

Orleans Primary School



Exclusion Policy

Governor's Committee Responsible	P, C&C
Status	Non-Statutory
Review Cycle	3 yearly
Date written/last review	May 2022
Date of next review	May 2025

Signed Chair of P, C&C

Date

Signed Headteacher

Date

This policy is written in conjunction with the guidance set out by the DFE 2017 (updated April 2022).

‘Exclusion from maintained schools, academies and pupil referral units in England – September 2017’ which can be found by following this link;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

and as such, incorporates their advice on following the requirements of the Equality Act 2010 ‘schools must not discriminate against, harass or victimise pupils because of their: age, sex, race, disability, religion or belief, sexual orientation, because of a pregnancy/maternity reasons or because of gender reassignment’. Orleans recognises that the decision to exclude a pupil must be lawful, reasonable and fair and that it will only be used as a last resort, in response to a serious breach, or persistent breaches of the school’s Behaviour Policy.

Rationale

This policy details the procedures which will be followed at Orleans Primary School in relation to any exclusions either fixed term or permanent. The policy is underpinned by the shared commitment of all members of the school community to achieve the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all pupils can learn and succeed. This policy will also aim to ensure that the rigorous strategies we use to support pupils will reduce the need for any type of exclusion.

Introduction

At Orleans we recognise that good behaviour is essential to ensure all pupils can fully benefit from the opportunities offered by the school and we take great care to ensure that parents, children and staff are absolutely clear on the high expectations of behaviour we have at Orleans. We know that children learn more effectively in environments which make them feel safe and have developed a very strong Behaviour Policy to support this.

The decision to exclude a pupil can only be made by the Headteacher and will be based on disciplinary grounds. It will only be taken when there has been a single 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 another pupil in the school.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school and will only be taken when all other routes have been exhausted. The causal details of all exclusions will be thoroughly investigated and formally recorded, with the correct procedures being adhered to in every case. The Headteacher will consider all the evidence available to support the allegations taking into account the Behaviour Policy, Equality Policy and the Anti-bullying Policy and will make a decision based on the ‘balance of probabilities’ as to whether the facts relating to the actions of a pupil are true or not i.e. if it is more likely that something happened than it did not. (See DFE Guidance Section 3 paragraph 8.) It is not appropriate for exclusion to be used for minor incidents such as academic performance or lateness. Informal or unofficial exclusions such as sending pupils home to ‘cool off’ are unlawful, regardless of whether they occur with the agreement of the parents.

Dealing with persistent or cumulative behaviour problems

As stated above, the decision to exclude a pupil will only take place once the school has exhausted all other options and where the school has identified the needs of a disruptive pupil and offered and implemented a range of support and behaviour management strategies to meet these needs.

At Orleans, these support strategies will include:

- Discussion with the pupil and their parents
- Mentoring by a teacher or older pupil
- Checking/investigating any trigger points or provocation by other pupils
- Detention i.e. missed playtimes
- Mediation by an outside agency
- Internal exclusion
- Referral to outside agencies such as the behaviour support team or the Educational Psychologist
- Pastoral support programme
- Investigation and establishment of any Special Educational Needs through involvement with Local Authority agencies
- Identification of any concerns regarding mental health of the child and referral to any appropriate Local Authority agencies.

The school will put into place an action plan utilising any specialist advice and ensure this is shared and agreed by a child's parents. Teachers and support staff will ensure that all recommended strategies are consistently adhered to over the recommended time period by the outside agencies and the Headteacher.

Unacceptable Behaviour outside of school

Pupil's behaviour outside school on school business e.g. sports fixtures, trips or a school journey is subject to the school's Behaviour Policy and as such, is subject to exclusion. Unsuitable behaviour in such circumstances will be dealt with as if it had taken place at school. For behaviour outside of school, not on school business, the Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline amongst the rest of the pupils as a whole, or if it is deemed to be damaging to the reputation of the school.

Supporting pupils from groups with disproportionately high rates of exclusion or vulnerable pupils

Orleans knows the groups of pupils represented within its demographic and will ensure that it monitors very carefully the steps taken to support pupils who fall within the groups with the highest rates of exclusion nationally. These groups are Gypsy/Roma, Travellers of Irish Heritage and pupils

from the Black Caribbean communities, pupils with Special Educational Needs, Looked After Children and children who are eligible for Free School Meals.

The Headteacher will take into account any Special Educational Needs when making the decision to exclude a pupil and will have due regard to the SEN Code of Practice ensuring it is complying with its statutory duties. Orleans will work with the parents/carers of any pupils with additional needs or Looked After Children to support their behaviour and will seek advice from agencies within the Local Authority. If necessary, an interim review of the provision listed within a pupil's Statement of Special Educational Needs will be organised by the SENCO/Inclusion Manager if the Headteacher identifies that more support is needed for that pupil's behaviour.

The Decision to Exclude

Only the Headteacher can make the decision to exclude a pupil which must be for disciplinary reasons. If there is a serious incident or consistent breach of the school's Behaviour Policy and all the support strategies have failed to positively impact on a pupil's behaviour the Headteacher will take the following steps:

- 1) Ask the pupil to confirm his/her version of events detailing timescales, location, witnesses, actions and the staff response all of which will be recorded in writing. This information will already have been reviewed, the purpose of this is ensure that all the information has been included.
- 2) Ensure that there is sufficient recorded evidence to support the decision to exclude including investigations to ascertain if there was any provocation or contributing factors such as bullying or racial harassment or any exceptional circumstances such as bereavement or mental health issues. Witness statements from staff or pupils will be taken and must be recorded, signed and dated. Extenuating circumstances may mean that the decision is taken not to exclude a pupil.
- 3) Inform the Chair of Governors or in their absence the Vice Chair and the Local Authority.
- 4) Explain to the pupil that the decision has been made to exclude them. This will be done in the presence of another senior member of staff such as the Deputy Head or a Phase Leader. A detailed written record of what is said will be made and signed by both members of staff. The school will aim for the child's parents to be present during this.
- 5) The Headteacher will contact the child's parents, inform them of what has happened giving a detailed explanation and ask that they come and collect their child.
- 6) Provide the parents with a written confirmation of the details of the type and length of the exclusion, and of their right to make representations about the exclusion to the Governing Body. The Headteacher will use the model letter in Appendix 1. Parents must be informed of any terms and conditions for the pupil's return and the date of the reintegration meeting which will take place upon the pupil's return to school. *1
- 7) Ensure appropriate work is set by the class teacher and that arrangements are in place for it to be returned to school to be marked.

- 8) Inform the rest of the staff.
- 9) Meet with the Inclusion Manager to plan for the pupil's needs upon their return, ensuring continuing support is in place for the pupil to support their behaviour on return to school.

Safeguarding Pupils who have been excluded

The Headteacher will take into account the circumstances of any pupil when making a decision to exclude. For example, if there is a worry or concern that the pupil will not be adequately supervised if an external exclusion is given, the Headteacher may decide that it would be more appropriate to give a pupil an internal exclusion. This would be the case for any child who is subject to a Child Protection Plan. However, within these circumstances the school will inform Social Services or the relevant social care professional with their concerns.

Types of Exclusion

Permanent Exclusion

A permanent exclusion is a very serious decision and the Headteacher will inform the Chair of Governors before enforcing it. As with a Fixed Term Exclusion, the decision to exclude a pupil permanently will follow the use of a range of strategies which have been consistently and rigorously put into place by the staff. Permanent Exclusion will be seen as the final step in the process for dealing with disciplinary offences when no other option remains and support strategies have failed to make an impact on the pupil's behaviour. It will only be used following a very serious breach of school rules or a disciplinary offence such as;

- Serious actual or threatened violence against another pupil or a member of staff.
- Possession, supply or use of an illegal drug or alcohol on school premises.
- Sexual abuse or assault of another pupil (See Safeguarding/Child Protection Policy section on Peer Abuse.)
- Carrying an offensive weapon.
- Persistent bullying and intimidation *2

Permanent exclusions will therefore only take place in exceptional circumstances. The Headteacher will consider whether to inform the police where a criminal offence may have taken place and will also consider whether or not to inform other agencies such as social services. The Headteacher does not need to delay the decision to permanently exclude if there is a likelihood that criminal charges may follow.

When a pupil is permanently excluded, it is the responsibility of the school to set and mark work for the first five days. From the sixth day onward, it is the responsibility of the Local Authority to make alternative full-time provision.

Fixed Term Exclusions

These are usually between one and three days in length and can be up to a maximum of 45 non-consecutive days in an academic year. A pupil may be excluded from school for one or more fixed periods if they have seriously broken the school rules or allowing them to stay in school would seriously harm their education or welfare, or that of other pupils. In exceptional circumstances such as where further evidence comes to light a fixed term exclusion can be followed by a further fixed term exclusion or a permanent exclusion.

Where a pupil has received multiple fixed term exclusions or is approaching the legal limit of 45 school days in a fixed period exclusion in an academic year, the Headteacher should consider whether exclusion is providing an effective sanction and seek further advice from the Local Authority. The school would provide work for the pupil during the time of the exclusion.

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.

Internal Exclusion

If children do not respond to the school's behaviour sanctions and their behaviour is escalating, they may be given an in-school exclusion. This will involve them working in another classroom than their own for half a day. Work will be provided by their class teacher. The pupil's parents will be informed prior to this happening.

*1 Information given to parents should be clearly written and easily understood. Where the parents' first language is not English, consideration will be given to translating the letter or taking additional steps to ensuring the parents have understood the details of the exclusion and their right to make representations to the Governing Body.

*2 These instances are not an exhaustive list.

Following an exclusion

The Headteacher will arrange a reintegration meeting with the pupil's parents following the expiry of any fixed period exclusion. The pupil should also attend the meeting. The reintegration meeting must take place on the first morning after the end of the exclusion period, before the pupil returns to their class.

The purpose of the meeting is to assist the reintegration of the pupil into school and promote the improvement of his/her behaviour. The Headteacher will seek agreement from the parents that they will work with the school to take joint responsibility for their child's behaviour and discuss how their child's behaviour can be effectively addressed. It will also provide further opportunity to explore wider issues and any circumstances that may be affecting the child's behaviour. The outcome of the meeting will be to finalise how the pupil's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour.

Procedure to appeal

If parents wish to appeal a decision regarding a fixed term or temporary exclusion, they should contact the Governing Body*3. The contact number for the Local Authority Exclusions team will be included in the initial letter detailing the reasons for the exclusion, which is automatically sent to parents.

*3 please see appendix 2 for further details

Marking attendance during an exclusion

When a pupil is excluded temporarily, he/she will be marked as absent using Code E.

When a pupil is permanently excluded, the administrative team will remove the pupil from the school roll once alternative provision has been made for them. Once this is confirmed, the admin team will transfer their information to the new school. Until that point, they will be marked with Code E.

June 2022

Appendix 1 – Exclusion Letters

Model exclusion letter 1

From the Headteacher notifying the parent, of a fixed period exclusion of 5 school days or fewer in one term

Dear [parent/carer's name]

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period of **[period of exclusion]**. This means that **[child's name]** 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 **[provide detailed reason for the exclusion. This should include what happened in sufficient detail, when and where it happened, and the impact of the behaviour on others. It should also include any steps that have been taken to try and avoid the exclusion and include details of occasions when previous warnings about the pupil's behaviour were given]**.

You have a duty to ensure that your child is not present in a public place during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[name of child]** to be completed on the days specified in the previous paragraph **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us 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 **Clerk to the Governors via email at clerktogovernors@orleans.richmond.sch.uk**, 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 discrimination has occurred, you have the right to appeal and/or make a claim to the First-tier Tribunal (for Special Education Needs and disability under the Equality Act 2010) or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be made within six months of the date on which the discrimination is alleged to have taken place. The following is the link to guidance on making a claim of discrimination to the First-Tier Tribunal:

<http://www.justice.gov.uk/tribunals/send/appeals>

Making a claim would not affect your right to make representations to the Governing Body.

You also have the right to see a copy of **[name of child]**'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 **[name of child]**'s 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 are relevant sources of information and advice about exclusion from school:

- The statutory guidance on the use of exclusion from school can be viewed at:
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

- **Civil Legal Advice**, which is an independent national advice centre that offers information and support on state education, including on exclusion from school. They can be contacted on **0345 345 4345** or at www.childrenslegalcentre.com
- **Communities Empowerment Network**, which can provide advice and support if your child is experiencing problems at school, particularly with exclusion. They can be contacted on **0207 733 0297** or at www.cenlive.org
- You may wish to contact Adrian Bannister, Exclusions & Reintegration Officer for Achieving for Children who can provide advice. He can be contacted by telephoning 0208 547 5253 or by emailing adrian.bannister@achievingforchildren.org.uk.
- I have also enclosed an information sheet about exclusion from school which you may find useful.

[The following paragraph may be used if the Headteacher chooses to hold a reintegration interview]

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

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

Yours sincerely

Headteacher

This letter will be amended for different types of exclusion.

Governors' Arrangements for Reviewing Exclusions

Delegation of duty

- 1) The Governing Body has a duty to consider parent's representations about an exclusion. The Governing Body of Orleans Primary has delegated this duty to the Personnel, Children and Community Committee (P, C&C committee) which must consist of at least three governors.

Circumstances in which the Governing Body will review an exclusion

- 2) The P, C&C committee will consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
 - a. The exclusion is permanent;
 - b. It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - c. It would result in a pupil missing a public examination or national curriculum test.
- 3) If requested to do so by the parents, the P, C&C committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.
- 4) Where an exclusion would result in a pupil missing a public examination or national curriculum test, the P, C&C committee will, so far as it is reasonably practicable, consider the exclusion before the date of the examination or test. If this is not possible, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair can review the exclusion decision alone. In such cases, parents still have the right to make representations to the P, C&C committee and must be made aware of this right. Furthermore, whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the P, C&C committee should consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

Conduct of the Governing Body review

- 5) The P, C&C committee will invite parents, the Headteacher and a representative of the Local Authority to a meeting and allow all parties to make representations. The P, C&C committee will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties within the statutory time limits.
- 6) In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the P, C&C will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 7) In considering the decision of the Headteacher to exclude a pupil the P, C&C committee will:

- a. Ask for written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN);
- b. Where possible circulate any written evidence and information, including a list of those who will be present, to all parties at least give school days in advance of the meeting;
- c. Allow parents and pupils to be accompanied by a friend or representative (where a pupil is to be invited as a witness, the P,C&C committee will first seek parental consent and invite the parents to accompany their child to the meeting);
- d. Have regard to its duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting;
- e. Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his/her own behalf taking into account the pupil's age and understanding, or how the excluded pupil may feed in his/her views by other means if attending the exclusion meeting is not possible;
- f. Not discuss the exclusion with any party outside of the meeting.

8) In considering an exclusion, the P,C&C committee will:

- a. Consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded and have regard to the interests of other pupils and people working at the school;
- b. Consider any representations made by parents, the Headteacher and a representative of the Local Authority;
- c. When establishing the facts, apply the civil burden of proof i.e. on the balance of probabilities it is more likely than not that a fact is true;
- d. In reaching a decision on whether or not to reinstate a pupil, consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

9) The P, C&C committee will ensure that clear minutes are taken of the meeting as a record of the evidence that was considered. These minutes will be made available to all parties on request.

10) The P, C&C committee will ask all parties to withdraw before making a decision. If present, a clerk may stay to help the P, C&C committee by reference to his/her notes of the meeting and with the wording of the decision letter.

11) Having considered the exclusion, the P, C&C committee can:

- a. Uphold an exclusion; or
- b. Direct reinstatement of the pupil immediately or on a particular date.

Note that where reinstatement is not practical because, for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the PC&C committee must, in any event, consider whether the decision to exclude was justified.

Action following the review

- 12) The P, C&C committee will note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference. In cases where the P, C&C considers parents' representations but does not have the power to direct a pupil's reinstatement, it will consider whether it would be appropriate to place a note of its findings on the pupil's educational record.
- 13) The school will retain records and evidence relation to an exclusion for at least six months.
- 14) The P, C&C will notify parents, the Headteacher and the Local Authority (if necessary both LBRuT and the pupil's "home authority") of its decision and the reasons for its decision in writing and without delay. The reasons must be set out in sufficient detail to enable all parties to understand why the reason was made.
- 15) In the case of a permanent exclusion, the P,C&C notification will also include the following information:
 - a. The fact that it is permanent;
 - b. Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - i. The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the P, C&C's decision was given to parents);
 - ii. The name and address to whom an application for a review and any written evidence should be submitted;
 - iii. That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
 - iv. That regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to attend the review;
 - v. Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
 - vi. That parents must make clear if they wish for an SEN expert to be appointed in any application for a review; and
 - vii. That parents may, at their own expense, appoint someone to make written and oral representations to the panel and that parents may also bring a friend to the review.
 - c. That in addition to the right to apply for an independent review panel, if parents believe that an exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination or the County Court in the case of other forms of discrimination.
 - d. That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

- 16) Where the P,C&C committee decides to uphold an exclusion, the notice will draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.
- 17) Notice may be delivered directly to parents or by leaving it or posting it to their last known address. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after delivery if it is sent by first class mail.

Action following a direction or recommendation of the independent review panel

- 18) If parents refer the decision of the P,C&C committee to an independent review panel and if the panel directs or recommends that the Governing Body reconsiders their decision, the P,C&C committee must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.
- 19) If following a direction to reconsider, the P, C&C does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision, an adjustment may be made to the school's budget.
- 20) If the P, C&C committee offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget.
- 21) The P, C&C committee must comply with any direction of the panel to place a note on the pupil's educational record. The includes noting that, where a pupil is not reinstated following a direction to reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community school, the Governing Body may appeal against the decision of the Local Authority as the admission authority to admit the child.
- 22) In the case of either a recommended or directed reconsideration, the P,C&C committee will notify the parents, Headteacher and Local Authority (including where relevant the pupil's "home authority") of its reconsidered decision and the reasons for it in writing and without delay.

1. SCHOOL AND STUDENT DETAILS

Excluding school:	
Surname of pupil:	Forename of pupil:
Date of birth:	Year group:
UPN:	Gender: Male ☐ Female ☐
Home address:	
Post code:	Home borough:

2. EXCLUSION DETAILS

Type of exclusion:	Lunchtime ☐	Fixed Period ☐	Permanent ☐
Start date of exclusion:	End date of exclusion:		
Primary reason for exclusion (please tick one box only):			
Physical assault against pupil ☐	Sexual misconduct ☐		
Physical assault against adult ☐	Theft ☐		
Verbal abuse/threatening behaviour against pupil ☐	Drug and alcohol related ☐		
Verbal abuse/threatening behaviour against adult ☐	Damage ☐		
Bullying ☐	Persistent disruptive behaviour ☐		
Racist abuse ☐	Other ☐		

3. MONITORING INFORMATION

Ethnicity:	Home language:
SEN Code of Practice:	No additional needs ☐ Additional support ☐ Statement/EHCP ☐
Area of SEN need (for pupils with additional support or statement/EHCP):	
Cognition and learning: ☐	
Social, emotional and mental health needs: ☐	
Communication and interaction needs: ☐	
Sensory and physical/medical: ☐	
Free school meals: Yes ☐ No ☐	Pupil Premium: Yes ☐ No ☐

