

# Settle and Malhamdale Partnership



## EXCLUSIONS POLICY

### Aims

The Governing Body aims:

- To give appropriate support to the Executive Headteacher in all exclusion issues.
- To use its best endeavours to ensure that the school does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour.
- To ensure that exclusion is used appropriately within the framework of the school's Positive Behaviour Policy and complies with North Yorkshire County Council guidelines.
- To discharge appropriately its statutory duties concerning the consideration of reinstatement of excluded pupils.

### Procedures: The Decision to Exclude

Only the Headteacher can exclude, or the delegated person in charge on the day if the Headteacher is absent from school. Before deciding to exclude a pupil the Headteacher will:

- Ensure that an appropriate investigation has been conducted.
- Ensure that all the relevant evidence has been considered.
- Give the pupil and opportunity to be heard.
- Consult other relevant people, if necessary.

Having considered these matters the Headteacher will, make a decision, normally based on the balance of probability, having regard to any current guidance as outlined by the Local Authority.

### Factors to be considered before Exclusion

- An appropriate investigation has been conducted.
- All the relevant evidence has been considered with reference to LA Guidance.
- The pupil's version has been heard.
- If appropriate, other people have been consulted (not a member of the Discipline Committee).

**If the balance of probabilities has been established, the pupil may be excluded.**

## **Alternatives**

- A restorative justice process – whereby the harm caused to the ‘victim’ can be redressed.
- Internal exclusion (removal from class, but not the site).
- A managed move to another school.

Exclusions can either be for a Fixed Term/Interim or Permanent. Indefinite exclusions are not permissible by law.

### **Fixed Term Exclusion**

The Headteacher is permitted to exclude a pupil for one or more fixed term periods not exceeding 45 school days in any one school year. After 45 days, a Permanent Exclusion will be enforced.

### **Interim Exclusion**

On occasions, for a serious offence, the Headteacher may decide to exclude a pupil for an interim period. This will allow further more detailed investigations to be undertaken.

On conclusion of the investigation the Headteacher will decide that either:

- The exclusion was justified and no extension is required.
- A further period of exclusion in the form of an extension is required. In both cases the School will contact the parents/carers of the excluded pupil prior to the expiry of the initial interim period.

### **When Exclusion is not appropriate:**

Exclusion will not be used for:

- Minor incidents such as failure to do homework
- Poor academic performance
- Lateness or truancy
- Breaches of school uniform rules or rules on appearance, except where these are persistent and in open defiance of such rules.
- Punishing pupils for the behaviour of their parents/carers, for example where parents/carers refuse, or are unable to attend a meeting.
- Protecting victims of bullying by sending them home.

### **Education of Pupils excluded for a Fixed Term**

The School will provide education from and including the sixth day of any period of fixed period exclusion of 6 (six) days or longer. Days of fixed period exclusion are not to be aggregated. The education must be provided off site.

### **Education of Pupils excluded Permanently**

The Local Authority will be required to provide full-time education from day 6 (six) of a permanent exclusion.

**Re-integration Interviews**

On all occasions when a pupil is excluded from school a reintegration interview will be requested. This will initially be the day of return after exclusion.

A record will be made on the pupil file should a parent/carer choose not to attend without good reason. The Antisocial Behaviour Act 2003 has been amended allowing a Court Order to take into account the unreasonable failure of a parent/carer to attend a reintegration interview when deciding to make a parenting order.

**Duties of Parents/Carers in relation to Excluded pupils**

Parents/carers will be responsible for supervising their child during the first 5 (five) days of any period of exclusion and will face a Fixed Penalty Notice if their child is found in a public place in school hours without reasonable justification during this period.

**The procedure to exclude a pupil is to remain on file with this policy.**

**Procedure for Excluding a Pupil****Informing Parents/Carers about the Exclusion**

The Headteacher will inform parents/carers without delay (by telephone, with a follow up letter within one school day). Parents/carers should be given the following information:

- In cases of fixed term exclusions, the length of the exclusion.
- In cases of permanent exclusion, that it is a permanent exclusion.
- The reasons for the exclusion.
- The parent's right of access to the pupils' school record.
- The date and time when the pupil should return to school (with a fixed term exclusion) or the number of lunchtimes for which the pupil is excluded (with lunch-time exclusions)
- With a permanent exclusion, its immediate effect and any relevant previous history.
- Arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school).

**The Headteacher will inform parents/carers of:**

- Their right to make representations to the Discipline Committee
- The name of the person to be contacted, if they wish to make representations.
- The letter to parents/carers will also state: the latest date by which the Discipline Committee must meet to consider the case.
- The name and telephone number of the Local Authority (LA) officer to be contacted for advice.
- The telephone number of ACE (the Advisory Centre for Education).
- The school will use model letters in the DfE's Guidance 'Improving Behaviour and Attendance' as exemplars.

### **Informing the Chair of Governors and the LA**

The Headteacher will inform the Chair of Governors and the Local Authority within one school day of:

- Permanent exclusions
- Exclusions totalling more than five school days or ten lunch-times per term
- Exclusions necessitating a pupil missing a public examination

The Headteacher will inform the Chair of Governors and the Local Authority of fixed term exclusions amounting to five or fewer school days or ten (10) or fewer lunch-times (or half days).

The Headteacher will include: -

The name of the pupil

- The duration of the exclusion
- The reason(s) for the exclusion
- The pupil's age, gender and ethnicity
- Whether the pupil has a statement or is on School Action or School Action Plus and whether he/she is in Local Authority care.

### **The Role of Governors**

This is highlighted in the Local Authority document Guidance on Exclusions, which is updated annually. Based on this guidance the governing body will have a Discipline Committee in places as follows:

#### **The Discipline Committee**

- The Governing Body will include the Chair and Vice Chairs of Governors
- The Discipline Committee will review all exclusions and consider any representations from parents/carers in accordance with LA Guidance.
- The Committee will consider whether reinstatement is a practical option in accordance with LA Guidance.
- The Discipline will refer to the up to date guidance provided by the Local Authority which it will use to ensure protocols and procedures are properly followed and that decisions are made in fairness to all parties and with due regard to the law.

#### **Discipline Committee Meetings re: Exclusions**

On being informed of exclusion by the Headteacher, the Chair MUST:

- With fixed term exclusions totalling fewer than 6 (Six) school days in one term, convene a meeting of the Discipline Committee to consider any representations from the parents/carers (if these have been made), *but the pupil cannot be reinstated or the Headteacher's decision to exclude overturned.*
- In the case of fixed term exclusions totalling more than 5 (five) but not more than 15 (fifteen) school days, in any one term, convene a meeting to review the exclusion if the parents/carers have asked to make representations between the 6<sup>th</sup> and the 50<sup>th</sup> school day after being notified of the exclusion.

- In cases of permanent exclusion, or where one or more fixed term exclusions add up to more than fifteen (15) days in any one term, arrange a meeting to review the exclusion between the 6<sup>th</sup> and the 15<sup>th</sup> school day after being notified of the exclusion.
- Invite the parent/carer, Headteacher and a Local Authority Officer to attend a mutually convenient time and place.
- Request written statements before the meeting; and circulate any such written statements (including any statements from witnesses).
- Send a list of those due to attend in advance to all interested parties.
- The parent/carer may be accompanied by a friend or a legal representative. The excluded pupil would usually be allowed to attend and to speak if the parent/carer requests this.
- The Committee must comply with the statutory time limits, but is not absolved of its legal duties in the event of noncompliance (i.e. the decision remains valid even if it was made out of time).

### **Liaison with Parents/Carers**

At all stages the Headteacher is expected to seek parental co-operation.

### **Drug related Exclusions**

Any decision to exclude will be based on the criteria spelled out in the school's Drug Policy.

### **Lunchtime Exclusion**

The Headteacher can exclude a disruptive pupil for the duration of a lunch break.

### **Permanent Exclusion**

A decision to exclude a pupil permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences have been employed to no avail or if an exceptional 'one-off' offence has been committed – examples of this are:

- Serious violence, actual or threatened, against a pupil or member of staff
- Disruptive behaviour where a child presents a danger to self and others
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Deliberately sounding the school fire alarm
- Any other one-off offence considered by the Headteacher to be exceptionally serious.

### **Offsite Behaviour**

In certain circumstances at the discretion of the Headteacher the school will treat poor behaviour off site as though it occurred on the premises. This usually involves such behaviour committed on the way to and from school or during an educational visit.

### **Equal Opportunities**

In making decisions about exclusion the Headteacher and Disciplinary Committee will take into account any special educational needs, disabilities, gender, and cultural differences that may be

relevant to the case. The Headteacher will consider the advice in the DfE's 'Improving Behaviour and Attendance', and any published codes of practice.

### **Monitoring and Review**

The Headteacher will report at least annually on the number and type of exclusions and their outcome. The Disciplinary Committee will review the working of this policy, make an annual report to the Governing Body, and make recommendations as necessary to the Governing Body.

*Reviewed: October 2023*

*Date of Next Review: October 2025*