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## **Exclusion Policy**

**The decision to exclude must be...**

**...lawful; rational; reasonable; fair; and proportionate.**

*(DFE Statutory Guidance 2017, para 6, p8)*

**Reviewed by: Kevin Reid and LO for the Newham Exclusions Team**

**Date: November 2018**

**Ratified by Chair of Governors:**

**Next review date: November 2020**

## **Exclusions.**

Brampton Primary School uses the DFE's 'Exclusion from maintained schools, academies and pupil referral units in England (September 2017)' statutory guidance document when making any decisions about exclusions.

Brampton Primary School is an inclusive school, committed in policy and practice to recognition of the equal value of each member of the community and to equality of opportunity for all. This policy is specifically about exclusion from school so it should be read in conjunction with the behaviour for learning policy, the SEND code of practice and the Brampton Primary equality plan.

### **Who can exclude a child and what happens at the time.**

The Head teacher is solely responsible for the decision to exclude a child from school. The Head may delegate some responsibility for investigating an incident or for collecting statements from children or other staff, to a deputy head teacher.

The Local Authority Exclusions Team will be notified of all exclusions by the school (*see below for definitions*). The school will send work home for the child from Day 1 of all exclusions and will ensure that it is appropriate for the child's abilities and that it is marked, on return. Parents are responsible for collecting and returning this work.

Governors will arrange appropriate alternative provision from Day 6 of a fixed Term exclusion.

Newham LA will arrange appropriate alternative provision from Day 6 of a permanent exclusion. This support is provided from Day 1 if the child is Looked After, has an EHCP or is being funded for SEND support in school.

### **What an exclusion is and when it is used.**

An exclusion is when a child is not allowed to attend school for a number of days, half days or permanently. The child is expected to be supervised at home and may not be out in public on their own during school hours. There are two kinds of exclusion.

#### **1. Fixed period exclusion –**

- This is when the Head teacher excludes a pupil for a specific length of time. This could be for half a school day, for lunchtime or for one, two or more whole school days. The child can return to school at the end of the exclusion.
- A further fixed term exclusion may be issued to begin immediately after the first one finishes.
- In exceptional circumstances, such as significant further evidence coming to light, a permanent exclusion may be issued to begin immediately the fixed term exclusion finishes.
- (*Schools may not 'extend' or 'convert' exclusions. See Guidance, para 3 p8*)
- The total number of days a child is excluded may not exceed 45 days in a school year. (*See DFE Guidance.*) When the number of days a child is

excluded exceeds 15 days in a school term, the school must arrange for the governing body to review the exclusion.

- A formal lunchtime exclusion out of school is counted as a half day towards the 15/45 days, even if the child returns for the afternoon session.

## 2. Permanent exclusion -

- This is when the Head teacher decides that the child cannot stay in school or return to school **at all**, because:
  - There has been a very serious breach or persistent breaches of the school's behaviour policy;
- and
- Allowing the child to remain in school would seriously harm the education or welfare of the child, or others in the school. (*See Guidance para 16 p10*)

Exclusions are used when other strategies and sanctions (e.g. Restart, detentions, or formal pastoral support plans) have not been effective over time or when there has been a single clear and serious breach of the behaviour policy.

Physical assaults of staff or peer-on peer abuse, severe bullying including online abuse, fire setting, theft and persistent disruption all come within this category. (*I suggest an appendix ref to the **current PEx form** which includes details of **risk assessments** and **reasons** taken from 'A guide to exclusion statistics' DFE.)*

The head teacher or designated deputy gathers evidence, listens to others' views, arranges for children's statements to be recorded if necessary and takes advice from staff who work with the child concerned.

The head teacher alone makes the decision to proceed to permanent exclusion in consultation with the Chair of Governors and the Newham exclusions team. Wherever possible, the school seeks to avoid permanent exclusions.

In cases where the child attends more than one school i.e. dual registration, the other school will be consulted to consider whether the exclusion should be from one or both schools.

### How parents and carers are informed about exclusions –

Parents will be told about their child's exclusion on the day by telephone. They will be asked to come to school and collect their child or make arrangements for a family member or friend to collect them. The parents will meet with the head teacher who will give them a letter which will explain the following:

- The **reason** for exclusion and whether it is for a fixed period or permanent.
- The return date to school if the exclusion is for a fixed period.
- The arrangements made by the school or Newham LA for your child's education to continue.

- The parents' right to attend the governors' disciplinary committee meeting, be represented at this meeting and bring a friend.
  - Who to contact if parents wish to present anything in support of their child's case, and the last accepted date for doing this.
  - The names and telephone numbers of Newham Exclusions Team.
  - Sources of free and impartial information such as a link to the DFE statutory guidance on exclusions, Coram Children's Legal Centre and local Parent Partnership Service / SENDIASS..
- *See Appendix for model letters, which could be added. This list is shorter.*

### **Challenging an exclusion**

Parents have a right to make a representation to the school's governing body on their child's behalf, whether it is a fixed period exclusion or a permanent exclusion.

Parents will be invited, along with their child, to attend a meeting with up to three governors, including the headteacher, the clerk and a representative from the local authority. They will also be given the option to bring a friend, adviser or legal representative.

During the meeting, the governing body must consider any representations made by the parents, the child, the headteacher and the local authority representative. They will use the information to decide whether or not the exclusion by the head teacher was justified. Following this discussion the child will either be reinstated or excluded from the school.

- *See Appendix – LBN Governors OnTheDay information sheet for parents & - LBN leaflet sent to parents before Governors' meeting.*

### **Challenging the governing body's decision**

In the case of a fixed period exclusion, the decision of the governing body cannot be challenged. However in the case of a permanent exclusion, parents can appeal to an Independent Review Panel (IRP).

The request must be made in writing to the Exclusions Officer at Newham Local authority within 15 school days of the school's governing body meeting. .

The IRP will do one of the following:

- **uphold** the exclusion of the child
- **recommend the governing body reconsiders** their decision
- **quash and direct** the governing body to reconsider the exclusion in the light of a fundamental breach of the whole process.

### **Interventions and Monitoring of exclusions**

A pastoral support plan (PSP) will be put into place if a child is at risk of exclusion (see *the behaviour policy*).

Regular meetings will be held to discuss the child's progress towards behaviour targets recorded in the PSP. Those involved in the meetings will be the child, parents, head teacher, SENCo, pastoral support officer, and professionals such as specialist BSS teacher, social worker and Parent Partnership Support Worker.

Persistent disruptive behaviour can be indicative of unmet needs. A multi-agency **assessment** which goes beyond the child's educational needs may be required. **SEMH** is a category in the Code Of Practice. (*P6 Statutory Guidance*)

The school keeps a record of all children who are excluded. The school has a strategy involving named key staff, designated safe places to go and a structured report system with recognition of goals achieved, to **reintegrate** a child who has been out of school for a fixed term exclusion. (*P6 Statutory Guidance*)

When considering an exclusion the head teacher will take into account not only the **nature of the incident and the child's behaviour** but also wider information about the child, including any Special Educational Needs or Disabilities and equal opportunities precepts - including access to appropriate support for any children with protected characteristics.

It is the responsibility of the Governing Body to monitor the rate of fixed period exclusions and permanent exclusions, and to ensure that the school's policy is administered fairly and consistently.

The Head teacher, senior leadership team and the pastoral support officer monitor behaviour and the effectiveness of policies relating to behaviour and exclusion on a regular basis. The deputy head teacher reports to the governing body on the effectiveness of the policy and, if necessary, makes recommendations for further improvements

### **Review**

The governing body reviews this policy every two years. The governors may, however, review the policy earlier than this, if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

The school keeps a variety of records of incidents of misbehaviour. The class teacher records minor classroom incidents through the tracking and consequences system. Blue Letters are recorded to provide an evidence trail of when a child is sent to a member of the SLT on account of poor behaviour choices. A record is also kept of any incidents that occur at break or lunchtimes on a behaviour log. Any unacceptable behaviour must ultimately be recorded on concerns forms for monitoring.