



## Lawrence View Primary and Nursery School Exclusion Policy

At Lawrence View Primary School, the *Governors* recognise the importance of ensuring equal opportunity for all children and adults. The *Governors* will continue to ensure that this is an essential element of all school policies and actions.

The right to develop, learn and work in an environment free from discrimination is implicit in our school's ethos and embodied in its *Vision*.

Our *Vision*:

At Lawrence View Primary and Nursery School is to create a school environment where children learn and grow together to achieve their true potential.

At Lawrence View Primary School, you are "Learn to grow and achieve" through our leaf values- Resilience, Curiosity, Respect, Kindness and Aspiration.

This latest update of this policy was written in April 2021. The Full Governing Body approved Business committee

Nominated SLT member responsible for policy: Mrs McGrenaghan

Next review date: April 2023

Signed: \_\_\_\_\_ (Chair) Date: \_\_\_\_\_

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### **1. Aims**

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently; □ The exclusions process is understood by governors, staff, parents and pupils; □ Pupils in school are safe and happy.
- We endeavour to inspire in our pupils a life-long love of learning, a confidence to express themselves and a respect for self and one another.
- We encourage our pupils to strive for the highest standards in all that they do; especially in the way they behave and relate to one another. All adults within the school act as role models and, together with the pupils, we form a community based on values of care and respect for one another.

## **2. Legislation and statutory guidance**

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

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

- 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

In addition, the policy is based on:

- 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'
- 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

## **3. The rationale for exclusion**

At Lawrence View Primary School, we seek to avoid exclusions wherever possible. In most cases, exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a variety of strategies have been put in place to address the inappropriate behaviour, which may lead to exclusion.

The Head Teacher and staff will identify pupils whose behaviours place them at risk of exclusion, and seek additional provision to meet their individual needs, which could include working in partnership with other agencies.

Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline and the behaviour policy. As a school, when deciding whether to exclude or not, we also have to consider if allowing the pupil to remain in school would seriously harm the education or welfare of others.

A serious offence could by itself justify a pupil's exclusion. This may include (but is not an exhaustive list) an aspect of the following:

- Violence towards an adult or pupil;
- Swearing at an adult;
- Racist or Religious Verbal abuse;
- Sustained Bullying;
- Frequent high level disruption to lessons
- Threats towards an adult or pupil;
- Frequent high levels of non-compliance;
- Frequent high levels of disrespect to all who work in school.

Each individual situation will be investigated according to need. The Head Teacher will gather evidence; seeking the opinions and advice of colleagues.

### **Managing serious or persistent problems**

- We accept that it is the behaviour that is the problem and not the pupil.
- The behaviour of pupils giving cause for concern will be assessed.
- Triggers will be established.
- Individual programmes will be planned to help modify inappropriate behaviour
- Parents will be invited to discuss their pupil's behaviour and an individual programme drawn up. They will be kept informed of progress.

### **Assessing risk, using physical restraint and behaviour support plans**

It is hoped that proactive interventions to prevent risk will be successful. As a school, we will always consider the risks of a pupil's behaviour and use behaviour support plans to support them and their needs. However, we are aware that in some circumstances, further actions may be required. In these cases, early interventions to manage risk will be implemented. These are strategies designed to address situations when routines are changed.

In the extremely rare occasions, when behaviours escalate further, staff will take reactive interactions to respond to adverse outcomes. At these times, there will be an agreed set of actions, which will identify what members of staff will do when challenging behaviours have escalated to this point. These actions may require the use of physical restraint.

Members of staff know that under common law, teachers and adults put in charge of pupils have the right to use reasonable force to stop pupils from committing a crime, causing injury (to themselves and/or others) or damage; or

causing serious indiscipline. Physical restraint will only be used in situations when the pupil, other pupils or adults are put in any of these situations and in danger of being hurt.

Except where there is an immediate risk of injury, a crime being committed or damage to property, other behaviour management strategies are used before restraining a pupil. Records are kept of all incidents of restraint on CPOMs.

#### **4. Types of exclusion**

There are 2 kinds of exclusion - fixed term and permanent.

**Fixed term exclusion** This may be for up to 45 school days in any one year.

A fixed term exclusion is where a pupil is temporarily removed from school.

If a pupil has been excluded for a fixed term, we should set and mark work for the first 5 school days.

If the exclusion is longer than 5 school days, we will arrange suitable full-time education from the sixth school day.

The Nottinghamshire Local Authority Notification of Exclusion form should be completed online on the same day. Where the exclusion exceeds fifteen school days, a Governors' disciplinary meeting will be held.

Parents of all pupils who are excluded on a fixed-term will be contacted about the exclusion and will be invited to a reintegration meeting, usually on the pupil's first morning back into school, so that an appropriate way forward can be agreed. A Re-integration Plan will then be discussed to support the pupil. This is informally reviewed with parents until it is no longer felt to be necessary or further measures are needed. **Permanent exclusion** Permanent exclusion means your pupil is permanently removed from the school register and is no longer allowed back to school. The local council must arrange full-time education from the sixth school day.

There are two main types of situation in which permanent exclusion may be considered.

The first is where a pupil exhibits a build up of disruptive behaviours over time and continues to display persistent and defiant behaviour in spite of sanctions and the use of other strategies. In this respect it is a final, formal step in a concerted process for dealing with the disciplinary offences and adverse behaviours.

The second is in the exceptional set of circumstances where, in the Head Teacher's judgement, it is appropriate to permanently exclude a pupil for a first or 'one off' offence, regardless of previous disciplinary history. Where the school considers that a criminal offence may have taken place, it reserves the right to inform the Police and other agencies, as appropriate.

In the event of a permanent exclusion, the Head Teacher will work with the Local Authority and other agencies to ensure that suitable alternative provision is found for the pupil in question.

Before deciding whether to exclude a pupil, either permanently or for a fixed term, the Head Teacher will:

- Ensure that an appropriate investigation has been carried out;
- Consider all the facts and evidence available to support the allegations;
- Allow the pupil to give his/her version of events ;
- Look at the particular circumstances of each case; □ Consider if the pupil has special educational needs (SEN).

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

- a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Behaviour Policy;
- b) The effect that the pupil remaining in the school would have on the education and welfare of other members of the school.

The Head Teacher has to be satisfied on the balance of probabilities that the pupil was responsible for the behaviour in question.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations by the Governing Body when it meets to consider the Head Teacher's decision to exclude.

The Governing Body will require the Head Teacher to explain the reasons for the decision and will look at appropriate evidence such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

**Exclusion of pupils with special educational needs and/or a disability (SEND) and looked after pupils**

The school will pay due regard to the guidance on pupils with statements of SEND, looked after pupils and those from groups with consistently higher than average rates of exclusion.

### **Behaviour outside of the school**

Pupils who breach the school's Behaviour Policy whilst on school related activities such as trips and journeys, sports fixtures will be dealt with in the same manner as if the incident had taken place in school. For incidents that take place outside the school and not during school related activities, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. This includes behaviour in the immediate vicinity of the school or on a journey to and from the school.

### **5. Definition**

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

### **6. Roles and responsibilities**

#### **6.1 The Head Teacher**

##### **Informing parents**

The Head Teacher will immediately provide the following information, in writing, to the parents of an excluded pupil: □ The reason(s) for the exclusion; □ The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;

- Information about parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this; □ Where there is a legal requirement for the governing body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.
- The Head Teacher will also notify parents by the end of the afternoon session on the day their pupil is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their pupil is not present in a public place during school hours without a good reason.

Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged; □ The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- The address at which the provision will take place;
- Any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Informing the governing body and local authority**

The Head Teacher will immediately notify the governing body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-term exclusion is made permanent;
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term;
- Exclusions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Head Teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Head Teacher will notify the governing body and LA once a term.

### **6.2 The governing body**

Responsibilities regarding exclusions is delegated to at least 3 governors of the Full Governing Body



The governing body has a duty to consider the reinstatement of an excluded pupil (see section 6)

Within 14 days of receipt of a request, the governing body will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-term exclusion of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

### **6.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## **7. Considering the reinstatement of a pupil**

The governing body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- It would result in a pupil missing a public examination.

If requested to do so by parents, the appeal panel of the Governing body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the appeal panel of the Governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The appeal panel of the Governing body can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the appeal panel of the Governing body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The appeal panel of the Governing body will notify, in writing, the Head Teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the appeal panel of the Governing body's decision will also include the following:

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made;
- The name and address to whom an application for a review should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion;
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review;
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review;
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review;
- That if parents believe that the exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## **8. An independent review**

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the appeal panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Head Teachers during this time.
- Head Teachers or individuals who have been a Head Teacher within the last 5 years.

A person may not serve as a member of a review panel if they:

Are a member of the governing body of the excluding school.

Are the Head Teacher of the excluding school, or have held this position in the last 5 years.

Are an employee of the school or the governing body, of the excluding school (unless they are employed as a Head Teacher at another school).

Have, or at any time have had, any connection with the school, governing body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.

Have not had the required training within the last 2 years (see appendix 1 for what training must cover).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing body's decision;
- Recommend that the governing body reconsiders reinstatement;
- Quash the governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

## **9. School registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or;
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the governing body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## **10. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour plan
- Putting a pupil 'on report'
- Internal isolation

## **11. Monitoring arrangements**

The Head Teacher monitors the number of exclusions every term and reports back to the full Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Head Teacher every 2 years. At every review, the policy will be shared with the governing body.

## 12. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy
- CRB policy
- Equality policy