



Exclusion Policy for Laurus Primaries

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Next Review Date: July 2023

The Laurus Vision is for everyone regardless of background or circumstance to be inspired, to thrive in all environments, to recognise what it takes to succeed, to set aspirational goals and work hard to achieve them.

Exclusion Procedures

This policy should be read in conjunction with the 'Exclusion from maintained schools, academies and pupil referral units in England – Statutory Guidance for those with legal responsibilities in relation to exclusion, September 2017' which states that:

'Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports Head of Schools in using exclusion as a sanction where it is warranted. However, permanent exclusion should 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 school would seriously harm the education or welfare of the pupil or others in the school.' (p6)

Whilst the legislation governing the exclusion process remains unchanged, the guidance was updated to, '...provide greater confidence to Head of Schools on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.' (p6)

Exclusions can be:

- At lunchtime
- Fixed term – from one session (half day) to 90 sessions (45 days) in one academic year
- Permanent

Wherever possible a school should consider alternatives to exclusion. Permanent exclusion should be used as a last resort and only be taken:

- In response to a serious breach, or persistent breaches of the school's behaviour policy
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Only the Head of School of a school can exclude a pupil and this must be on disciplinary grounds. This decision must be lawful, rational, reasonable, fair and proportionate.

'Informal' or 'unofficial' exclusions are unlawful even where the child's parents/carers are in agreement. All exclusions must be formally recorded.

A Head of School can withdraw an exclusion at any time before it has been reviewed by the local Academy Committee of governors.

The Head of School's powers to exclude:

In exceptional circumstances, where further information has come to light, a Fixed Term Exclusion may be extended or converted into a permanent exclusion. In this case, the initial Fixed Term letter should state this possibility. If a pupil is regularly receiving exclusions which are having no effect or if they are nearing the maximum 45 days limit, the Head of School should consider other alternative sanctions and/or additional support/advice.

Lunchtime exclusions are counted as one session (half a day) and are used to determine whether an Academy Committee meeting is triggered. These should only be used for a short period and have a start and finish date. If a pupil is in receipt of free school meals, schools must make alternative arrangements to enable this.

Pupils can be excluded for behaviour outside of the school in accordance with the schools' Behaviour and Anti-Bullying Policy.

When reaching the decision to exclude, a Head of School must apply the civil standard of proof i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

Head of Schools must be mindful of their obligations under the Equality Act 2010 to not discriminate, harass or victimise pupils from groups with protected characteristics i.e. because of their:

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Pregnancy / maternity
- Gender reassignment

For disabled pupils, this includes a duty to make reasonable adjustments to policies and practices. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

It is unlawful to exclude or increase the length of an exclusion for a non-disciplinary offence. A school cannot exclude a pupil due to:

- Additional needs or a disability the school feels it is unable to meet
- Low academic attainment/ability
- The action of their parent/carer
- Failure to agree to or meet certain conditions before they are reinstated

Alternatives to exclusion:

A pupil can move to a new school through a managed move or managed transfer. These can only be arranged with the agreement of the parent/carer and the pupil. The

threat of exclusion must never be used to influence parents/carers to accept this or to remove their child from the school and seek a place at another school.

A managed move is where a pupil will have a trial placement at another school. If this fails they will return to their home school. A managed transfer is a one way move at the point of exclusion and it will involve support from the Local Authority and the Pupil Referral Unit. Relevant protocols and guidance would be referred to at this stage.

Academies can place a pupil either full time or part time in another educational setting only with the agreement of their parents/carers. If a school decides to use this power, they must inform the parents/carers at least 2 days before the start of the placement with the following information:

- The address of the placement
- Who the pupil should report to on the first day and the start and finish times
- The number of days for which the requirement is imposed
- The reasons for and the objectives of imposing this requirement

These placements must be reviewed at least every 30 days. They cannot continue beyond the end of the school year in which the placement commenced.

A reduced timetable in the pupil's own school could also be considered as an alternative to exclusion.

Establishing the facts:

Investigations into an incident or incidents may involve a number of staff however the decision on whether to exclude is for a Head of School to take.

Pupils should be given the opportunity to present their case before the decision to exclude. In the case of a possible permanent exclusion, a Head of School may decide in the first instance to issue a Fixed Term exclusion whilst investigating the incident.

A full investigation should take place to establish the facts in relation to the incident leading to the exclusion and should take into account:

- Any witness statements
- The pupil's own statement
- Any other relevant evidence to determine on the balance of probabilities it is more likely or not that a fact is true

A Head of School should consider if there were any contributing factors affecting the pupil at the time of the incident. These would include personal and home circumstances.

The Head of School must take account of their legal duty of care when sending a pupil home following an exclusion.

Guidance is clear that early intervention should be used to address underlying causes of poor behaviour. This may include:

- An assessment of any Special Educational Need and/or Disability the pupil may have
- An assessment of whether appropriate support is in place
- The use of an Early Help Assessment (EHA) and any other relevant multi agency assessments

Children with SEND and Children Looked After:

These are children who because of their additional needs and/or personal circumstances are particularly vulnerable to the impact of exclusion.

Heads of School should, as far as possible, avoid permanently excluding a child with an Educational Health Care Plan (EHCP). Head of Schools and governors must be mindful of their statutory duties in relation to children with Special Educational Needs. Where a school has concerns about a pupil with SEND, they should consult the relevant Local Authority Officer who will advise on the suitability of support for the pupil's SEND and/or consider what additional support or alternatives may be required.

Head of Schools should not exclude a cared for child without firstly consulting with the virtual school for Children Looked After.

The procedure for excluding a pupil:

Once the decision to exclude has been made by the Head of School 'they must, without delay, notify parents/carers of the period of the exclusion and the reasons for it.' This may be by phone or face to face.

For a permanent exclusion, the Head of School should meet with the parents/carers and the pupil and explain the reasons for their decision.

They must also, without delay, provide the following information in writing (by delivering the letter directly to the parents/carers, leaving it at the School Office or posting it to their last known address). The letter must include:

- The reason for the exclusion
- The period of the Fixed Term exclusion or, if permanent, the fact that it is a permanent exclusion
- The parent/carer's right to make representation to members of the local Academy Committee and how the pupil may be involved in this
- How those representations can be made
- Where there is a legal requirement for the Academy Committee to consider the exclusion, that the parents/carers have a right to attend and can bring a friend/advocate or legal representative (at their own expense)
- The legal responsibilities for parents/carers for any exclusion between one and ten sessions i.e. that parents/carers are legally required to ensure their child is not present in a public place during school hours without reasonable

justification, and that parents/carers may be given a Fixed Penalty Notice or prosecuted if they fail to do so

- The right, on written request, to see a copy of the child's records
- For all exclusions over 5 days, what alternative education will be in place from the sixth day and where that will be held

If the above information is not available to include in the exclusion letter, it must be provided without delay and no later than 48 hours before the provision is to due to start. The only exception to this is where provision is arranged before the sixth day of an exclusion.

DfE guidance notes that it is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on Local Authorities is to provide full time education from the sixth day of an exclusion, there is obvious benefit in starting this provision as soon as possible. Where it is not possible, or appropriate to do this, schools are responsible for setting work from the first day of any exclusion. Work should be relevant and accessible for the pupil to complete at home.

Administrative procedures following a fixed term exclusion:

- Record the exclusion on SIMS
- Convene a meeting of Academy Committee governors should the parents/carers wish to make representation.
- Update governors about any exclusions at each Academy Committee meeting
- Email a copy of any exclusion letters of 6 days or more to the relevant Local Authority
- If a pupil has 30 days fixed term exclusion in any one academic year the school should inform the exclusions service at the relevant Local Authority

Administrative procedures following a permanent exclusion

- Record the exclusion on SIMS
- Within 1 day, the Head of School **must** write to the parents/carers
- Inform the Clerk to the Academy Committee that a meeting will be required
- Advise the LA within one school day, with a copy of the letter issued to the parent/carer/carer and submit all appropriate paperwork to the relevant Local Authority

Please note: Heads of School will consult with the Executive Head Primary regarding all exclusions.

Equality Impact Statement

<p>Names and titles of people involved with this assessment</p> <p>Title of Policy – Exclusion</p>	<p>Emma Warrington SENDCO</p>
<p>Impact assessment carried out with regard to identified characteristics</p>	<p>Race <input type="checkbox"/> x</p> <p>Disability <input type="checkbox"/> x</p> <p>Gender <input type="checkbox"/> x</p> <p>Age <input type="checkbox"/> x</p> <p>Religion & belief <input type="checkbox"/> x</p> <p>Sexual orientation <input type="checkbox"/> x</p>
<p>Summary of any issues/proposed changes</p>	
<p>Date</p>	<p>May 2020</p>
<p>Date of next review</p>	<p>July 2023</p>