



*'Growing together to be the best we can be through respect,
resilience and responsibility'*

Exclusions Policy

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Signature of Responsible Manager/Headteacher	<i>Jamie Dodson</i>
Signature of Chair of Governors	<i>Caroline Horne</i>
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Aims:

Kings Worthy Primary School strives to create an inclusive culture, which promotes equality along with a shared sense of belonging for all who work, learn and use the services of our school. This is a reflection of our school values of respect, resilience and responsibility and our statutory obligations, including those set out in the Equality Act 2010. In this regard, the school recognises that no one must suffer discrimination, either directly or indirectly, or harassment in the application of this Exclusion Policy. Policies applied in the same way to all pupils may cause unfair disadvantage and discrimination so we aim to take account of diversity, including any protected characteristics our pupils may possess, when making decisions¹.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. However, Kings Worthy Primary recognises that all children may go through times of inappropriate behaviour, and we strive not to “give up” easily on a child as we recognise that each has a unique contribution to make to school life. We want to support them to achieve this. We also note that statutory guidance confirms that disruptive behaviour may be an indication of unmet needs and we approach all

¹ See the school's Equality Policy. Protected characteristics under the Equality Act are: disability, gender, religion and belief, ethnicity and race, age, sexual orientation, marital status, pregnancy and maternity

challenging behaviour in a supportive and positive way. Our aim is to include and not exclude.

A decision to exclude a pupil, either for a fixed period or permanently, will only be taken as a last resort. The physical and emotional health of all our children and staff is our paramount concern, and we therefore accept that, in some exceptional situations, exclusion may be necessary.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. Other school policies which are relevant to a decision to exclude, include: Behaviour Policy, Anti-Bullying Policy, SEN Policy, Safeguarding Policy and the Equality Policy.

In this policy the word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions.

Exclusion

Our Exclusion Policy reflects our values and pays due regard to the Equality Act 2010 and the statutory guidance provided by the Department for Education ([Suspension and Permanent Exclusion Guidance September 2023](#)).

Reasons for Exclusion

Exclusion, whether fixed term or permanent, may be used for any of the following infringements of the Behaviour Policy;

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the school.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, without a thorough investigation. Wherever possible, the school will use all available alternatives to exclusion.

All decisions to exclude must be lawful, rational, reasonable and fair. A decision to exclude must be a proportionate response to the behaviour.

Working with the parents and the pupil:

In addition, we are committed to preventing exclusions by using effective strategies to manage behaviour and arranging appropriate support where required. We will also work proactively and collaboratively with parents, encouraging the discussion of concerns.

We also believe that pupils should be enabled and encouraged to participate at all stages of the behaviour management process, taking into account their age and understanding.

Types of Exclusion:

There are two types of exclusion:

- Fixed period exclusion
- Permanent exclusion

The procedure in relation to both types of exclusion is set out below.

Fixed Period Exclusion

A fixed period exclusion prevents a pupil from being in school for a specified number of days because they have breached the school's behaviour policy. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A fixed period exclusion must be for the shortest time necessary. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

Who can exclude a child?

Only the Headteacher (or the Deputy Head if the head is not on site) can exclude a child. The decision has to be on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. This means the Headteacher must decide whether it is more likely than not that the pupil did what they are accused of. Where practical, a Headteacher should allow a pupil to present their case (with appropriate support where required) before deciding whether to exclude.

Why can a child be excluded?

A child can only be excluded for disciplinary reasons (see 'reasons for exclusion' above) and this will be in accordance with the school's behaviour policy which sets out the school rules.

Before excluding, the Headteacher will take into account factors which may have caused the child's behaviour such as bullying, mental health issues, unidentified or unmet SEN. The head will also consider whether underlying causes of disruptive behaviour have been addressed, including making an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. This may include the use of multi-agency assessments for pupils demonstrating persistent disruptive behaviour.

The Headteacher must ensure there is sufficient recorded evidence to support the decision.

Exclusion Procedure

The head will explain the decision to the child. The Headteacher will immediately try and telephone the parents/carers about the exclusion and will write a letter to them without delay (on the first day of the exclusion) informing them of:

- the reason for the exclusion
- length and time of the exclusion and date for return (if fixed-period)
- how your child can continue their education: schools should arrange for setting and marking work for the pupil to do during the first five days of the exclusion, (it is the parents' responsibility to ensure that work sent home is completed and returned to school)
- details of how your child should continue their education: headteachers must arrange suitable appropriate full time education from the sixth day of the exclusion, if the exclusion is a fixed period exclusion of 6 or more days. If the exclusion is permanent, the Local Authority must arrange suitable appropriate full time education from the sixth day of the exclusion
- your right to state your case to the Governors' Discipline Committee and how your child may be involved in this; who you should contact the phone numbers of the Inclusion Team at the local Children's Services office who can advise you
- your rights under the Equality Act
- child law advice service information contact details

The Headteacher may be required to give evidence to a committee of the Governing (see Annex A) and in the case of permanent exclusion to an independent review panel. The Head teacher may withdraw an exclusion that has not been reviewed by the Governing Body.

In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. In such cases the head teacher must write again to the parents explaining the reasons for the change and providing any additional information required (as required by the procedure for permanent exclusion set out below).

Return to school meeting

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate.

Permanent Exclusion:

Permanent exclusion is a very serious decision as it involves removing the child from the school roll.

A permanent exclusion is a last resort, and will only occur when all appropriate strategies have been exhausted or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment.

Who can exclude a child?

Only the Head teacher (or the Deputy Head if the head is not on site) can exclude a child.

The decision has to be on the 'balance of probabilities' rather than 'beyond all reasonable doubt'. This means the Headteacher must decide whether it is more likely than not that the pupil did what they are accused of. Where practical, a Headteacher should allow a pupil to present their case (with support where required) before deciding whether to exclude.

Why can a child be excluded?

A permanent exclusion can only happen when the Head teacher has decided that:

- (i) a pupil should not continue at the school because of a serious breach of the school's behaviour policy and
- (ii) allowing the pupil to remain in school would harm the education or welfare of the pupil or others in the school.

Permanent exclusion will only ever be considered where a child has a history of disruptive behaviour or the child has been involved in a single serious incident such as an act of violence. As with fixed term exclusion, before excluding, the head teacher will take into account factors which may have caused the child's behaviour such as bullying, mental health issues, unidentified or unmet SEN. The head will also consider whether underlying causes of disruptive behaviour have been addressed, including making an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. This may include the use of multi-agency assessments for pupils demonstrating persistent disruptive behaviour. The head teacher will ensure there is sufficient recorded evidence to support the decision

Exclusion Procedure

The head will tell the child and will write a letter to the parents/carers without delay (on the first day of the exclusion) informing them of:

- the reason for the exclusion
- the fact it is permanent
- the parent/carers' rights of access to the child's school record
- their right to make written representations and to attend a meeting of the Governing Body (with a friend and/or representative at their own expense) and put their views in person with details about how they can do this (see Annex A)
- arrangements for setting and marking work for the first five days of the exclusion (after this time the Local Authority has a duty to provide suitable full-time alternative education)
- details of any alternative provision (this may be provided subsequently but at least 48 hours before the provision is due to start)
- their responsibilities to keep their child at home during the first five days of the exclusion
- relevant sources of free and impartial information (see below- advice for parents).

Cancelling exclusions

The Headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

- The headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect

Special Educational Needs, Disability and 'Looked after' Children

This policy pays particular regard to children with additional needs, special educational needs (SEN) and disabilities. We note that certain pupils are far more vulnerable to exclusion (e.g. pupils with statements of SEN and children who are described as 'looked after'). We have a legal and moral duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability.

The Headteacher will ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to it. This could include: differentiation in the school's behaviour policy, developing strategies to prevent the pupil's behaviour, requesting external help with the pupil and staff training.

Where a child with additional needs, a pupil with an Education Health Care Plan of SEN or a 'looked after' child has behaviour problems or is at risk of exclusion, we will work in partnership with others (including the local authority) to consider what additional support may be required.

Other than in the most exceptional circumstances, the school will avoid permanently excluding pupils with a statement of SEN. Where the pupil's behaviour makes this difficult, the school will seek advice from Hampshire County Council (HCC) and other relevant professionals. If the problems remain unresolved, the school will liaise with parents, pupil and HCC to provide additional support for the pupil or naming another school.

Notification of Exclusions

The head will also inform the Governing Body and the HCC of all permanent exclusions and all fixed period exclusions that extend beyond five days in any term². The head teacher must also inform HCC of any exclusion which means the pupil misses the chance to take a public examination/national curriculum test.

For all other exclusions the Headteacher must notify the local authority and Governing Body once a term.

For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also advise the pupil's 'home authority' of the exclusion without delay.

Marking Attendance Registers Following Exclusion

Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as

² Fixed period exclusions do not have to be for a continuous period and a pupil may be excluded for one or more fixed periods up to a maximum (in law) of 45 school days in a single academic year

Code B (Education Offsite) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E

Internal Exclusions

Internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons and in accordance with the school behaviour policy. It is not a legal exclusion so exclusions legislation and the DfE guidance on exclusion from school do not apply. Internal exclusion is a planned strategy. Its aim is to reduce formal exclusions by ensuring more effective responses to inappropriate behaviour in school. Internal exclusions will be monitored in the same way as incidents in general. Evidence of regular internal exclusions will prompt further dialogue with parents/carers. It may also trigger further discussions about the need for enhanced support if the child has additional or special needs.

Drug Related Exclusions

Any response to drug-related incidents will balance the needs of the individual pupils concerned with the wider school community. Government guidance confirms that it is for schools to decide what action to take following their own disciplinary procedures. Exclusion should not be the automatic response to a drug incident and permanent exclusion should only be used in serious cases. Drug use can be a symptom of other problems and there may be a need to involve or refer pupils to other services. For further details see: DfE and ACPO: [Drug advice for schools \(2012\)](#) .

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the child at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Advice for Parents

Exclusions are worrying for parents/carers and we will endeavour to work collaboratively with you. Relevant sources of free and impartial information include:

- Statutory guidance on exclusion (Exclusion from Maintained schools, Academies and pupil referral units in England 2017) is found [here](#)).

- The Advisory Centre for Education has produced this [guide](#) to the law on exclusion.
- Coram Children's Legal Centre has a factsheet [here](#).
- The independent education charity IPSEA has a range of [leaflets](#).

ANNEX A

GOVERNORS' REVIEW

The Governing Body has a duty to consider parents' representations about an exclusion. Their responsibilities vary depending on the type of exclusion.

The Governors must meet within 15 school days of a decision on exclusion if:

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

Additionally, on application by the parent, the Governing Body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than 5 school days, but not more than 15, in a single term. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Body will consider any representations made by parents, but it cannot direct reinstatement and it is not required to arrange a meeting with parents. Where an exclusion would result in a pupil missing a national curriculum test, the Governors will, so far as is reasonably practicable, consider the exclusion before the date of the test. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupil.

Procedure for review by

The procedure will be as follows:

Arranging a meeting

- The Governors will attempt to arrange a meeting at a time and date convenient to all parties. Parents can request a meeting to be held via the use of remote access but this should not be a default option. Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.
- Parents/carers must be invited to attend the meeting and may be represented (at their own expense) and bring witnesses
- At least three Governors should attend and a clerk will attend to take notes and advise on procedure.
- The Governors will not discuss the exclusion with any party outside of the meeting
- The Head will also be present and a representative of the local authority may also attend

- Where possible, the Governors will circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
- The Governors will also have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting.
- The Governors will identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his/her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding or how the excluded pupil may feed in his/her views by other means if attending the exclusion meeting is not possible

At the meeting

- The parents and Headteacher (and other witnesses) will have a chance to give evidence
- The Governors' decision is made on the balance of probabilities and must be based on the interests and circumstances of the excluded pupil and having regard to the interests of other pupils and people working at the school
- They must decide whether the head's decision was lawful, reasonable and procedurally fair
- Minutes will be taken of the meeting as a record of the evidence that was taken into account.

Making and communicating their decision

- The Governors may either uphold the exclusion or direct reinstatement immediately or on a particular date. If reinstatement is not possible because, for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the Governing Body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.
- The decision should be logged on the child's school record along with copies of the relevant papers
- The Governing Body must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.

Permanent exclusions

In the case of permanent exclusions, if the Governors decide that exclusion is justified, their letter to the parents/carers will (in accordance with statutory guidance in (Exclusion from Maintained schools, Academies and pupil referral units in England 2017) inform them of:

- the fact the exclusion is permanent
- their right to ask for the decision to be reviewed by an independent review panel
- the timescales for such a review and how the application should be made
- their right to ask for an SEN expert (at no cost to them) to attend the review (whether or not the school recognises that a pupil has SEN)
- their right to be represented (at their own expense)
- relevant free and impartial sources of information
- their additional rights to make a claim to the First Tier Tribunal if they believe that the exclusion has occurred as a result of discrimination within 6 months of the date on which the discrimination took place (i.e. date of exclusion).

A child must not be removed from the school roll until the outcome of any Independent Review Panel is known.

Duty to reconsider an exclusion decision following a review

Where an Independent Review Panel directs or recommends that the Governing Body should reconsider their decision, the Governing Body will do so within 10 school days of being given notice of the panel's decision.

In the case of either a recommended or directed reconsideration, the Governing Body will notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents

- the Headteacher
- the local authority and, where relevant, the 'home authority' if the pupil lives outside the school's local authority.