

# GALMPTON CHURCH OF ENGLAND PRIMARY SCHOOL

## EXCLUSION POLICY

This policy is reviewed by the FGB *Committee*

**Reviewed on 24<sup>th</sup> January 2017**

### DATES OF REVIEWS AND RE-ADOPTIONS

Date of review:	Date of re-adoption by the full governing body:	Amendments made: Page:                      Paragraph:
05.04.2011	16.06.2011	New policy

Date of adoption by the Curriculum/School Improvement Committee	
20.11.2013	No changes
24.1.17	<ul style="list-style-type: none"> <li>• Deleted sentences relating to 'by mutual consent school may ask for parents to keep child at home-this is not classed as exclusion</li> <li>• Changed temporary to fixed term</li> <li>• Added the right to Appeal</li> <li>• Added additional supporting information for parents</li> </ul>

	<ul style="list-style-type: none"> <li>• A model letter for a Fixed Term Exclusion-Appendix A</li> </ul>

## General

The school is responsible for communicating to pupils, parents and staff the expectations of standards of conduct. The school's "Policy for behaviour, discipline and bullying" is in place to promote good behaviour and appropriate conduct.

The decision to exclude a pupil, whether for a fixed period or permanently, is an action of last resort and no exclusion will be initiated without first exhausting a range of measures to improve the pupil's behaviour, and implementing strategies to address the inappropriate behaviour; in the case of a single incident, an investigation will be undertaken prior to any decision to exclude.

The Head of School 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. An exclusion can be sanctioned only by the Executive Headteacher or the Head of School. .

Reasons for exclusion:

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or other members of the school

### Fixed Term Exclusion (half day to 5 days)

A Fixed Term exclusion should be for the shortest time necessary; evidence suggests that a period of 1-3 days is usually sufficient to secure the benefits without adverse educational consequences. Where a pupil is sent home for part of a school day this will be recorded as an exclusion.

#### *Fixed Term exclusion for persistent or cumulative problems*

Exclusion for persistent or cumulative problems would only be imposed after the school had already offered and implemented a range of support measures to address the issue, which could include:

- Discussion with the pupil and parents
- Special reporting and target setting
- Review of possible provocation
- Internal exclusion options within school

Exclusion will not be used for minor incidents (such as failure to do homework, lateness) except where these are persistent and defiant.

#### *Fixed Term exclusion for single incidents*

Fixed Term exclusion may be used in response to a single incident which is a serious breach of school rules and policies, or a disciplinary offence, which could include:

- Violence towards an adult or child
- Swearing at an adult
- Racist verbal abuse

In such cases the Head of School will investigate the incident(s) thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events, and the Head of School will review whether the incident may have been provoked, for example by bullying or racial harassment.

### **Permanent Exclusion**

In all cases this course of action will be the last resort after a range of measures have been tried to address the types of behaviour which may lead to exclusion. The Head of School can refer pupils identified as at risk of permanent (or Fixed Term) exclusion to alternative or additional provision to meet their individual needs, which could include using the Common Assessment Framework to engage the support of other agencies. Many such strategies have proved successful, with few pupils going on to be excluded. The school continues to be responsible for these pupils unless they are permanently excluded.

Permanent exclusion is in response to a very serious breach of school rules and policies, or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment

### **The Exclusion Process**

In all decisions to exclude a pupil, the Head of School is responsible for the following actions:

- Ensuring that sufficient recorded evidence is in place to support the exclusion decision
- Explaining the decision to the pupil
- Contacting the parents, explaining the decision and asking that the child be collected from school
- Writing to the parents confirming the reasons for exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return to school
- In cases of more than 1 day's exclusion, ensuring that appropriate work is set and arrangements made for it to be marked
- In cases of more than 5 days' exclusion, explaining the school's arrangements for the continuation of the child's education in another setting
- Planning how to address the pupil's needs on re-entry
- Planning a meeting with the parents and pupil on re-entry

An exclusion will not be enforced if by so doing it places the safety of the pupil at risk. In cases where the parents will not comply (e.g. by refusing to collect the child from school) the child's welfare is the prime concern.

### **The Right of Parents to Appeal**

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and->

tribunals/tribunals/send/index.htm). If you think another form of discrimination has occurred (under the Equality Act 2010) you can make a claim to a County Court.

### **Behaviour Outside School**

Pupils' behaviour outside school e.g. on school trips, or at sports fixtures, is subject to the school policy on behaviour and discipline. Bad behaviour in such circumstances will be treated as if it had taken place in school.

In respect of behaviour outside the school where the pupil is not on school business, the Head of School may impose an exclusion decision if there is a clear link between that behaviour, and maintaining good behaviour and discipline among the pupil body as a whole, or if that behaviour is considered damaging to the reputation of the school.

### **Pupils with Special Educational Needs and Disabled Pupils**

The school must take account of any special educational needs when considering a decision to exclude.

The school has a duty under the Disability Discrimination Act (1995) as amended, not to discriminate against disabled pupils by excluding them from school, without justification, for behaviour relating to their disability.

### **Medical Exclusions**

Where a decision is taken to exclude a pupil from school on medical grounds, i.e. where the presence of the pupil in school constitutes an ongoing real risk to the health and wellbeing of other pupils or adults, then the above arrangements and processes shall not apply.

### **Support for Parents**

Parents can find the statutory guidance on exclusions at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion> They may also find it useful to contact the the Coram Children's Legal Centre. The centre aims to provide free legal advice and information to parents on state education matters. They can be contacted **on** 0808 802 0008 **or on** <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 2 January.

Further information is available in Torbay Council's booklet TIPS, Exclusions from School, available from the school office, online at [www.torbay.gov.uk](http://www.torbay.gov.uk) or from Admissions and Student Services tel: 01803 208245.

## Appendix A

### A Model Letter for a Fixed Term Exclusion

Dear xxx,

I am writing to inform you of my decision to exclude B as follows:

Duration of exclusion	3 days
First date of exclusion	03.10.2017
Last date of exclusion	05.10.2017
Main reason for exclusion	Setting off the school fire alarms on two occasions.

B will not be allowed in school for the period of the exclusion. I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude B has not been taken lightly.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for B to be completed on the days when he is excluded. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact Heather Jeffreys on 01803 846235 as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). If you think another form of discrimination has occurred (under the Equality Act 2010) you can make a claim to a County Court.

Both of you and B are requested to attend a reintegration interview with myself and Mrs .P at school on 6<sup>th</sup> October at 8.15am. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration interview is to plan for B's successful return to school. Failure to attend a reintegration

interview will 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 B'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 B's school record. I will be happy to supply you with a copy if you request it.

You can find the statutory guidance on exclusions at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion> You may also find it useful to contact the the Corum Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted **on** 0808 802 0008 **or on** <http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 2 January.

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B's exclusion expires on Wednesday 5<sup>th</sup> October and we expect B to be back in school on Thursday 6<sup>th</sup> October at 9.00am.

Yours sincerely,

Katy Burns, Head of School