies have been employed, including fixed-term exclusion.

The Staff Development Coordinator has responsibility for keeping teachers up-to-date and skilled in behaviour management techniques in order to enhance the current high levels of pupil behaviour and safety.

Each Class Teacher, assisted by all support staff, is responsible for maintaining high expectations of pupil behaviour and discipline and should aspire for every child to be consistently well behaved, attentive and safe.

DEFINITIONS

Parents

The definition of a parent for the purposes of the Education Acts is broadly drawn. In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, all those with parental responsibility should be involved in the exclusions process.

Academic year

In this policy 'academic year' means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

ADDITIONAL GUIDANCE

Actions to be taken when dealing with serious disciplinary matters

1. When a serious incident occurs, a senior member of staff must interview students and produce a written record of the meeting. If the nature of the incident is extremely serious then at least two staff members should be present to conduct the interviews. Students should be questioned and given ample opportunity to give a response. If appropriate, students should be encouraged to provide a written statement of what happened and offered the opportunity to sign this as an authoritative record of events. At this stage the report will help to enable the Headteacher to decide what further action should be undertaken.
2. Whilst an exclusion may still be an appropriate sanction, the Headteacher will also take into consideration any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it is revealed a student has suffered bereavement, has mental health issues or has been the

subject of bullying. In cases involving SEND and Looked After Children (LAC) students, the Headteacher should also consider whether appropriate provision is in place to support their needs as well as the involvement of multi-agencies.

3. The Headteacher will aim for the shortest possible period of exclusion. A plan will be made to:
 - enable the pupil to continue their education;
 - use the time to address the pupil's problems;
 - examine the process of reintegration.
4. In most cases a range of alternative strategies will have been tried before excluding a child. Where a one-off incident of sufficient gravity has taken place, this may not apply.
5. Where it is deemed exclusion is not appropriate or suitable, the Headteacher may arrange a warning meeting with a pupil and parents to remind them of the school's behaviour policies and expectations.
6. The Headteacher will make sure that the parents / carers are notified immediately of the period of the exclusion and the reasons for it either in person or by telephone which will be followed by a letter within one working day. An exclusion will normally begin on the next school day.
7. Where a fixed absence extends into the sixth consecutive day, the school is then responsible for providing the child with education / work.
8. The Chair of Governors and Local Authority will be informed without delay via the standard report procedures.
9. The behaviour of a pupil outside school can be considered grounds for an exclusion.
10. When establishing the facts in relation to an exclusion decision the head teacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.
11. Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher should consider whether exclusion is providing an effective sanction.

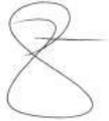
SUPPORTING DOCUMENTATION

- Exclusion from maintained schools, academies and pupil referral units in England (2017)
- Keeping Children Safe in Education; Statutory guidance for schools and colleges (2020)
- Working Together to Keep Children Safe (2018)
- Whistleblowing Policy

- Safeguarding & Child Protection Policy
- Inclusion & SEND Policy
- Single Equity Policy and associated suite of policies
- Code of Conduct

Signed (Head Teacher):

Date: 02.09.20

A handwritten signature in black ink, appearing to be a stylized 'S' or '8' shape.

Signed (Chair of Governors):

Date: 02.09.20

A handwritten signature in black ink, appearing to be 'Paul Brown'.

EXCLUSION FROM SCHOOL

This is a very serious step, however, in the case of severe misbehaviour; a pupil may be excluded from Lunt's Heath Primary School.

There are different forms this could take:

Lunch time exclusion

The responsibility for taking the decision to exclude at lunchtime rests solely with the Headteacher. Parents will be informed beforehand in writing. The period of exclusion together with the reasons for it will be recorded. Children who have a free school meal entitlement will be provided with a packed lunch.

Short term exclusion

Short term exclusions can amount to 5 days in any one term. They can be useful as cooling off periods, time to reflect upon the seriousness of the misconduct. Parents would be fully informed in writing of the details of the exclusion and the reasons for it.

Permanent Exclusions

In extreme circumstances, children can be permanently excluded. In the event of this situation arising, the relevant guidelines from the Local Authority and DfE would be followed. A meeting of the Governing Body panel would be called to discuss the matter.

The decision to exclude long term or permanently would be made only when the Headteacher felt they could no longer accept responsibility for the behaviour of the child without putting at risk the safety and well-being of the other pupils. The parents' / carers' right to appeal would be fully explained.

Exclusion

Pupils should only be excluded where the school can demonstrate with adequate evidence that all stages have been exhausted - i.e. the Headteacher has taken all reasonable steps to resolve the matter in other ways and / or where the presence of the pupil in school is likely to be severely detrimental to themselves, other pupils or to staff.

The period and nature of the exclusion (i.e. permanent or temporary) will be decided by the Headteacher, communicated to the parents / carers and referred subsequently to the Chair of Governors. At the time of exclusion, the parents / carers will be told how they can make an appeal against the exclusion to the Governing Body to the Authority (exclusions of more than 5 days). The procedure will be as follows:

- i. Whenever a Headteacher excludes a child he / she should immediately contact the parents / carers in writing, setting out the period of exclusion, the reasons for this exclusion, including which aspects of the school's code of conduct have been reached, and the date for re-admission.
- ii. Those with parental responsibility should be invited to the school to discuss the behaviour of the child with a view to improving the situation. They should be told they can bring a friend to support their case or just to listen and be

there for them. Non-adversarial approaches are to be encouraged wherever possible.

- iii. A Governing Body panel will hear parental representations. The Headteacher will not be a member of this hearing committee since he / she will have to give evidence before it.
- iv. If parents / carers make representations to the Governing Body, as a matter of good practice the Governors should arrange for a hearing within, at most, 15 days of it being requested. The parents / carers should be notified in writing by the school 7 days or more in advance, of the time and venue of the hearing and of the procedure.
- v. The procedure on representation hearings should be governed by general legal principles of natural justice. These are designed to ensure equity and fairness, and to be accessible, and they provide, for example, that each party shall be heard, that no-one shall be a judge in his / her own cause, and that parties have a right to a hearing. The meeting should be impartially chaired and non-adversarial and should be confined to the specific incidents of poor conduct which led to the exclusion. All documents to be used should be provided well in advance to all parties, not on the day.
- vi. Parents have the right to appeal.

APPEALS AGAINST EXCLUSIONS

The Appeal Procedure

- i. Both the Headteacher and those with parental responsibility, and also the pupil if he / she wishes, are given full opportunity to state their case. (The right of the young person to be involved is now a requirement of the UN Convention on the Rights of the Child).
- ii. The parents / carers may, if they wish, be accompanied by a "friend" or advocate. This can be anyone who is able to give advice or support.
- iii. The Headteacher, and any school staff providing evidence, should present the school's case first and may then be asked questions by the parents / carers. The Governors may also ask questions.
- iv. The parents / carers (and pupil) should then present their case, and may be questioned by the Headteacher. The Governors may also ask questions. Sometimes the pupil may wish to talk to the Governors alone.
- v. The Headteacher makes his / her closing remarks.
- vi. The parents / carers have the final word.
- vii. All retire for the Governors to consider the case and make their decision. The meeting should not assume guilt, but weigh all the evidence.
- viii. The Headteacher must not participate in the Governors' decision to confirm or lift the exclusion. If any Governor (including the Chair) has prior detailed knowledge of the case he / she must withdraw. Evidence should be given orally if possible and should if possible be first hand evidence, so witnesses may need to be called. If documentary evidence is to be used at the hearing, a copy of the documents (including the pupil's school record if relevant) should be sent to the parents / carers and pupil before the hearing. The parents / carers and sometimes the pupil should be present during the whole of the appeal. The pupil should be asked to withdraw if it is in the interest of his / her welfare and if he / she does withdraw, care should be taken to explain to him / her the substance of any allegations made and to ask for comments. The panel can decide whether to allow the pupil to speak, but it needs a good reason for refusing. It should also allow a pupil to be heard on his / her own, without the Headteacher and parents / carers being present, if the pupil so wishes, but the Chair should then broadly summarise what the pupil said for the benefit of all parties before proceeding. If a parent / carer makes allegations against a teacher, the parent / carer should be advised that these can be the subject of a separate complaint, and that this, not the exclusion appeal, is the appropriate way to deal with the allegations.
- ix. The Clerk to the Governors should minute the hearing and notify the result in writing to the parent / carer and the Headteacher. If the representation is upheld the pupil should return to school in accordance with the Governors' decision.

ESTABLISHING AN EXCLUSION COMMITTEE

- i. The Governors do not have the right to exclude a student. Governors do have a duty to consider parents' representations about an exclusion. To enable this the Governing Body will establish an Exclusions Committee.
- ii. An Exclusions Committee should consist of three or five governors and should not include staff governors.
- iii. A Clerk will be appointed:
 - a) The Clerk is responsible for liaising with all parties to arrange the exclusion panel, this should include the parent of the pupil, the academy representative and the Exclusion Committee members. The parent can request the attendance of a LA representative, whom the clerk should invite if requested. Model Letter 6. Once the date has been agreed, the clerk should write to the parents to invite them to the meeting. Model letter 7.
 - b) The Clerk is responsible for collating and circulating papers to all parties scheduled to attend the meeting. A suggested template agenda can be found in appendix 2. Papers should include:
 - An agenda
 - Statement and supporting paperwork from the academy
 - Statement and supporting paperwork from the parent/guardian and/or pupil
 - Any relevant Behaviour Policies
 - Copies of all letters sent between the academy and parent/guardian in relation to the exclusion
 - a) The Clerk should ensure that all representatives enter the meeting at the same time and neither are alone with the panel without the other being present.
 - b) The Clerk is responsible for taking full and accurate minutes of the appeal hearing, which will be sent to the Chair of the Exclusions Committee for approval and finalised within 5 academy days of the panel meeting. A suggested template for exclusions minutes can be found in appendix 2.
 - c) The Clerk is responsible for sending a letter to the parents and a copy to the LA notifying them of the outcome of the Exclusion Committee. Model letter 8 and 9.

Permanent Exclusion cases

3.4.1. Written evidence supporting the Principal's decision will be circulated to all parties at least five working days in advance of the meeting by the Clerk to governors. The pupil/parents will also be given the opportunity to submit a written statement and/or supporting papers for circulation.

3.4.2. The Exclusions Committees will allow parents and students to be accompanied by a friend or representative.

3.4.3. Reasonable adjustments will be made for people with special needs, a disability or for attendees for whom English is not their first language, to support their attendance and contribution to the meeting.

3.4.4. For permanent exclusions, the Exclusions Committee, consisting of three or five Governors not employed by the Academy or known to the student, should normally satisfy itself that:

- for a one-off serious breach of behaviour, on the balance of probabilities, the offence took place or;
- for persistent bad behaviour, all possible strategies to improve a student's behaviour were tried without success.

3.4.5. The Exclusions Committee will consider the exclusion and either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance.

3.4.6. The Exclusions Committee may not attach conditions to the re-instatement of a student.

3.4.7. The Exclusions Committee will ensure that clear minutes of the meeting are taken as a record of the evidence that was considered by the governing body. These will be made available to all parties on request.

3.4.8. In reaching their decision the Exclusions Committee will ask all parties to withdraw before making their decision and will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair. They will also take into account the Principal's legal duties.

If the Exclusions Committee declines to reinstate the pupil, the clerk will write on behalf of the Exclusions Committee within one Academy day to the parent(s)/carer(s). The letter will:

- state that the decision to exclude is permanent
- give the reasons for the decision;
- explain the parent(s)/carer(s) right to appeal to an Independent Review Panel to which the parent(s)/carer(s) can make oral and written statements;
- give the name and address of the person the parent(s)/carer(s) should contact if they wish the decision to be reviewed, explaining that any notice for review should explain their grounds for requesting a review and stating the latest date for giving notice (15 academy days from the date of the Discipline Committee's decision). The parent(s)/carer(s) has the right to request a review even if they did not make a case to the Discipline Committee.
- State that regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Ormiston Academy

Trust to appoint a SEN expert to attend the review and that this appointment will be at no cost to parents

- Request that parents must make it clear if they wish for a SEN expert to be appointed in any application for review
- That parents may also bring a friend to the review
- Provide details of sources of free and impartial information.

3.4.10. If the Exclusion Committee declines to reinstate the pupil, the clerk will notify the LA in writing of this decision within one Academy day of the hearing.

3.5. After the meeting – Fixed Term and Permanent Exclusions

3.5.1. A note of the Exclusions Committee's views on the exclusion shall normally be placed on the student's record with a copy of the Principal's exclusion letter.

Exclusions Committee Guidance

The role of the Chair

The role of the Chair of the exclusion panel is particularly important, not only does it set the tone, but also ensures that the hearing conforms to the law.

Advice for chairs

- Read all paperwork prior to the meeting and make notes on any points of interest
- Spend some time with fellow panel members and the clerk prior to the meeting, going over any major points and receiving any guidance
- Advise attendees whether the decision will be communicated verbally immediately after panel deliberation as well as receiving written notification the following day, or whether the decision will only be communicated in writing.
- Always remain in control and avoid confrontation whilst also making it clear that rudeness and any aggressive behaviour is unacceptable
- Have a view as to how long each section of the meeting should last
- Ascertain whether the pupil will be attending and ensure that they are given the opportunity to speak
- Ascertain whether an LA representative will be attending and advise whether you will be accepting their attendance in the capacity as an observer or whether they have your consent to make representations
- Ask the clerk for advice on legal matters should you need it
- Recap and summarise regularly
- If an appellant or presenter fails to attend the meeting, continue to follow the standard procedure as closely as possible. This ensures that their case is given proper consideration
- If any changes are to be made to the order of the hearing, ensure that all parties are in agreement
- Ensure that all parties feel listened to and have ample opportunity to present their case and ask questions of the other
- Approve the minutes following the meeting
- Ensure that following a panel the outcome is noted on the student's educational record along with copies of relevant papers for future reference

The role of the panel member

Members of the panel should ensure that they act in an impartial manner at all times in order to ensure that the hearing is fair and their decisions are consistent with the evidence presented. Panel members should also ensure that they do not discuss the exclusion with any party outside the meeting.

Advice for panel members

- Read all paperwork prior to the meeting and make notes on any points of interest or areas for clarification
 - Be familiar with the law and current DfE guidance
 - Respect the chair and their authority throughout the meeting
 - Consider carefully any advice provided by the clerk/minute taker

- Avoid giving any indication about feelings on any individual case
- Test all evidence available to them as far as possible and ensure that they ask sufficient questions
- Decide on the *balance of probabilities* whether the student did what is alleged – this is the civil standard of proof and not the criminal standard of “beyond reasonable doubt”
- Be clear about the reasons for decisions made and be prepared to support them with evidence gained during a hearing. Panel members need to be aware that in light of their consideration, they can either:
 - Uphold an exclusion; or
 - Direct reinstatement of the student immediately or on a particular date

Where reinstatement is not practical, the panel must consider whether the principal’s decision to exclude the student was justified based on the evidence.

Decision making

Some points for members of exclusion panels to consider when reviewing the principal’s decision to exclude a student.

- Did the student, on the balance of probabilities, commit the breach of the Behaviour Policy of which they are accused?
- Would allowing the student to remain in academy seriously harm the education or welfare of others in the academy?
- Did the academy evidence that all the strategies available had been exhausted prior to the decision to exclude?
- Did the principal have any alternative to exclusion?
- Is the principal’s decision in line with the academy’s Behaviour Policy?
- Was the decision to exclude based on one serious incident or a series of incidents?
- Is the student defined as having special needs / a disability? If so, has the student been treated less favourably than others and have reasonable adjustments been made?
- Are there any contributing or mitigating factors to consider?
- Are you satisfied that a full and appropriate investigation was undertaken?
- Did the academy apply the correct procedures when excluding the student?
- Was the student allowed the opportunity to give their own version of events?
- Was the decision to exclude the student lawful, reasonable and procedurally fair?

With regards to any exclusion resulting in a student missing a public examination or national curriculum test there is no legal imperative to allow an excluded student to return to the academy in order to take a public examination or test. The governing body should consider whether it would be appropriate to exercise discretion and allow the excluded student back on academy premises for this purpose. The governing body may place additional conditions if they choose to grant permission onto the academy site.

Decision statements

NB: These suggested pro-forma statements are to complement the detailed reasons that the Committee is obliged to set out in the decision letter. These are not to be used in isolation.

Decline to reinstate the pupil:

1. 'This committee, having carefully considered all available evidence, has decided to decline to reinstate [Student's name] on the grounds of [insert appropriate term].'

Optional additional statements

1. 'Despite an extensive programme of support provided by both the academy and a variety of external agencies, [Student's name]'s behaviour has continued to be [insert appropriate term].

We feel that the academy has exhausted its capability to meet [student's name]'s needs and as such has no other alternative other than to permanently exclude'.

2. 'On the basis that [Student's name]'s repeated poor behaviour constantly falls considerably

below the standard expected of students at the academy and we are concerned for the welfare of staff and other students.'

'We feel that the academy has done everything in its power to support [Student's name] and despite this [he/she] has continued to behave in an inappropriate manner, affecting both the safety and education of [himself/herself] and other students.'

Direct reinstatement of the pupil immediately or on a particular date

1. Having carefully considered all available evidence and representations, we, as a panel, have decided to direct reinstatement of [Student's name]. As such, [Student's name] will be allowed to return to the academy on [date] at [time].

A POSITIVE APPROACH

The school's Behaviour Policy is based on a positive approach; we encourage appropriate behaviour by consistently recognising, highlighting and rewarding good behaviour as it occurs. We explain and demonstrate the behaviour we wish to see, ensuring that any criticisms are constructive encouraging the children to be responsible for their own behaviour. Children are praised for behaving well and showing good effort.

The emphasis throughout the school should be on affirmation and praise. In addition to verbal praise, teachers should sometimes give written praise - either in children's workbooks or in their home reading books. Use should be made of the Praise Assembly to reward application, perseverance, self-discipline, common sense, thoughtfulness etc. These are aspects of a child's personality and should be recognised through this system.

Through our reward system we aim to:

Promote positive attitudes:

- ✓ to develop sensitivity to the needs of others
- ✓ to develop respect for the belief and opinions of others
- ✓ to develop respect for adults and other children
- ✓ to develop respect for the property of others
- ✓ to place great value on the importance of good manners
- ✓ to develop and foster a sense of responsibility and an understanding of the consequences of their actions

- ✓ to develop the children's confidence and self-esteem.

Good practice:

- ✓ Pupils are rarely left unsupervised
- ✓ Classrooms are orderly, tidy and accessible
- ✓ Lessons are matched to children's needs, abilities and aptitudes
- ✓ Lessons are well-prepared and lucidly delivered
- ✓ Feedback is immediate, constructive and fair, giving feedback on both attainment and effort
- ✓ There exist a wide range of formal and informal rewards which are applied consistently by staff
- ✓ Sanctions are fair, appropriate, reasonable, proportionate and understood by pupils
- ✓ Children know, and accept, a written code of conduct
- ✓ Self-discipline and self-regulation is engendered and encouraged
- ✓ Respect for others is engendered and encouraged.