

Sandringham Infant and Nursery School



Exclusion Policy

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Exclusion Policy

This purpose of this policy is to explain the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

1. To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.
2. To realise the aim of reducing the need to use exclusion as a sanction through the school's commitment to meeting the needs of each child and working closely with parents.
(Surrey Exclusions Guidance which is in line with the latest DfE guidance 2012).

Introduction

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

- a. In response to a serious breach of conduct.
- b. If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Head Teacher (or, in the absence of the Head, the Deputy Head who is acting in that role). Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct:

- Physical abuse of staff
- Physical abuse on pupils
- Serious threatened violence against another pupil or a member of staff
- Verbal abuse to staff
- Verbal abuse to pupils
- Indecent behaviour
- Serious damage to property
- Misuse of drugs
- Theft
- Sexual abuse or assault.
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the Head Teacher makes the judgment that exclusion is an appropriate sanction.

Fixed-Term Exclusion

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

The DfE regulations allow the Head Teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Following exclusion, parents are contacted immediately where possible. A letter will be sent giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.

A “return to school meeting” will be held following the expiry of the fixed term exclusion and this will involve the parent/carer, child, the Head Teacher (or, in the absence of the Head, the Deputy Head) and other staff where appropriate.

During the course of a fixed term exclusion, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion

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.

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 persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated aggressive or threatening behaviour.

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 pupil for a first or ‘one off’ offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Carrying an offensive weapon
- Arson
- Behaviours which poses a significant risk to the child’s own safety

The school will consider police involvement for any relevant 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 making a decision to exclude

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

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations/incident
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked
- Consider whether there any safeguarding concerns

If the Head Teacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Head Teacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is inappropriate.

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

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of conduct.
- The effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.

Behaviour Outside School

Children's behaviour and conduct, outside school on school business for example school trips and journeys, or at school sports events, is subject to the same expectations as within school. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school.

School Records

All records in relation to exclusions are kept in the pupil's file.

Parent Responsibilities During Fixed-Term Exclusions

For the first 5 days of any exclusion:

- Parents have a legal duty to ensure that their child is not present in a public place during school hours unless they can prove reasonable justification for this. Parents may be prosecuted or given a fixed penalty notice if they do not comply with this duty.
- It is parents' responsibility to ensure that any work that has been set for the exclusion period is completed and returned to the school.

Special Educational Needs

Parents of children with SEN who are excluded from school will receive advice on the options available for their child's future education. The local SEND Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

Disabled pupils

An exclusion of a disabled pupil for a reason directly related to their disability can only be justified if there is a 'material' and 'substantial' reason for it and the Head Teacher can show that there were no 'reasonable steps' that could have been made to avoid the exclusion. Maintaining order and discipline in the school could be a 'material' and 'substantial' reason if there was a specific incident that gave rise to the exclusion. Reasonable steps in response to the pupil's disability could include developing strategies to prevent the pupil's behaviour; requesting external help with a pupil (e.g. requesting a statutory assessment) and staff training.

Appeals against permanent exclusion, where discrimination is alleged to have taken place, or the disabled pupil has allegedly been placed at a substantial disadvantage by the exclusion procedures, will be heard by the Independent Appeal Panel. Claims alleging discrimination in respect of fixed period exclusions will be heard by the SEN and Disability Tribunal (SENDIST).

The Role of Governors

The governors' role is essentially one of reviewing the Head Teacher's exclusion decisions. The Head Teacher will inform the Chair of Governors of any exclusion.

If it is apparent to the governing body that the purported exclusion is not for a disciplinary matter, it is unlawful and cannot stand, and they do not need to investigate further. The governors would have a role in the consideration of any complaint a parent may make about the unlawful exclusion, but that should be considered separately via the school's complaints procedure.

If the governing body decides to establish a discipline committee it should consist of at least three members. The governing body should appoint a clerk to the committee. The Head Teacher may not be a member. In cases of:

- Permanent exclusions and fixed-period exclusions converted to permanent exclusions;
- All fixed-period exclusions totaling more than 15 school days in any one term;
- Fixed-period exclusions totaling more than five school days in any one term, where the parent expresses a wish to make representations to the governing body;

The governing body (or discipline committee) must meet to:

- Consider the circumstances in which the pupil was excluded;
- Consider any representations about the exclusion made by the parent and by the LA;
- Consider whether the pupil should be reinstated immediately, reinstated by a particular date or not reinstated.