

THREE HARES PRIMARY SCHOOLS

Exclusion Policy

OCTOBER 2021

REVIEW NOTES

Date	Reviewer	Notes
06/10/21		

Chagford, North Tawton and South Tawton Primary Schools

Introduction

The Three Hares' Primaries are inclusive schools. We seek to ensure that pupils remain in school to learn and to achieve their very best. The school has a wide range of strategies in place to prevent exclusion as we recognise that it should only be a last resort when all else has failed or normal school sanctions are not appropriate. At our primary schools, we always work our hardest, through the use of our Behaviour Policy, Anti Bullying Policy and positive behaviour management techniques and pre-emptive actions, to ensure that no child is ever excluded.

Purpose of this policy

This policy is designed to briefly outline the school's approach to exclusions within the statutory framework as defined in the *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

Principles

1. Exclusion is a sanction used by the school only in cases deemed as serious breaches of the School Behaviour Policy. A pupil may be at risk of exclusion from school for:

The decision to exclude:

1. Permanent Exclusion

A decision to exclude a pupil permanently will be taken only:

- in response to serious breaches of the school's behaviour policy; and
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

The decision to exclude a pupil must be lawful, reasonable and fair. We have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. We will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation we will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs. It is an acknowledgement by us that we have exhausted all available strategies for dealing with the child and permanent exclusion is used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

1. serious actual or threatened violence against another pupil or a member of staff
2. sexual abuse or assault
3. supplying an illegal drug; or
4. carrying an offensive weapon

Exclusion will also be considered for:

Physical assault against pupils includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

Physical assault against an adult include:

- Violent behaviour
- Wounding
- Obstruction and jostling

Verbal abuse/threatening behaviour against pupils includes:

- Threatened violence
- Aggressive behaviour
 - Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse/threatening behaviour against an adult includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment

- Verbal intimidation
- Carrying an offensive weapon

Bullying includes:

- Verbal
- Physical
- Homophobic bullying
- Racist bullying

Racist abuse includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

Sexual misconduct includes:

- sexual abuse
- sexual assault
- sexual harassment
- lewd behaviour
- sexual bullying
- sexual graffiti

Damage

Includes damage to school or personal property belonging to any member of the school community:

- vandalism
- arson
- graffiti

Theft Includes:

- stealing school property/stealing personal property (pupil or adult)

- selling and dealing in stolen property

Persistent disruptive behaviour

Includes:

- challenging behaviour
- disobedience
- persistent violation of school rules

Other

Includes incidents which are not covered by the categories above but this category should be used sparingly

A Fixed Term Exclusion from the school can only be authorised by the Headteacher or one of the Deputy Headteachers acting on their behalf. If none are available to authorise the exclusion, a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.

The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.

The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

2. Fixed Term Exclusion

A decision to exclude a pupil for a fixed period should also be lawful, reasonable and fair and only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate.

When considering the decision to exclude a pupil, the head teacher will:

1. carry out a full and thorough investigation;
2. consider all evidence and ensure that equality is promoted at all times in relation to SEN, race, gender and disability; Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
3. ensure that the pupil has given their version of events;

4. investigate whether the incident may have been provoked by something e.g. bullying, racial or sexual harassment;
5. keep a written record of all actions taken, any interviews with pupils concerned, any staff statements.

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher may exclude the pupil. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the pupil has behaved as alleged, head teachers will need to gather and take account of a wider range of evidence. In some cases this may extend to evidence of the pupil's past behaviour, if relevant to the seriousness of the present allegation.

Notification of an Exclusion

1. Parents/Carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day.
2. In the case of a Permanent Exclusion parents/carers will be notified by the Headteacher in a face-to-face meeting.
3. A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.
4. The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. School Home Support Practitioner, Attendance Service or the Local Authority. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.
5. The Chair of Governors, LA Inclusion Officer and relevant school staff will be notified of all Fixed Term Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

Pupils Returning from a Fixed Term Exclusion

All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent/carers. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school.

Permanent Exclusions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident.

If your child has been permanently excluded, be aware that:

- the school's governing body is required to review the headteacher's decision and you may meet with them to explain your views on the exclusion
- if the governing body confirms the exclusion, you can appeal to an independent appeal panel organised by the local authority
- the school must explain in a letter how to lodge an appeal
- the local authority must provide full-time education from the sixth day of a permanent exclusion

Appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

Relationship to other school policies

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Inclusion Policy, Special Educational Needs Policy and the Equality & Diversity Policy. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

Monitoring and Review

1. The impact of this policy will be reviewed by the PDBW Portfolio.
2. The Headteacher will provide the Committee with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
3. The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

Links

Guidance for Schools

[School suspensions and expulsions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/school-suspensions-and-expulsions)

Guidance for Parents

<https://www.gov.uk/school-discipline-exclusions/discipline>