



Woolgrove School

Special Needs Academy



Exclusion Policy

Policy Date: April 2020
Date for Review: April 2021
R Pritchard

Exclusion Policy:

1. Scope

This policy is written with due regard to the statutory framework as defined in the DFE guidance, "Exclusion from Maintained Schools and Academies and Pupil Referral Units in England", September 2017. This policy provides an overview of the practices which inform our academy's use of exclusion as a sanction. It is underpinned by the shared commitment of all members of the academy community to achieve the following two important aims:

- 1.1. The first is to ensure the safety and well-being of all members of the academy community and to maintain an appropriate educational environment in which all can learn and succeed
- 1.2. The second is that the academy seeks to avoid exclusions unless considered absolutely necessary

There is a strong emphasis at the academy on the implementation of a positive behaviour policy that ensures a range of strategies to promote positive behaviour and incorporates our anti-bullying policy. All pupils at the academy have special needs and therefore exclusion is recourse to be taken with the utmost reluctance and when all alternative strategies have been tried and failed.

This policy applies to all children attending the academy from the Reception through to the end of Year 6.

2. Key Principles

2.1. The Headteacher and the Governing Body must have regard to any statutory requirements.

2.2. The Academy recognises that exclusion is a serious matter and has the potential to affect the pupil's life in a significant way. Decisions, with respect to exclusions, must not be taken lightly but only after careful consideration of the circumstances.

2.3. Pupils will only be excluded after all the relevant factors have been considered and when the Headteacher is satisfied that there is no alternative. The Headteacher must ensure that:

- a thorough investigation has been carried out;
- all the evidence has been considered;
- where appropriate, statements have been taken from witnesses;
- the accused pupil(s) had the opportunity to give his/her version of events.

2.4. The nature of the period of exclusion shall be proportionate having regard to the incident and other circumstances leading up to it.

3. Fixed term and permanent exclusions

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.

A serious offence could by itself justify a pupil's exclusion and there may be other situations where the Headteacher makes the decision that exclusion is an appropriate sanction. This may include, but is not limited to, an aspect of any of the following:

- Physical abuse towards an adult or child
- Verbal abuse / offensive language towards an adult or child
- Bullying
- Frequent high level disruption to lessons
- Frequent high level of non-compliance
- Frequent high levels of disrespect to adults who work in the academy
- Unacceptable behaviour for which intervention and support has not been successful in modifying over time
- Serious breach of positive behaviour policy
- Actions which bring an academy into disrepute
- Damage to property
- Theft
- Carrying an offensive weapon
- Arson

4. Procedure for Fixed Term Exclusion

4.1. The Headteacher will pursue the process set out at 2.3 before reaching a decision to exclude. The Headteacher will decide if exclusion is appropriate and the length of the fixed term exclusion.

4.2. Parent(s) will be contacted immediately once a decision has been made to exclude a child. A letter will be sent by post giving details of the exclusion and the start / end dates of the exclusion. If possible, the parent will be invited into the academy to discuss the reasons for the exclusion.

4.3. Academy work is always provided for a child to cover the period of a fixed term exclusion.

4.4. On a child's return to the academy following a fixed term exclusion, the parent(s) are asked to accompany their child to meet with the Headteacher or a senior member of staff.

4.5. If the fixed term exclusion, or an accumulation of exclusions exceed 5 days (within a school term) a Pastoral Support Plan will be drawn up. This will be discussed and agreed with parent(s) and, where appropriate, the child.

4.6. During the course of a fixed term exclusion the child is not allowed on the academy premises and it is the responsibility of the parent(s) to arrange daytime supervision for their child.

4.7. For any fixed term exclusion that exceeds 6 consecutive days alternative educational provision must be arranged for the child.

4.8. Fixed term exclusions cannot exceed, when aggregated, a total of 45 academy days in any one academic year.

5. Procedure for Permanent Exclusion

5.1. The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

a. The first is a final, formal step in a concerted process for dealing with unacceptable behaviour following the use of a wide range of other strategies (that may also include involvement of other professional agencies) which have been used over time without success. It is an acknowledgement that all available strategies have been exhausted and is normally used as a last resort.

b. The second is where there are circumstances of extreme behaviour causing a serious risk to either the pupil concerned, adults or other pupils.

5.2. Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will ensure that appropriate investigations are carried out as set out in paragraph 2.3 of this Policy.

5.3. The parent(s) will be immediately informed and where appropriate be asked to come into the academy to meet with the Headteacher.

5.4. A formal letter will be sent in the post providing details of the reason for the permanent exclusion and outlining the formal procedures for permanent exclusion, provide details of organisations that support and provide exclusion information to parents and their right to appeal. The letter will also include a date for the meeting of a panel of governors who will consider, based on all available evidence, the decision made by the Headteacher to permanently exclude a pupil. Parent(s) and their representatives are invited to this meeting.

5.5. The governors can make one of two decisions. They may either:

- Allow the child to return to the academy by overturning the exclusion (a date will be agreed for the child to return).
- Uphold the Headteacher's recommendation for permanent exclusion.

6. Independent Appeal Panel following Permanent Exclusion

6.1. Where a pupil has been permanently excluded and that decision has been upheld by the panel of governors, parents have a right of appeal to an Independent Review Panel.

6.2. The decision letter of the panel of governors will contain the relevant information for exercising that right of appeal and the relevant timeframes for doing so.

6.3. Full details of the Independent Review Panel process is set out in the Secretary of State's Guidance on exclusions and can be found on their website at the following link: www.gov.uk/government/publications/school-exclusion

6.4. None of the Independent Review Panel will have links with the academy. The Academy will usually delegate the task of forming the Independent Review Panel and clerk to an independent clerking service.

6.5. Any Independent Review Panel will be impartial, constituted in accordance with the Secretary of State's Guidance on exclusions and will have regard to that guidance when exercising its functions.

6.6. An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

- Whether or not a school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

Statutory guidance to SEN experts on their conduct during an independent review panel

- The SEN expert's role is analogous to an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEN expert believes that this was not the case he / she should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

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6.7. The Independent Review Panel's decision is final and binding on the academy

6.8. Following the academy's implementation of the Independent Review Panel's recommendation, if the parents or carer remain dissatisfied they may seek a judicial review of the decision.

7. Accountability

The Academy is rigorous in the recording and reporting of the number of exclusions (fixed term and permanent) on a termly basis to its governing body.

Appendix 1: MODEL LETTER 1

From the Head Teacher/Principal/Teacher In Charge of an ESC notifying parents of a fixed period exclusion of 5 days or fewer in one term, or which brings the child's total number of days or fixed period exclusion to no more than 5 days in one term, and where a public examination or national curriculum test is not missed.

Dear **[parent's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period between the dates **[specify period]** inclusive. This means that **[child's name]** will not be allowed in school during this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[child's name]** should return to school on **[first school day following the end of the fixed period exclusion]**. 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 **[specify full reason(s) for exclusion]**.

[The following two paragraphs apply only to pupils of compulsory school age]

You have a duty to ensure that **[child's name]** is not present in a public place in school hours during the period of this exclusion between **[specify period]** inclusive unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the Local Authority or be prosecuted if **[child's name]** is present in a public place during school hours without reasonable justification on the specified dates. If so, it will be for you to demonstrate reasonable justification.

We will set work for **[child's name]** to complete on the days specified in the previous paragraph, i.e. the school days during the period of the exclusion when you must ensure that he/she is not present in a public place without reasonable justification. **[Detail the arrangements for this]**.

Please ensure that the work set is completed and returned promptly to us for marking.

You have the right to make representations about this exclusion to the Governors' Disciplinary Committee/Management Committee. If you wish to make representations please contact **[name of contact]** at **[contact details – to include address, telephone number, e-mail]**, as soon as possible. Whilst the Governors' Discipline Committee/Management Committee has no power to direct reinstatement, they must consider any representations you make and they may place a copy of their findings on **[child's name]**'s school record.

You should also be aware that if you think that discrimination has occurred under the Equalities Act 2010 in relation to this exclusion, you have the right to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination). The address to which claims for disability discrimination should be sent is The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760). Guidance on making a claim of discrimination to the First-tier Tribunal can be found at <http://www.justice.gov.uk/tribunals/send/appeals>

[The following paragraph applies to all fixed period exclusions of primary-aged pupils and may be used for fixed period exclusions of up to 5 days for secondary aged pupils if the head teacher/teacher in charge chooses to hold a reintegration interview].

You are requested to attend a reintegration interview with **[child's name]** at the school on **[date]** at **[time]**. If that is not convenient, please contact **[enter name of person to be contacted]** as soon as possible to arrange a suitable alternative date and time. The reintegration interview will be conducted by **[enter "me" or the name and position of the person who will conduct the reintegration interview]**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Please note that failure to attend a reintegration interview may be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of **[child's name]**'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 this. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **[name of area Integration Officer]**, Integration Officer, Children's Services at **[contact details – address, telephone number, e-mail]**, who can provide advice. You may also find it useful to contact The Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0345 345 4345 or on <http://www.childrenslegalcentre.com>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

You may also wish to refer to relevant sources of information about exclusions. The guidance from the Department for Education, entitled "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England" is available at

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>. Further guidance from the Local Authority is available at

<http://www.thegrid.org.uk/info/welfare/exclusions.shtml>.

[Child's name]'s exclusion expires on **[date]** and we expect **[him/her]** to return to school on **[date]** at **[time]**.

Yours sincerely,

[Name]

Head Teacher/Principal