



**Gastrells Community Primary School**

# **Exclusion Policy**

Adopted: October 2018  
Review: October 2019

## **INTRODUCTION**

At Gastrells Community Primary School we understand that good behaviour and discipline is essential for promoting a high quality of education. Amongst other sanctions, the school recognises that the exclusion of pupils may be necessary where there has been a serious breach, or ongoing breaches, of our Behaviour and Discipline Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others. In all cases, however, exclusion is only to be pursued as a last resort.

This policy defines the responsibilities of the Headteacher and the Governing Body when responding to pupil exclusions in order to ensure that they are dealt with both fairly and lawfully, and in line with Department for Education and Local Authority guidelines.

This policy should be read in conjunction with the Department for Education statutory Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (September 2017), Guidance on Exclusion from Maintained Schools, Academies and Alternative Provision provided by Gloucestershire County Council (January 2018) and related school policies.

## **PRINCIPLES**

Exclusion is an ultimate sanction and can only be administered by the Headteacher (or by the Acting Headteacher in his/her absence) and must be based on disciplinary grounds. The school will only exclude a pupil (whether on a temporary or permanent basis) when it is deemed absolutely necessary to do so and/or where all other disciplinary approaches have not been successful.

The following examples of infringements of the school's Behaviour Policy are likely to result in an exclusion being considered:

- Verbal abuse to staff, visitors or other children
- Physical abuse or attack on staff, visitors or other children
- Threatened violence against another child or member of staff
- Actual or attempted sexual abuse, assault or harassment
- Indecent behaviour
- Damage to property
- Possession of, or supplying, illegal drugs or substances
- Intentional misuse of prescribed medicines
- Theft
- Carrying an offensive weapon
- Arson, attempted arson or vandalism

Additionally, ongoing unacceptable or disruptive behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the child's behaviour is likely to warrant exclusion consideration.

The behaviour of children outside school bounds can be considered as grounds for exclusion, both on organised trips or whilst on residential. Additionally, the school will consider exclusion under the terms of this policy if children are involved in non-criminal bad behaviour or bullying

which occurs anywhere off the school premises.

The Headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place. Any decision on exclusion will be based on the evidence available to the school, and the impact on the education and welfare of the pupil, and other children within the school environment.

There may also be unique situations where the Headteacher makes the judgement that exclusion is an appropriate sanction. However, exclusion action would not be appropriate for:

- Failure to do homework
- Poor academic performance
- Lateness or truancy
- One-off breaches of school uniform or rules on appearance
- Behaviour or manner of pupils' parents

This Policy will be applied in a consistent, rigorous and non-discriminatory way with due regard to the Equality Act 2010.

## **PREVENTATIVE MEASURES**

Gastrells Community Primary School recognises that disruptive behaviour can be an indication of unmet or unrecognised needs. Where we have concerns about a child's behaviour, we will seek to identify whether there are any causal factors and intervene early in order to reduce the likelihood of an exclusion. This may, for example, include an assessment of whether appropriate provision is in place to support any Special Educational Needs and Disabilities (SEND) that a pupil may have.

Additionally, the school will give consideration to seeking a multi-agency assessment in accordance with the Gloucestershire Graduated Pathway (My Plan/My Plan+) that goes beyond the child's educational needs, particularly in respect of vulnerable groups or those children who may be experiencing parental upheaval, bereavement or mental health issues.

## **EVIDENCE**

When establishing the facts in relation to a potential exclusion, the Headteacher will apply the civil standard of proof, i.e. "on the balance of probabilities" it is more likely than not that a fact is true. Evidence may consist of witness statements, photographs, screenshots (including from social network sites), physical evidence or behavioural incident reports. In the case of exclusions for persistent disruptive behaviour, the Headteacher should also produce evidence that preventative measures have been used.

Before taking the decision to exclude, the Headteacher should give pupils the opportunity to present their views on the grounds on which exclusion is being considered.

## **FORMS OF EXCLUSION**

There are 3 types of Exclusion:

### **a. Permanent Exclusion.**

A decision to permanently exclude a pupil from the school will only be taken:

- In response to serious or persistent breaches of the schools' Behaviour Policy; **and**

- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or of others in the school.

A serious breach of behaviour is likely to involve:

- Actual or threatened violence against another pupil or member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

Where permanent exclusion is being considered, and wherever practical, the Headteacher will give a pupil the opportunity to present their case before taking a final decision.

#### **b. Fixed Period Exclusion.**

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A lunch-time exclusion (where behaviour at meal times is disruptive) should be recorded as a half-day. A fixed period exclusion does not have to be for a continuous period but should always be for the shortest time possible to avoid adverse educational consequences; Ofsted inspection evidence suggests that 1-3 days should be sufficient sanction in most cases.

During periods of fixed term exclusions, the school will take reasonable steps to set and mark work during the first five days of an exclusion; this work will be accessible and achievable by pupils outside of school. From the sixth day onwards, Gastrells Community Primary School would be required to arrange full-time education for the excluded pupil, where necessary seeking advice from the Local Authority.

#### **c. Internal Exclusion.**

In some instances, the school can apply an internal exclusion; these are served on the school site but outside the child's normal classroom. These are likely to be most appropriate in cases where a pupil is a Child in Care (CiC) who is subject to a Child Protection Plan, or for whom the Headteacher believes formal exclusion might pose a safeguarding risk.

It should also be noted that it is unlawful for a child to be sent home informally to, for instance, 'cool off' even if this is with the agreement of a parent, guardian or carer. If a pupil is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as an exclusion.

### **FACTORS TO CONSIDER WHEN EXCLUDING A PUPIL**

When considering the exclusion of a pupil, the Headteacher will:

- Allow the pupil the opportunity to present their case.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g., if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour,

including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Headteacher will also consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, in order to reduce their risk of exclusion, including the following:

- Children in Care (CiC)
- Pupils eligible for free school meals
- Pupils with special educational needs and disabilities (SEND)
- Certain ethnic groups

In light of the above, the Headteacher will consider avoiding permanently excluding CiC pupils or pupils with an Education, Health and Care Plan (EHCP). For other vulnerable groups, additional support will be considered.

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher who will consider what extra support or alternative placement is required.

The Headteacher will work in conjunction with the parents of any pupil with additional needs, in order to establish the most effective support mechanisms.

## **PROCEDURES ONCE DECISION IS MADE TO EXCLUDE A PUPIL**

### **Safeguarding**

The Headteacher must take into account their legal duty of care when sending a pupil home following the exclusion. This obligation includes:

- The requirements for parents to be formally notified of the exclusion and that the pupil must not be placed at risk by, for example, being sent home without adequate supervision
- Consideration of child protection issues, e.g. bearing in mind the child's age and vulnerability. The Headteacher will consider whether any pupil may be at risk of Child Sexual Exploitation (CSE) and the implications of this on the decision to exclude. Exclusion from school is an acknowledged risk indicator on the CSE screening tool. Where the potential for CSE is seen as a risk, or the child is the subject of a Child Protection Plan, the school will liaise closely with the Designated Safeguarding Lead and Social Services before taking action to exclude.

### **Informing Parents**

Following the decision to exclude a pupil, the Headteacher must, without delay, notify parents of the period of an exclusion, the reasons for it and their legal responsibilities during the first five days of their child's exclusion. This initial notification will be made in person or by telephone and will be followed up in writing clearly stating:

- The reason(s) for the exclusion
- The length of a fixed period exclusion, or the fact that it is permanent
- Parents right to make representations about the exclusion to the Governing Body, including how the pupil will be involved and how the representation may be made

- Their right to attend a meeting where there is a legal requirement for the Governing Body to consider the exclusion, and the fact that they are able to bring an accompanying individual.
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

If alternative provision is being arranged by Gastrells, then the following information must be included in the letter to parents: the address, contact name and the start, break finish times of any such full-time education.

Parents must also be informed where, exceptionally, a fixed period exclusion has been extended or converted to a permanent exclusion. The Headteacher may withdraw a permanent exclusion decision or reduce the length of a fixed-term exclusion that has not been reviewed by the Governing Body. In such cases, the headteacher will write again to the parents explaining the reasons for the change.

### **Children in Care**

Children in Care are a group of pupils who, statistically, are vulnerable to exclusion. Should expulsion be deemed appropriate for a Child in Care at Gastrells Community Primary School, then the Headteacher is responsible for immediately informing the Virtual School Lead and the Education Inclusive Service at Shire Hall to agree the use of the CiC Transfer Protocol. The school will then follow the detailed procedures outlined in the Gloucestershire County Council Exclusion Guide.

### **Informing the Governing Body and the Local Authority**

The Headteacher must, without delay, notify the Chair of the Governing Body and the Local Authority of any permanent exclusion or any fixed term exclusion which would result in the child:

- Being excluded for more than 5 days (or more than 10 lunchtimes) in a term
- Missing a public examination or national curriculum test

The Headteacher must notify the Local Authority and Governing Body of all other exclusions once a term, including the reasons for the exclusion and the duration.

For a permanent exclusion, if the pupil lives outside Gloucestershire, the Headteacher must also advise the pupil's "Home Authority" of the exclusion without delay.

### **Governing Body Actions**

There is a statutory requirement for the Governing Body to review any decision by the Headteacher to exclude a pupil in the following instances:

- Permanent Exclusion
- If the exclusion would result in the pupil missing a public examination or national curriculum test
- If the exclusion would take the pupil's total number of excluded school days to above 15 in any school term

In these instances, the Governing Body must convene an Exclusion Hearing to consider the reinstatement within 15 days of receiving the notice of the exclusion (and, in the case of a pupil potentially missing an examination or test, the board will take reasonable steps to consider the reinstatement before the examination or test takes place). The Governing Body will normally delegate this responsibility to a Governors Disciplinary Committee comprising 3 governors, none of whom should have had any prior involvement with the case. In extremis, the Chair of the Governing Body can lawfully undertake this review in isolation.

There is also a statutory requirement for the Governing Body to review the Headteacher's decision to exclude within 50 days if the exclusion would take the pupil's total number of excluded school days to above 5 days in any given term if the parents request a review.

The detailed procedures for a review of a decision to exclude a pupil, including the paperwork required for an exclusion hearing, are laid down within the Gloucestershire County Council Exclusion Guide (Appendix I). In sum, however, the following principles will apply:

- The Governor Disciplinary Committee will consider any representations made by parents (or legal guardians)
- Parents (and, where requested, a friend or representative), the Headteacher and a member of the Local Authority will be invited to attend the exclusion hearing and will be able to make representations
- Every effort should be made to enable and encourage the excluded pupil to attend the exclusion hearing and to speak on their own behalf, or how they may contribute personal views by other means if attendance is not possible
- The date of the exclusion hearing will be arranged at a date and time convenient to all parties and in compliance with statutory time limits
- When considering the reinstatement of an excluded pupil, the Governor Disciplinary Committee will:
  - Only discuss the exclusion with the parties present at the meeting
  - Ensure that they have all the required evidence at least 5 school days prior to the meeting
  - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting

After considering all the evidence, the Governors Disciplinary Committee can reach one of 2 decisions:

- Decline to reinstate the pupil; or
- Direct the reinstatement of the pupil immediately, or on a specified date.

In reaching a decision, the governors must consider whether the Headteacher's decision was fair, rational, lawful, reasonable and proportionate, based on the evidence and representations presented. The Committee will apply the civil standard of proof when addressing whether facts are true. The final decision will be taken by the Committee once all other parties have withdrawn from the hearing.

The Governing Body will notify the parents of the excluded pupil, the Headteacher and the Local Authority of their decision following consideration of the exclusion, in writing and without delay. In the event that a permanent exclusion is upheld, the parents will be advised of their right for the decision to be reviewed by an Independent Review Panel convened by Gloucestershire County Council.

## **Return to School**

Whilst there is no statutory requirement for a formal re-admittance meeting for a pupil and parents following an exclusion, the practice at Gastrells Community Primary School is for the parents/carers and pupil to be involved in drawing up a strategy for re-integrating pupils and for managing their future behaviour. This will normally involve the Headteacher or a member of the Senior Management Team and other staff as appropriate.

## **Detailed Procedures**

This document outlines the policy adopted within Gastrells Community Primary School, rather than the detailed procedures involved. Further detail is readily available in the Gloucestershire County Council Guide on Exclusion from Maintained Schools, Academies and Alternative Provision Schools (January 2018) and can be accessed through the following link: <https://www.gloucestershire.gov.uk/media/1519496/la-exlcusion-guide-for-headteachers-january-2018.pdf> This guide also includes template exclusion letters and guidelines on processes and responsibilities.