



Exclusion of Pupils Policy

Introduction

This Policy is underpinned by the School's Behaviour and Relationships Policy, which aims to maximise learning through a positive approach to all pupils. The policy ensures the safety and well-being of all members of the School community, in maintaining an appropriate educational environment in which all can learn and succeed. If School expectations are not being met, then a range of sanctions can be applied to individual circumstances. Children who persistently behave in an inappropriate manner or who are involved in a one-off incident may be at risk of exclusion. Exclusions will be carried out in line with statutory guidance:

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Fixed Term and Permanent Exclusions are both types of exclusion, and where this policy uses the word 'exclusion' this includes both Fixed Term exclusions and Permanent Exclusions.

Scope

This Policy applies to the School premises during School hours, on visits and trips, during any other events or occasions related to the School, and any occasions where the children are the responsibility of School staff. It does not apply on non-school days such as INSET or staff training days.

Fixed Term or Permanent Exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour and Relationships Policy:

- Verbal abuse to staff and others;
- Verbal abuse to pupils;
- Physical abuse to/attack on staff and others;
- Physical abuse to/attack on pupils;
- Indecent behaviour;
- Damage to property;
- Use, possession and/or supply of illegal drugs (to include drug paraphernalia);
- Use and/or supply of other prohibited substances (to include alcohol, cigarettes, and e-cigarettes);
- Theft;
- Serious actual or threatened violence against another pupil or a member of School staff;
- Sexual abuse or assault;
- Possession of an offensive weapon;
- Arson;
- Inappropriate use of ICT, including social media and mobile phones (see

eSafety & Acceptable Use of ICT Policy);

- Racist and/or homophobic incidents;
- Incidents requiring a PREVENT referral; and/or
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the child'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.

External Exclusion

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

1. In response to a serious breach of the School's Behaviour and Relationships Policy; and
2. If allowing the child to remain in School would seriously harm the education or welfare of the child or others in the School.

The School will ensure that in all cases the decision to exclude is lawful, responsible and fair. Exclusion is an extreme sanction and is only authorised by the Headteacher or, in the absence of the Headteacher, the Deputy/Assistant Headteacher who is deputising in that role (wherever possible this will include telephone confirmation from the Headteacher).

Fixed Term Exclusions

Most exclusions are of a fixed term nature and of short duration (usually between 1 and 5 days). This type of exclusion is free standing. It can be used by the Headteacher as a method of punishment. It is also usually used in conjunction with the steps outlined in the Behaviour and Relationships Policy. The DfE regulations allow the Headteacher to exclude a child for one or more fixed periods not exceeding 45 school days in any one school year.

The governing body has established arrangements to review fixed term exclusions which would lead to a child 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 (see Appendix A). Following exclusion, parents/carers are contacted immediately where possible. A letter will either be sent by post or handed to the parent/carer giving details of the exclusion and the date the exclusion ends. Parents/carers have a right to make representations to the Governing Body and West Sussex County Council about the exclusion, as directed in the letter.

Where the exclusions are for a fixed period of fewer than 5 days, the School will take all reasonable steps to set work for the child. If the exclusion is for 1 day, this may not be possible, so the child would be expected to complete any outstanding homework or work on on-line study resources.

Where the exclusion is for more than 5 school days, the Governing Body will arrange suitable full-time education for any child of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

During the course of a Fixed Term Exclusion, parents/carers are advised that the child is not allowed on the School premises, and that daytime supervision is their responsibility as parents/carers. Parents/carers could face a fixed penalty notice if their child is found in a public place during school hours without reasonable justification. From day 6, parents/carers must ensure that the child attends full time education by the designated provider.

A reintegration meeting will normally be held following the expiry of the fixed term exclusion, and this will usually involve a member of the Senior Leadership Team. It is School practice to place the child on report to a senior member of staff. Where it is deemed appropriate, a Pastoral Support Plan will be drawn up and agreed with the School, child and parents/carers. Time away from peers with a senior member of staff is also often used to reintegrate a child who has served an external exclusion.

Permanent Exclusion

The decision to exclude a child permanently is a serious one. There are two 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 would include instances of persistent and defiant misbehaviour including (but not limited to) bullying (including racist or homophobic bullying) or repeated possession and/or use of an illegal drug on School premises; and

2) The second 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 child for a first or 'one off' offence. These might include:

- Serious or actual threatened violence against another child or member of staff;
- Sexual abuse or assault;
- Supplying an illegal drug;
- Carrying an offensive weapon; and/or
- Arson.

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

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 deciding to exclude

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

- Ensure appropriate investigations have been carried out;
- Consider all the evidence available to support the allegations, taking into account the Behaviour and Relationships Policy, and the Equality policies;
- Allow the child to give their version of events; and
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that, on the balance of probabilities, the child did what is alleged to have happened, exclusion will be the outcome.

Where the exclusion is a permanent exclusion, West Sussex County Council must arrange suitable full-time education for the child to begin no later than the sixth day of the exclusion.

Exercise of discretion

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standing penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- The gravity of the incident or series of incidents, whether it constitutes a serious breach of the School's Behaviour and Relationships Policy, and the effect that the child remaining in School would have on the education of other children and staff; and
- In the case of a child 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.

The Governing Body has established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a child being excluded for over 15 days in a school term or missing a public examination.

In relation to procedural matters pertaining to the composition and operation of the governing body's Exclusions Panel, the governing body has agreed to adopt the procedural guidelines prepared by the West Sussex County Council

<https://www.westsussex.gov.uk/education-children-and-families/schools-and-colleges/school-attendance-and-behaviour/exclusions/#overview>

In line with its statutory duty, the above two tests will form the basis of the deliberations of the Governing Body's Exclusions Panel when it meets to consider the Headteacher's decision to exclude. This Panel will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the child's school record, witness statements, and the strategies used by the School to support the child prior to exclusion. See 'Appealing an exclusion' section below for further details.

Alternatives to exclusion - Involvement of outside agencies

The School works positively with all external agencies such as the Pupil Entitlement Investigation Team, Family Support Network and all the Integrated Services. It will seek appropriate support from them to ensure that the needs of all children are met by using the range of external support available. The School also works closely with West Sussex County Council and other primary schools to undertake managed moves where such a course of action would be of benefit both to the child and the two schools concerned.

Lunchtime exclusion

Children whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. This will be treated as a half day fixed term exclusion, and parents will have the same right to gain information and to appeal.

Appealing an exclusion

The Governing Body's Exclusions Panel ("the Panel") must consider the reinstatement of an excluded child within 15 days of receiving notice of the exclusion if the exclusion:

- is permanent;
- is a fixed period exclusion of over 15 days (single or cumulative) in any one term; and/or
- would result in the child missing a public examination or national curriculum test.

Where a child is excluded for more than 5 days, and up to 15 days, in a term, the Panel must consider whether an excluded child should be reinstated if a request is made for them to do so by the pupil's parent/carer. This consideration should happen within 50 school days of the Governing Body receiving notice of exclusion.

The Panel can decide to either:

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

In relation to procedural matters pertaining to the composition and operation of the Panel, the Governing Body has agreed to adopt the procedural guidelines prepared by West Sussex County Council:

<https://www.westsussex.gov.uk/education-children-and-families/schools-and-colleges/school-attendance-and-behaviour/exclusions/#overview>

Legislation and statutory guidance

This Policy is based on the following legislation and statutory guidance from the Department for Education:

Suspension and Permanent Exclusion

<https://www.gov.uk/government/publications/school-exclusion>

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Suspension and Permanent Exclusion
<https://www.gov.uk/government/publications/school-exclusion>
- Section 52 of the Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- Sections 64-68 of the School Standards and Framework Act 1998;
- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils;
- Section 579 of the Education Act 1996, which defines 'school day' ; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

Local authority guidance

West Sussex County Council's exclusion guides can be found here:

<https://www.westsussex.gov.uk/education-children-and-families/schools-and-colleges/school-attendance-and-behaviour/exclusions/>

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