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Exclusion Policy

Adopted by the Full Governing Body on 4th March 2017

Signed **Chair of Governing Body**

Review Date:

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Exclusion Policy

This policy describes the practice that this school follows regarding the exclusion of a child. It recognises that the seriousness of some situations requires an immediate response that cannot always follow the best practice set out in the policy but, in all situations, the rights of children and parents to a full hearing will be respected.

The decision to exclude a child will only be taken in the following circumstances:

- in response to a serious breach of the school’s Behaviour Policy, and/or
- if allowing the child to remain in school would seriously harm the education or welfare of other persons or the child him/herself in the school.

1. Introduction

- 1.1. The Governing Body, Headteacher and all staff at Sandhills Primary School are committed to the provision of a broad and balanced curriculum for all children. They are also responsible for promoting good behaviour and discipline on the part of the whole school community and for securing an orderly and safe environment for children and staff in order to ensure that the curriculum is delivered and children are able to realise their perceived potential.
- 1.2. The Headteacher has the discretion to deal with children who are displaying challenging behaviour but will do so consistently in the context of the school’s Behaviour Policy.
- 1.3. The Behaviour Policy and other relevant documents include a number of different strategies designed to promote the continued inclusion of children into the school. Exclusion is the most drastic step that any school can take because it runs against the school’s commitment to inclusion and is out of necessity reserved for the most serious cases.
- 1.4. The decision to exclude a child must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against children on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of children from groups who are vulnerable to exclusion.
- 1.5. Under the Equality Act 2010 (“the Equality Act”) schools must not discriminate against, harass or victimise children 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.
- 1.6. In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- 1.7. Exclusion itself can take many different forms and these may include:
- Time out within the class imposed by the teacher
 - Time out in another teacher’s class
 - Lunchtime exclusion
 - Fixed term exclusion
 - Permanent exclusion

2. Before Considering Exclusion

- 2.1. The School recognises that parents/carers are profoundly affected by the exclusion of their child and will work with them closely to ensure that only in rare circumstances will exclusion come as a surprise.
- 2.2. In most instances parents/carers will have been working with the school to prevent their child from being excluded.
- 2.3. Children at risk of being excluded are likely to have had a history of disaffection and to have had a variety of contracts (Behaviour Action Plans, Behaviour Support Plans, Pastoral Support Plans) before the question of exclusion arises.
- 2.4. In formulating these plans a number of different agencies are likely to have helped the school, for example the Educational Psychology Service or and Social Care Service. In all cases the involvement of these agencies will be shared with parents/carers and in many instances they will have made direct contact.

3. The Headteacher’s Power to Exclude

- 3.1. Only the Headteacher can exclude a child and this must be on disciplinary grounds. A child may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.
- 3.2. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- 3.3. Children whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a

- governing body meeting is triggered.
- 3.4. The behaviour of children outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's published Behaviour Policy.
 - 3.5. The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.
 - 3.6. When establishing the facts in relation to an exclusion the Headteacher must 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'.

4. Children who have Special Educational Needs & Disabilities - SEND

- 4.1. Headteachers and governing bodies must take account of their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.
- 4.2. In some cases the involvement of agencies external to the school will mean that a child has been placed on the Register of children with Special Educational Needs and Disabilities (SEND).
- 4.3. In those cases where a child who has Special Educational Needs or has an Education, Health and Care Plan (EHCP) is likely to be excluded, the school will try every practicable means to avoid the need for exclusion and, if appropriate, in liaison with the LA, will initiate an 'interim' annual review.

5. Vulnerable Children

- 5.1. Particular care will also be given to children who are travellers, who are disabled or who are in Public Care or members of minority ethnic groups.
- 5.2. Appropriate steps will be taken to seek to avoid their exclusion.
- 5.3. Social Services will be involved at the earliest opportunity whenever a child in Public Care seems likely to be excluded.
- 5.4. Children who are disabled or who are in Public Care have particular rights of appeal if they are excluded and the Headteacher will take all necessary steps to make sure that these rights are respected and that appropriate information is shared with agencies, parents and carers.

6. The Run Up to a Possible Exclusion

- 6.1. In those cases where an exclusion seems likely to occur, the school will:
- try to warn parents/carers in writing that the child is at risk of exclusion
 - if time allows, arrange a meeting with the parents to plan how to support the child and avoid the need for exclusion
 - take account of the views of the child
 - keep written notes of all verbal warnings to the child and advice to parents and carers
 - involve the Educational Psychology Service and/or other agencies as appropriate.

7. When to Consider Exclusion

- 7.1. Exclusion will be used sparingly in response to serious breaches of school policy or law but breaking the law will not automatically result in exclusion. Normally the decision to exclude a child will only be taken if:
- there have been serious breaches of the school's Behaviour Policy and
 - there is a danger that allowing the child to remain in school will seriously harm the education or welfare / health and safety of the child or others
 - a range of alternative strategies has been tried before excluding the child.
- 7.2. However, a permanent exclusion may be given for a first / single offence, for example in the event of serious, actual or threatened violence or selling illegal substances.
- 7.3. Before reaching the decision to exclude a child, the Headteacher will:
- consider all the relevant facts and such evidence as may be available to support the allegations made, taking into account the school's Behaviour and Equalities Policies and the need to apply those policies consistently
 - allow the child to give his or her own version of events
 - check whether the incident may have been provoked, for example, by racial or sexual harassment
 - consult others, if necessary, being careful not to involve anyone who may have a role in any statutory review of the decision to exclude, for example members of the Governing Body's Discipline Committee.
- 7.4. If the Headteacher is satisfied, on the balance of probabilities, that the child did what he or she is alleged to have done and that exclusion is the appropriate sanction given the nature of the issue, the Headteacher may exclude the child. (Only the Headteacher or, in his/her absence, a senior teacher acting with the Head's authority, can exclude a child from school).

8. Lunchtime Exclusion

- 8.1. Children whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.
- 8.2. A lunchtime exclusion is treated in the same way as any other fixed period exclusion.
- 8.3. If parents/carers refuse to co-operate with a properly given lunchtime exclusion, the School will have due regard for the child's safety before deciding on what action to take.

9. Fixed Term Exclusion

- 9.1. The Headteacher can exclude a child for up to 45 days in any one school year.
- 9.2. Individual exclusions will be for the shortest time necessary, because any exclusion makes it difficult for the child to reintegrate into the school.
- 9.3. The reasons for fixed term exclusion are:
 - to make it clear to the child that a particular behaviour is unacceptable, because it affects not only the right of others to a safe and secure environment but also interferes with the opportunities for learning
 - to support school discipline and to act as a clear statement to all children that certain behaviour is unacceptable
 - to ensure that parents/carers know of the behaviour and are involved in controlling it.
- 9.4. Only in the most exceptional circumstances will the Headteacher exclude a child for a first or one-off offence. Such exceptional circumstances might include carrying an offensive weapon, supplying an illegal drug, sexual misconduct or serious actual/ threatened violence against another child or a member of staff.

10. Permanent Exclusion

- 10.1. Permanent exclusion is an extremely serious step to take. The Headteacher will normally only consider such action if:
 - in response to a serious breach, or persistent breaches, of the school's Behaviour Policy
 - where allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school
 - the child has been offered a full range of services and strategies designed to maintain that child's inclusion in school
 - there is evidence that previous plans and strategies have been consistently applied but brought about no significant improvement in the child's behaviour.

- 10.2. Permanent exclusion is usually the final step in the process for dealing with disciplinary offences. It is an acknowledgement by the School that it has exhausted all available strategies for dealing with the child.

11. Exclusion Procedure – A Guide to the Law

- 11.1. Whenever a Headteacher excludes a child they must, without delay, notify parents of the period of the exclusion and the reasons for it.
- 11.2. They must also, without delay, provide parents with the following information in writing:
- the reasons for the exclusion
 - the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the exclusion to the governing body and how the child may be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- 11.3. Where an excluded child is of compulsory school age, the Headteacher must also notify parents without delay, and by the end of the afternoon session, that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that 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 prosecuted if they fail to do so.
- 11.4. If alternative provision is being arranged then the following information must be included:
- the start date for any provision of full-time education that has been arranged for the child during the exclusion
 - the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
 - the address at which the provision will take place
 - any information required by the child to identify the person he / she should report to on the first day.
- 11.5. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session it may be provided in a subsequent notice, but 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 alternative provision is to be

- provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.
- 11.6. The failure of a Headteacher to give notice of the information above by the required time does not relieve the Headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.
 - 11.7. Parents/carers must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required.
 - 11.8. When notifying parents/carers about an exclusion, the Headteacher should set out what arrangements have been made to enable the child to continue his / her education prior to the start of any alternative provision or the child's return to school.
 - 11.9. Effective methods for providing the information may include email or text message; giving the notice directly to the parents; or sending the information home with the excluded child. Where information is sent home with a child, Headteachers should consider sending a duplicate copy by an alternative method or confirming that the information has been received.
 - 11.10. When notifying parents/carers about an exclusion Headteachers should draw attention to relevant sources of free and impartial information. This information should include:
 - a link to this statutory guidance on exclusions: exclusions guidance
 - a link to the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008
 - where considered relevant by the head teacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).
 - 11.11. Headteachers should ensure that information provided to parents/carers is clear and easily understood. Where the parents'/carers first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents'/carers right to make representations to the governing body have been understood.

12. Notifying the Governing Body

- 12.1. The Headteacher must, without delay, notify the governing body and the local authority of:
 - a permanent exclusion (including where a fixed period exclusion is made permanent)
 - exclusions which would result in the child being excluded for more than five

school days (or more than ten lunchtimes) in a term

- exclusions which would result in the child missing a National Curriculum test.
- 12.2. For all other exclusions the Headteacher must notify the local authority and governing body once a term.
 - 12.3. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

13. Education of Excluded Children

Up to five school days

- 13.1. In all cases where a child is excluded for up to but less than six days, the school will take reasonable steps to set and mark work that is accessible and achievable outside of school.

More than five school days

- 13.2. For a fixed period exclusion of more than five school days, the governing body must arrange suitable fulltime education for any child of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

Permanent exclusions

- 13.3. For permanent exclusions, the local authority must arrange suitable full-time education for the child to begin no later than the sixth day of the exclusion.
- 13.4. Where a child has a statement of SEN, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

14. The Governing Body's Duty to Consider an Exclusion

- 14.1. The governing body has a duty to consider parents'/carers representations about an exclusion. The requirements on a governing body to consider an exclusion depend upon a number of factors. Refer to the DfE document: *Exclusion from maintained school, Academies and child referral units in England* for further information.
- 14.2. The governing body may delegate their functions with respect to the consideration of an exclusion decision to a sub-committee consisting of at least three governors.
- 14.3. The governing body must consider the reinstatement of an excluded child within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent
- it is a fixed period exclusion which would bring the child's total number of school days of exclusion to more than 15 in a term
- it would result in a child missing a national curriculum test.

14.4. Further information, refer to DfE document: *Exclusion from maintained school, Academies and child referral units in England*.

15. Reintegration into School

- 15.1. The Headteacher will convene a planning meeting to discuss and make plans for the reintegration of a child after an extended exclusion. The meeting will make the necessary preparations for the child's return to school and will involve the parents/carers and the child as well as key members of school staff. In some cases it may be useful to include other agencies if they are directly involved in supporting the child.
- 15.2. The meeting will consider all aspects of reintegrating the child, including any modifications to the timetable or the provision of additional support. Any previous plans will be revised and new targets agreed. If there were no plans prior to the exclusion one will be drawn up. All plans will include elements of a contract between the parties involved so that the child will know how to achieve success, the school will set realistic targets and review dates will be set. The meeting will also consider whether the child has SEN and whether enough is being done to support those needs.
- 15.3. Where the governing body is legally required to consider an exclusion, they must consider the interests and circumstances of the excluded child, including the circumstances in which the child was excluded, and have regard to the interests of other children and people working at the school.

16. National Standard List of Reasons for Exclusions

- 16.1. This list and relevant codes should be used when reporting any exclusion with effect from 1 September 2003. Appendix 1.
- 16.2. This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the reporting form. The 12 categories should cover the main reasons for exclusions and the 'other' category should only be used in exceptional circumstances.
- 16.3. The further detail suggesting what the descriptors cover should be used as a guide and is not intended to be used as a tick-list for exclusions. In reaching a decision on whether to exclude, the Headteacher needs to refer to the DfE document: *Exclusion from maintained school, Academies and child referral units in England*.

17. Parent/Carer Right to an Independent Review Panel

- 17.1. If applied for by parents within the legal time frame, the local authority must arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded child.
- 17.2. The legal time frame for an application is:
 - within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion
 - where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.
- 17.3. Any application made outside of the legal time frame must be rejected by the local authority.

18. Monitoring and Review

- 18.1. This policy is a working document. Therefore, it is open to change and restructure as and when appropriate.
- 18.2. This policy will be reviewed bi-annually by the Senior Management Team in School.
- 18.3. The relevant sub-committee of the Governors will monitor the outcomes from this review alongside an annual report on the patterns of exclusion. The full Governing Body will subsequently evaluate the policy.

19. Relevant Policies and Documentation

- 19.1. This policy should be read in conjunction with these documents:
 - Exclusion from maintained schools, academies and pupil referral units in England – DfE
 - Behaviour and discipline in schools DfE – February 2014
 - Safeguarding Policy and associated documents
 - Behaviour Policy
 - Anti-bullying Policy

Fixed Term Exclusion: Information for Parents/Carers

Hearing that your child has been fixed term excluded from school can be distressing for parents and knowing what rights and responsibilities you have as a parent can help. This leaflet answers some of the many questions you may have.

Headteachers do not exclude a child lightly. A school will usually have tried a number of other actions before excluding a child. It is always helpful if the school and parents/carers work together over an exclusion in order to avoid repeat exclusions.

Q What does a Fixed Period Exclusion (FX) mean?

A The Headteacher has decided that because of your child's behaviour he/she cannot attend school for a period as a punishment.

Q Do I have any say in the matter?

A You can of course discuss the decision with the Headteacher. The governing body must consider anything you want to say but the rules vary according to how long the exclusion last:

1-5 days in a term (add all the days together if more than 1 exclusion) – The governors must consider anything you wish to say and may meet you. They cannot reinstate your child (ie overturn the exclusion) but might put a note on file if they did not agree with the exclusion. There is no time limit but it should be reasonably prompt.

6-15 days – The governors must meet between the 6th and 50th day after the exclusion, if you request a meeting. The governors can either uphold the exclusion or reinstate your child. If the exclusion is over and the governors do not uphold it they will record this on the child's file.

More than 15 days – The governors must meet between day 6 and day 15 whether you request it or not. You will be invited to the meeting. The governors will either uphold or overturn the exclusion.

Q What happens to my child's education during a FX?

A For the first 5 days of any exclusion, you are responsible for your child's whereabouts during school hours. You must ensure that he/she is not present in a public place during school hours without good reason. You are liable to a penalty notice (a fine) if your child is found without good cause.

Q What about schoolwork?

A The school is responsible for setting and marking work during this period and you may be asked to collect and deliver it.

Q What happens if the FX is longer than 5 days?

A The school is responsible for making full time provision beyond 5 days. This may under some circumstances be on the school site.

Q What does "full time provision" mean?

A It means taught provision of between 21 and 25 hours depending on your child's age. It cannot be work sent home.

Q The letter I received refers to a "reintegration interview". What is this?

A A reintegration interview is intended to help your child return to school successfully. The

Headteacher must arrange an interview for any child excluded from a primary school, or for a child excluded for more than 6 days from a secondary school. The Headteacher may arrange an interview for a secondary child excluded for fewer than 6 days.

Q When will the interviews take place and who must attend?

A The interview must be arranged between days 1 and 15 of the start of the FX. The Headteacher or a senior member of staff will attend and at least one parent or carer is expected to attend. Your child will usually attend part or the entire interview.

Q I cannot attend on the day the school has set the interview.

A The school should as far as possible try to arrange the interview at a time and date convenient to you and the school.

Q What will happen if I do not attend?

A The exclusion cannot be extended, but it may make a successful return for your child more difficult. Additionally, your failure to attend will be recorded and could be considered if the school or Local Authority applies to a magistrate's court for a Parenting Order.

Q What if I do not cooperate with the exclusion?

A The school will consider your child's safety in deciding what action to take. This will depend on his/her age and ability. However, in some circumstances Police or Community Support Officers or Social Care could become involved, and if you continue not to cooperate, the school or Local Authority might apply for a Parenting Order.

Q Can I get help with dealing with my child's behaviour?

A If you feel that the relationship between you and your child is breaking down, and that you are losing control over him or her, the Oxfordshire Parent-Talk programme can give you support with your parenting and some fresh ideas for dealing with challenging behaviour. Please ask the person who gave you this leaflet to refer you to Parent-Talk. Alternatively you could ask a GP, health visitor, school or Social Care to refer you. Once Parent-Talk receives the referral, someone will ring you and you can discuss your child's behaviour with them.

Q My child has SEN, does that make a difference to how the school deals with excluding them?

A If your child has Special Educational Needs, you may feel that the school should have provided more support which might have averted some of the difficulties, or that the school is discriminating against your child and excluding them because of their disability or that the disability was a contributing factor.

Exclusions should be the last resort for a child with SEN. Under the Disability Discrimination Act (DDA) disabled children should not be excluded for reasons connected to their disability. E.g. a child with Tourette's Syndrome should not be excluded for swearing. For advice on DDA you can call Disability Rights Commission on Tel: 08457 622 633.

If your child has Special Educational Needs it might be helpful for the SENCO (Special Educational Needs Coordinator) to be at some meetings.