

# MOTTRAM ST. ANDREW PRIMARY ACADEMY



## EXCLUSION POLICY

This policy should be read in conjunction with the School Behaviour Policy.

### Aims

- To ensure that all pupils and staff feel safe in school.
- To support the teaching and learning of all pupils within the school.
- To ensure that all pupils and staff have access to a pleasant and disruption free environment.
- To ensure that all pupils behave in a manner that is acceptable, responsible and respectful.

The school believes that children have the right to learn and teachers have the right to teach.

To these ends the school has an agreed Behaviour Policy which is built on rewards and praise, and uses age appropriate sanctions when needed

If a child's behaviour gives cause for concern, teachers will contact parents to discuss this, and to ascertain if there are reasons for a decline/change in behaviour. The school will work with parents to help improve a child's behaviour. If appropriate to meet a recognised need then a Special Educational Needs Support Plan will be drawn up in consultation with the child, parents and, if necessary, any relevant outside agencies.

However, in some instances of extreme behaviour a fixed term exclusion may be imposed, following the procedures outlined below. Permanent exclusion may be used as a last resort where all other approaches have failed.

The school does not exclude a child lightly, and all possible actions will have been taken to avoid this. In the end, the school has to balance the needs of the individual against the needs of the whole school and the resources available to it. The school works hard to manage behaviour, and to help children who display emotional or behavioural difficulties.

### **Exclusion Procedures**

The government supports Headteachers in using exclusion as a sanction where it is warranted. Exclusions can be:

- 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

### **The Head Teacher's powers to exclude:**

Only the Headteacher of a school can exclude a pupil (or in their absence the Deputy Headteacher) and this must be on disciplinary grounds. This decision must be lawful, rational, reasonable, fair and proportionate.

When reaching the decision to exclude a Headteacher 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.

Headteachers 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
- 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:

- because they have additional needs or a disability the school feels it is unable to meet
- for low academic attainment / ability
- the action of a pupil's parent

If a pupil is regularly receiving exclusions which are having no effect, or if they are nearing the maximum 45 days limit, the Headteacher should consider other alternative sanctions and/or additional support/ advice.

Lunchtime exclusions are counted as one session (half a day). 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.

### **Establishing the facts:**

Investigations into an incident may involve a number of staff. However, the decision on whether to exclude is for a Headteacher to take.

In the case of a possible permanent exclusion a Headteacher 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 Headteacher should consider if there were any contributing factors affecting the pupil at the time of the incident. These would include personal and home circumstances.

### **Children with SEND and Cared for Children:**

These are children who because of their additional needs / circumstances are particularly vulnerable to the impacts of exclusion.

Head Teachers should, as far as possible, avoid permanently excluding a child with an Educational Health Care Plan. Headteachers and governors must be mindful of their statutory duties in relation to children with special educational needs.

Head Teachers should not exclude a cared for child without firstly consulting with the virtual school for Cared for Children.

### **The procedure for excluding a pupil:**

Once the decision to exclude has been made by the Headteacher 'they must, without delays, notify parents/ carers of the period of the exclusion and the reasons for it.'

For a permanent exclusion the Headteacher will meet with the parent/carer and the pupil (where appropriate) and explain the reasons for their decision. A second member of staff will be present to record minutes for this meeting.

They must also, without delay, provide the following information in writing:

- the reason for the exclusion
- the period of the fixed term exclusion or if permanent the fact that it is a permanent exclusion
- the parents/carers right to make representation to the governing body and how the pupil may be involved in this
- how those representations can be made
- where there is a legal requirement for the governing body to consider the exclusion, that the parents/carers have a right to attend, and can bring a representative or friend
- the legal responsibilities for parents 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 may be given a fixed penalty notice or be prosecuted if they fail to do so.
- for all exclusions over 5 days what alternative education will be in place from the sixth day and where that will be held. If this 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 due to start. The only exception to this is where provision is arranged before the sixth day of an exclusion.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil.

### **Department for Education Guidance**

The school will follow the guidance issued by the Department for Education:

**Exclusion from maintained schools, academies and pupil referral units in England, September 2017**