



# Rye Community Primary School Policy

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Policy Title:	Exclusion
Leadership Responsibility:	Executive Headteacher
Review Body:	Chief Executive Officer
Date:	March 2021
Review:	March 2022

*This policy has been amended following the impact of a critical incident being the COVID-19 Pandemic. The amendment is detailed in the Legal Framework section below concerning 'changes to the school exclusion process during the coronavirus (COVID-19 outbreak)'.*

## Statement of intent

Rye Community Primary School (the Academy) 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. The Academy recognises the importance of good behaviour and discipline for promoting a high-quality education.

Amongst other disciplinary sanctions, the Academy recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the Academy's Behavioural Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort. Exclusions are used sparingly and only as part of the overall Behaviour Management Policy. However, exclusions may be used when other strategies and sanctions have not been effective.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

The Academy complies with the statutory framework as set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and the statutory guidance Exclusion from Maintained Schools, Academies and pupil referral units in England (September 2017) published by the Department for Education (the 2017 Guidance).

## Legal framework

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education Act 1996;
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007;
- The European Convention on Human Rights (ECHR);



- The Equality Act 2010.

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England';
- DfE (2016) 'Behaviour and discipline in schools';
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years';
- DfE (2018) 'Mental health and behaviour in schools';
- DfE (2020) 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak' which came into force on 1 June 2020 and will apply to all exclusions occurring from then until 24 September 2020 (inclusive of those dates).

This policy will be implemented in conjunction with the following school policies and procedures:

- **Behaviour Management Policy;**
- Anti-Bullying Policy;
- Special Educational Needs and Disability (SEND) Policy;
- Child Protection Policy.

## Roles and responsibilities

The Local Authority is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of Looked After Children;
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the Academy;
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

As the Admission Authority, the Aquinas Church of England education Trust (the Trust), is responsible for the following which responsibility is delegated to the Headteacher:

- Arranging the hearing without delay at a time, date and venue convenient for all parties where such a hearing is required by the 2017 Guidance;
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories;
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions;
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review;
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment;
- Providing information to the Secretary of State and LA about any exclusions within the last 12 months;



- Arranging suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis;
- Considering parents' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met;
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date;
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test;
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits;
- Adhering to its responsibilities to consider the reinstatement of pupils;
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the school;
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion;
- Ensuring clear minutes are taken of the representation meeting;
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference;
- Notifying the pupil's parents, the headteacher and LA of its decision and the reasons for it, without delay;
- Where appropriate, informing parents of where to apply for an independent review panel;
- Informing parents of relevant sources of information;
- Ensuring a pupil's name is removed from the school admissions register, where appropriate;
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel;
- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions;
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the Special Educational Needs and Disability (SEND) Policy;
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue;
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour;
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year;
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups;
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs;
- Determining whether a pupil will be excluded on disciplinary grounds;
- Withdrawing any exclusions that have not been reviewed by the governing board, where appropriate;



- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate;
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil;
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion;
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings;
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required;
- Ensuring that all information provided to parents is clear and easily understood;
- Notifying the governing board and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required;
- Notifying the governing board once per term of any exclusions not already notified;
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.

The clerk to the Exclusions Review Panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
  - Make written representations to the panel;
  - Attend the hearing and make oral representations to the panel;
  - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties;
- Giving all parties details of those attending and their role, once the position is clear;
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

### **Fixed term exclusions**

In all cases the Headteacher gathers evidence and takes advice from colleagues who are working with the pupil. Excluding a pupil from school is a serious step to take. The Headteacher alone has the statutory power to exclude a pupil from school. Where the Headteacher is temporarily off-site or absent from school they must be consulted and have access to relevant evidence and information prior to the final decision being made. In the case of the Headteacher being absent for an extended period of time the formally appointment Acting Headteacher will have the power to exclude in place of the Headteacher.

The Headteacher will decide on the length of exclusion in all cases. The length of the exclusion will depend on a number of different factors which may include, but are not limited to, previous exclusion record, severity of incident, risk to others and where and how the incident arose. Parents will be informed either by telephone, letter or email on the day the pupil is excluded. The pupil will be seen by a senior leader and sent home with details of work to undertake in their exclusion letter.



In exceptional circumstances, where further evidence comes to light, a further fixed period exclusion can be issued or a permanent exclusion to take effect after the initial fixed term ends.

## Permanent exclusion

A decision to exclude a pupil permanently is a very serious one and therefore can only be taken by the Headteacher. It can be the final step in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and have failed to secure improvement. Where a pupil is permanently excluded for a build-up of negative events, it is an acknowledgement by the Headteacher that the school has exhausted all support strategies and interventions for the pupil and that to allow the pupil to remain in school would seriously harm the educational welfare of the pupil or others in the school.

The decision to exclude permanently may also be taken by the Headteacher when there has been a one-off serious breach of the school's published Behaviour Management policy and where the Headteacher believes that to allow the pupil to remain in school would seriously harm the educational welfare of the pupil or others in the school. Such a decision may be taken as a result of any serious incident of any of the offences listed below and includes assault towards a member of staff or pupil, fighting, bringing offensive weapons into school, and the use or distribution of controlled substances within the school and its immediate vicinity.

Incidents for which fixed term or permanent exclusion will be considered, but are not limited to, include:

- Persistent disruption of the learning environment;
- Persistent defiance;
- Verbal abuse of professionals or other adults;
- Verbal abuse of other students;
- Serious, actual or threatened violence against a professional or other adult;
- Serious, actual or threatened violence against another student;
- Physical abuse or attack of professionals or other adults;
- Physical abuse or attack of other students;
- Indecent behaviour;
- Damage to property or arson;
- Theft;
- Misuse of controlled or illegal drugs;
- Misuse of other substances;
- Supply or possession of controlled or illegal drugs and other substances;
- Supply or possession of paraphernalia related to the above;
- Carrying an offensive weapon;
- Serious or sustained bullying (see Anti-Bullying Policy);
- Acting in a way likely to endanger the health and safety of others;
- Unacceptable behaviour over time for which previous sanctions or other initiatives have not been successful in modifying the behaviour;
- Any other behaviour which may bring the name of the school into disrepute;
- Sexual abuse or assault.



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

## **Incidents of misbehaviour occurring outside school**

The school may impose exclusion on a pupil for non-criminal misbehaviour occurring outside school where it is reasonable to do so including:

- Misbehaviour which occurs when the pupil is taking part in a school organised or related activity, or travelling to or from school, or wearing the school uniform, or can be identified in some other way as a pupil of the school; or,
- Misbehaviour at any time that could have repercussions for the orderly running of the school, or pose a threat to another pupil or member of the public, or could adversely affect the reputation of the school.

The school may also sanction pupils for criminal behaviour occurring outside school even where the police have decided to take no formal action against the pupil.

## **Exclusion procedure**

Most periods of exclusion are for a fixed term and short in duration. Only the Headteacher can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

The Trust has established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Trust has established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately, where possible. A letter will be sent giving details of the exclusion and the date the exclusion ends save for in the case of a permanent exclusion. Parents have a right to make representations to the review panel.

In the case of fixed term exclusion, a reinstatement meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the leadership team and other colleagues where appropriate.

During the course of the fixed term exclusion, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility. It is the school's responsibility to provide work for the pupil for the first five days. If the fixed term exclusion is in excess of 5 days, suitable full-time education must be arranged from the sixth day. In the case of a permanent exclusion, the school is responsible for providing work for the pupil for the first five days, on the sixth day it is the responsibility of the local authority to provide suitable full-time education.



## 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 Headteacher will:

- Ensure appropriate investigations have been carried out;
- Consider all the evidence available to support the allegations taking into account all relevant policies;
- Allow the pupil to give their version of events, where possible;
- Collect evidence from a range of sources and/or witnesses, where reasonable.

When establishing the facts in relation to an exclusion decision the Headteacher will apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. If the Headteacher is satisfied that on the balance of probabilities a pupil did what they are alleged to have done, exclusion will be the outcome.

## Exercise of discretion

In reaching a decision to exclude, the Headteacher will look at each case on its own merits. In considering whether permanent exclusion is the most appropriate sanction, Headteacher will consider:

- i. The gravity of the incident, or series of incidents as detailed in the behaviour log, and whether it constitutes a serious breach of the Behaviour Management Policy; and,
- ii. The effect that the pupil remaining in the school would have on the education and welfare of other pupils and adults. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

## Preventing exclusion

Alternative strategies to avoid exclusion are included in the Behaviour Management Policy. The school works closely with the local authority and other primary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

The school endeavours to avoid both fixed term and permanent exclusions. However, if the strategies implemented by the school have failed, then there will be a final interview with parents or carers where the possibility of exclusion will be discussed. This will be followed by a final written warning stating that the pupil is 'at risk' of exclusion/ permanent exclusion.

## Staff guidance and training

Where unacceptable behaviour occurs at any time during the school day, the following procedures will be followed:

- Warnings or verbal reprimands using the 'good to be green' system;
- Discussion with a colleague to re-establish acceptable learning behaviours;



- Removal of a pupil from a lesson for behaviour that disrupts the teaching and learning of others;
- Restorative Justice (where appropriate);
- Missing of breaks and lunch;
- Pupil report to monitor various aspects of behaviour and engagement;
- Communication with families;
- Family meetings and interventions;
- Referral to external agencies (where appropriate);
- Community service e.g. litter picking etc.;
- Fixed term or permanent exclusion.

Training is given, as required, to newly-appointed staff, and to all other colleagues as changes are made by legislation. Pupil discipline is also regularly an item at meetings that involve teachers and support staff. Where there are particular problems, guidance is given to a teacher and support staff by the leadership team or **Inclusion or Pastoral team**.

It is important that all children have equal access to rewards within the system. It can be easy to overlook the majority of children who work calmly and conscientiously all the time. We also need to acknowledge the high achievers on the same basis.

Pupils with special educational needs, especially those with personal support plans that include objectives concerning behaviour, will often need a programme of additional strategies to meet their needs. These pupils' individual rewards will need to be channelled into this system, for example, the thresholds when rewards are achieved.

Those children with particular behavioural difficulties may have agreed additional procedures and strategies in place for them but where possible the above procedures will apply.

The Headteacher is responsible for co-ordinating matters related to behaviour. If any colleague has any concerns in this area, they should raise it with the Headteacher.

## **Monitoring and evaluation**

Behaviour management will be under constant review throughout the school. The leadership team will monitor and evaluate the effectiveness of the policy.

A regular report of exclusions will be given to the Trust.

**November 2019 BBL**

**March 2021 BBL**





## EQUALITIES

*We recognise that our pupils bring with them a wide variety of behaviours influenced by life experiences outside school. We aim to respond to each case professionally, objectively and compassionately. We are sensitive when working with children and families with specific needs and experiences and we continuously seek ways to promote successful partnerships. The basis of differentiation will vary dependant on the needs of each case but we will take into account the views of parents and families, colleagues and external agencies together with any Statement of Special Educational Need or Education, Health and Care Plan. We will also ensure compliance with the Trust's Equality Policy taking into account pupils with protected characteristics and making reasonable adjustments for pupils with a disability within the meaning of the Equality Act 2010. Both the school and Trust respects the Public Sector Equality Duty (PSED) that requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. By following the Trust's Equality Policy, the school seeks to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by such legislation.*

## DATA PROTECTION

*Rye Community Primary School [The Academy] processes personal data in accordance with the data protection principles embodied in the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. The Academy complies with the requirements of the data protection legislation as detailed in the Trust Data Protection Policy.*

*All colleagues are aware of the principles of data protection and will not process personal data unless necessary. The Academy safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the Academy has taken steps to ensure that all its contracts that process data have the GDPR compliant provisions.*



## Appendix: COVID Checklist for school leaders to support full opening: behaviour and attendance

Rye Community Primary School has reviewed behaviour, attendance and exclusion policies using the following checklist as a tool to support the re-engagement of youngsters following the period of school closure. The tool has been developed by the Department for Education.

### PLAN: ensure your school has clear, consistent and robust behaviour and attendance policies and practices in place

- Review existing behaviour and attendance policies, systems and practices.

For behaviour:

- Set clear, reasonable and proportionate standards of behaviour. Make things as simple as possible so that the plans can be remembered and understood easily by everyone.
- Plan new routines, habits and systems, including:
  - expectations for arriving at and leaving school (including behaviour on public transport);
  - hygiene practices;
  - lunch and break time routines;
  - any transitions between lessons;
  - staff supervision of movement during social times;
  - safe use of school spaces and equipment;
  - consider restrictions on movement within school and new hygiene rules.
- Plan how new behavioural expectations will be monitored and supported. Take time to train staff in the behaviour that will be expected of them and also in the behaviour that they will be expected to teach to pupils.
- Clarify sanctions and rewards and how rules will be enforced consistently, including use of exclusions. Make sure that this can be effectively maintained in the changed school environment and take into account individual needs. Make explicit what behaviours are now considered more serious due to the coronavirus (COVID-19) outbreak, for example purposefully coughing on someone, including any escalation points in how they will be dealt with.

For attendance:

- Be clear that attendance will be mandatory from the start of the new school year, except where statutory exemptions apply. Ensure that parents are clear about when pupils should not attend due to public health or clinical advice (see guidance) and plan a process for keeping absence for these reasons under review, for example when a self-isolation period should come to an end. Ensure these pupils have access to remote education and that engagement is monitored.
- Take the register as usual and use attendance codes consistently. Consider extending registration periods to accommodate any staggered start times. We will issue further guidance for schools on recording attendance and absence.
- Resume the expectation that parents will let the school know if a child is unable to attend and the reason. Contact the pupil's parent or carer on the first day of absence where this



does not happen. Schools should be clear with parents and carers that pupils of compulsory school age must be in school unless a statutory reason applies.

- Consider how attendance policies will address new or more prevalent causes of absence (for example, anxiety) due to the coronavirus (COVID-19) outbreak, balancing reward, support for pupils and families and sanctions appropriately.

### **COMMUNICATE: set high expectations for behaviour and attendance and actively communicate this to parents and pupils**

- Make sure all staff, governors and trustees understand the importance of good behaviour and attendance and have a good understanding of the school's policies. This may include having an attendance and/or behaviour lead on the senior leadership team to ensure policies are implemented effectively and on the governing body to provide additional visibility, support and challenge.
- Communicate revised behaviour and attendance policies to staff, pupils and parents as soon as possible and ensure expectations are clearly understood. Ensure the Senior Leadership Team are visible around the school and invite discussion and feedback.
- Include behaviour and attendance expectations in your induction sessions with pupils and parents, newsletters and your website. Establish new ways to communicate, use visual reminders around the school and make use of technology where appropriate.
- Build a strong relationship and keep an open dialogue with parents who need further information or reassurance on the importance and/or safety of returning to school.

### **BE CONSISTENT: ensure expectations are enforced consistently**

- Set and maintain a culture where excellent behaviour and attendance is valued and expected by everyone in the school community. Provide regular feedback to staff, pupils and families on how well they are executing new procedures.

### **SUPPORT: identify pupils who are at risk of disengagement (including absence or poor behaviour), and provide specific support**

- Many pupils are likely to need some social and emotional support on their return to school. Some pupils will need extra support, such as those who have previously had poor attendance or fixed term exclusions as well as those new to the school, with special educational needs and disabilities (SEND) or who have not engaged with school during the coronavirus (COVID-19) outbreak.
- Engage with the parents and carers of these pupils as soon as possible, ideally before the start of the new school year, to set expectations, understand concerns and build confidence.
- Make sure Pastoral Leads and Designated Safeguarding Leads have undertaken appropriate training to spot signs of distress and poor mental health. Ensure staff are able to identify where changes in behaviour (for example being fearful or withdrawn, aggressive or oppositional, or excessively clingy) may be an indication of an underlying issue.
- Where further support is needed, staff should consider what additional support or reasonable adjustments are needed and put a plan in place to deliver it, with regular points to review. Where pupils already have education, pastoral support or multi-agency plans, these should be updated.



- Where children have special educational needs and disabilities, work with local services (such as health and the local authority) to ensure the services and support are in place that will ensure a smooth return for pupils.
- For children who have a social worker or who are otherwise vulnerable, work with social workers and other relevant services to ensure the right services and support are in place. This includes making contact to discuss re-engagement over the summer and informing them if the child does not attend in the new school year.

### **MONITOR AND IMPROVE: track attendance, behaviour data and intelligence to intervene early and review policies and processes regularly**

- Regularly review your behaviour and attendance data and compare it with neighbouring schools and local and national averages where possible. This will inform decisions on where to focus efforts to intervene early and prevent patterns of poor attendance and behaviour becoming habitual and entrenched.
- Invite feedback from staff and pupils regularly and discuss how new habits and routines are working, in order to provide useful data to support high-quality strategic decisions, inform practice and provide a regular commentary to all stakeholders on new expectations. Regularly use data to assess the effectiveness of behaviour and attendance policies and adjust provision in what is likely to be a changing context.