

Carlton Primary School

Exclusion Policy

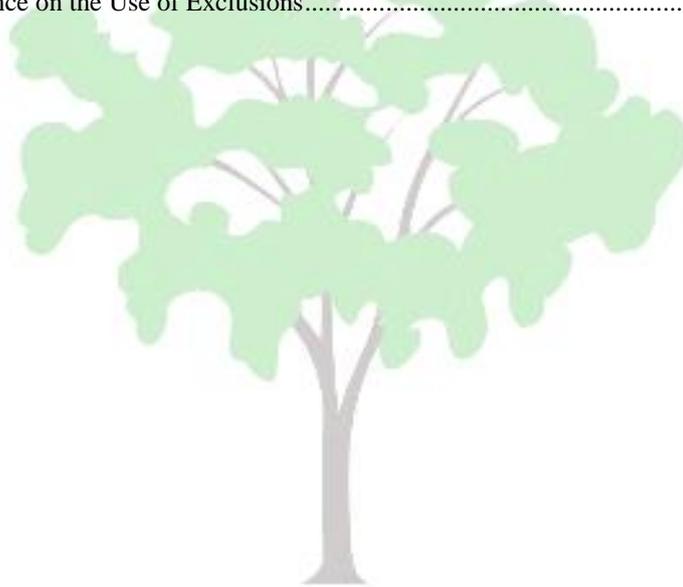


Adopted/ last reviewed by Governing Body on:	Date / Term / Year 01 / 2017
Next revision	Every two years _____
To be reviewed on:	Date / Term / Year __01__ / __2019__

Signed: _____

Contents

HEADTEACHERS STATEMENT.....	3
In order to ensure the welfare and safety of others the decision to exclude a child is taken when:	4
Children may be excluded even if other faculties have not been tried if the offence is in breach of the school's discipline policy and:	4
Duty to Parents/Carers:.....	4
Duty of Parents/Carers:	5
Duty to Governing Body:	5
Carlton principles for exclusion:	5
Other points of note:	6
Appendix A: Definitions around Exclusion	7
Appendix B: Guidance on Fixed-Term Exclusions	9
Appendix C: Guidance on the Use of Exclusions.....	10



Founded 1883

Carlton Primary School

Exclusion Policy and Procedures

This policy is based on the guidance document from the Department for Education (Updated in 2015) providing a guide to the legislation that will govern the exclusion of pupils from: maintained schools; Academy schools / Free Schools; Alternative Provision Academies / Free Schools; and pupil referral units in England from 1 September 2012.

Link to the Document:

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

HEADTEACHERS STATEMENT

Schools must maintain discipline and good conduct to secure an orderly learning environment so that teaching and learning can take place. Schools will therefore need to adopt a range of strategies, including exclusion, to ensure they are providing a sound learning environment for all pupils (DFEE Social Inclusion: Pupil Support issued July 1999).

At Carlton, the staff work extremely hard to ensure that a safe and stimulating environment is provided for all children. The School's Positive Behaviour Policy reflects a wide range of strategies that the school follows to foster self-esteem and respect for each other.

We strongly believe that all children need to know the boundaries of what is acceptable/unacceptable behaviour and feel secure within those boundaries. We make every effort to include all children in school life and we expect to work in partnership with parents to ensure children work in a safe learning environment.

We expect children to develop their understanding that the rights and responsibilities are equally important in order to create an environment of independent learning.

Our aim is to support the child/children who have emotional/behavioural needs and keep the exclusion levels to nil (or to a bare minimum).

In order to ensure the welfare and safety of others the decision to exclude a child is taken when:

- All other strategies of behaviour management are tried and failed with the child concerned.
- There are serious concerns about the welfare and safety of the others and/or the child concerned.
- Quality of teaching and learning is seriously damaged because of the unacceptable/violent behaviour of the child concerned.

Children may be excluded even if other faculties have not been tried if the offence is in breach of the school's discipline policy and:

- If allowing the pupil to remain in school would seriously harm the education welfare of the other pupils or others in school.
- If it is not conducted in the 'heat of the moment' and the head teacher has considered the incident in question objectively.
- If the incident involves violence and the above applies.
- In response to a serious breach, or persistent breaches, of the school's behaviour policy
- The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the head teacher in accordance with the school's published behaviour policy.

Duty to Parents/Carers:

- Whenever a head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it.
- This information must also be given in writing: The reason for the exclusion, the period of the exclusion, parent's right to make representation about the exclusion to the governing body, how any representations should be made, and that parents can attend if the governing body has to consider the exclusion as part of a legal requirement. This can be handed to parents or posted to their address.
- If alternative provision is being provided, then informing parents/carers of the details.
- Head teachers should also draw attention to relevant sources of free and impartial information. Such as:
 - 1) Link to the DfE guidance on exclusions:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269681/Exclusion_from_maintained_schools_academies_and_pupil_referral_units.pdf
 - 2) Link and Contact information for the Coram Children's Legal Centre:
www.childrenslegalcentre.com and 0808 802 0008.

Duty of Parents/Carers:

- 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

Duty to Governing Body:

- The governing body will need to be notified immediately if:
 - A permanent exclusion is recommended
 - Exclusions administered that would result in a pupil being excluded for more than five days
 - Exclusions that would result in a student missing National Curriculum Test.
- For other exclusions, the governing body (and local authority) must be notified once a term.

Carlton principles for exclusion:

Good discipline in school is essential to ensure that all pupils can benefit from the opportunities provided by education. The Governors and head teacher will use exclusion as a sanction where it is warranted. However, permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in Carlton would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil will be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Carlton gives particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. – refer to schools Behaviour, Equalities and SENDA policies.

We are mindful and give attention to the possibility that disruptive behaviour can be an indication of unmet needs. When we have concerns about a pupil's behaviour, the schools inclusion team (including child protection) try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. Carlton always gives consideration to a multi-agency assessment that goes beyond the pupil's educational needs. (A Team Around the Child meeting is held (TAC)).

Carlton have a clear strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour. (A reintegration plan and agreement is made with the HT/SLT or other staff members if appropriate, the child and the parents/carers. This is recorded or discussed verbally).

We know that all children have a right to an education. At Carlton we take every reasonable step to set and mark work for pupils during the first five school days of an exclusion, with alternative provisions arranged from the sixth day. Arranging alternative provision is to begin as soon as possible after an exclusion is given.

Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Further information: 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 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.

At Carlton we follow guidance that excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

Other points of note:

- Head teachers are advised not to exclude (permanently) for one off incidents.
- Fixed period of exclusions of lunch breaks are considered to be logged as half day exclusions – refer to DFE guidance
- The School's Exclusion Committee should meet to consider any child who has received 5 days of fixed term exclusions in any one term.
- All parent's/carers have the rights to make representations to al school Exclusion Committee meetings when considering their child's report.
- The committee should meet between 6 - 15 days on receipt of notification from the Head teacher.
- Fixed-Term Exclusions are extended up to 45 days in a year. Any work will be set and marked for any child under a fixed-term exclusion; this can be collected from the child's class teacher.

- Fifteen-day block exclusions will be addressed between the school and LA to make education arrangements and part-funding from Day 6 onwards.

Appendix A: Definitions around Exclusion

Internal Exclusion

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom.

An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the learning mentor etc)

Temporary / Fixed-Term exclusion

A temporary/fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

Permanent exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

Further Definition:

Managed move (Not an exclusion)

In cases where the Headteacher and parent's agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parents failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and

in such cases the Headteacher may assist the parents in placing the pupil in another school



Appendix B: Guidance on Fixed-Term Exclusions

Guidance on Fixed Term Exclusions (Based on Local Authority Advice)

Informing Parents Of Exclusion At-A-Glance Guidelines	
MUST	SHOULD
<ul style="list-style-type: none"> • Notify parents/carers immediately- ideally by telephone • Letter within 1 school day specifying: <ul style="list-style-type: none"> ○ Precise period of fixed period exclusion or effective date of permanent exclusion ○ If permanent, that it is permanent ○ Reasons for the exclusion ○ Parents right to make representations to the governing body ○ Parents right to see and have a copy of child's school record upon written request 	<ul style="list-style-type: none"> ○ Date and time when pupil should return from fixed period exclusion ○ Any relevant previous history ○ Arrangements for continuing education, including the marking and setting of work ○ Independent support contacts-such as the Coram Children's Legal Centre <p>If Applicable:</p> <ul style="list-style-type: none"> ○ Any dates in which an exclusion panel will meet? ○ Person whom the parent should contact if they wish to make representations (usually the clerk to the governors)

Appendix C: Guidance on the Use of Exclusions

The Use Of Exclusion: At- Glance-Guidelines For Head Teachers		
ILLEGAL/NO GROUNDS	REASONABLE GROUNDS	STRONG GROUNDS
<p>Minor incidents, for example:</p> <ul style="list-style-type: none"> ○ Failure to do homework ○ Failure to bring dinner money 	<p>Breach of the school's behaviour policy (see possible examples below):</p>	<p>Serious breach of the school's behaviour policy (see possible examples below)</p>
<ul style="list-style-type: none"> • Poor academic performance 	<ul style="list-style-type: none"> • Serious harm to the education or welfare of the pupil or others 	<ul style="list-style-type: none"> • Bringing the school into disrepute through inappropriate or dangerous behaviour or seriously endangering the safety of others
<ul style="list-style-type: none"> • Lateness or truancy 	<ul style="list-style-type: none"> • Persistently leaving school premises without authorisation 	<ul style="list-style-type: none"> • Supplying or using an illegal drug on school premises
<ul style="list-style-type: none"> • Pregnancy 	<ul style="list-style-type: none"> • Bringing adults or other young people onto school premises with malicious intent 	<ul style="list-style-type: none"> • Carrying, threatening to use and or using an offensive weapon (including fireworks)
<ul style="list-style-type: none"> • Breaches of school uniform or rules on appearance, for example: <ul style="list-style-type: none"> ○ wearing jewellery or displaying body-piercing 	<ul style="list-style-type: none"> • Bringing the school into disrepute at a public event 	<ul style="list-style-type: none"> • Attempted arson on school grounds, destruction or serious damage of school property or buildings
<ul style="list-style-type: none"> • Failing to meet the requirements of the Disability Discrimination Act by excluding disabled pupils without due regard to their disability or treating them less favourably than others because of their disability 	<ul style="list-style-type: none"> • Persistent refusal to co-operate with school staff, verbal aggression towards staff, pupils or other members of the school community 	<ul style="list-style-type: none"> • Repeated threats and highly offensive and abusive language towards school staff, pupils or other members of the school community
<ul style="list-style-type: none"> • Failing to meet the requirements of the Race Relations Act by excluding pupils or discriminating unfavourably on the grounds of race 	<ul style="list-style-type: none"> • Bullying, racial ,sexual or other harassment of staff, pupils or other members of the school community 	<ul style="list-style-type: none"> • Repeated bullying, racial, sexual or other harassment of staff ,pupils or other members of the school community