



## **Webheath Academy Primary School**

# **Exclusions Policy**

### **Other Policies linked to this policy:**

- 1: Behaviour Policy**
- 2: Friendship & Anti-bullying Policy**
- 3: SEND policy**
- 4: Equality Policy**
- 5: Physical Intervention Policy**

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**Team Ratified:** Full Governing Body

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## 1. Policy Statement

1.1 The Governor of Webheath Academy are committed to the Behaviour and Anti-Bullying Policy and recognise that in certain circumstances pupil exclusion may be an appropriate sanction.

1.2 The Governors have taken into account government advice contained in the following documents:-

- Exclusion from Maintained Schools, Academies and Pupil Referral Units;
- The School Discipline (Pupil Exclusions and Reviews (England) Regulations 2012);
- Preventing and Tackling Bullying. Advice for Headteachers, staff and Governing Bodies;
- Use of Reasonable Force;
- Screening, searching and confiscation;
- Ensuring Good Behaviour in Schools;
- DfE Dealing with allegations of abuse against teachers and other staff.

This policy should be read in conjunction with the Academy's Behaviour and AntiBullying Policy.

## 2. The Scope

2.1 This policy will apply to all pupils attend Webheath Academy Primary School.

## 3. Definitions

Indefinite exclusions are not permissible by law.

3.1 **Fixed Term Exclusion** ' –Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted.' (DfE Exclusion from maintained schools, Academies and Pupil Referral Units in England 2012.) All decisions to exclude are serious and only taken as a last resort or where the breach of the Academy rules is serious.

The following are examples of failure to comply with our Behaviour and Anti- Bullying Policy:-

- breaches of health and safety rules;
- verbal abuse of staff, other adults or pupils;
- possession of drugs/smoking related paraphernalia and/or alcohol-related offences;
- wilful damage to property;
- homophobic or racist bullying;
- bullying;
- sexualised behaviour;
- theft;
- making a false allegation against a member of staff;
- behaviour which calls into question the good name of the Academy;
- persistent defiance or disruption;
- minor assaults or fighting that is not pre-meditated or planned;
- other serious breaches of Academy rules.

The Headteacher is permitted to exclude a pupil for one or more fixed term periods not exceeding **45** days in one Academy year.

**3.2 Interim Exclusion** – on occasions, for a serious offence, the Headteacher may decide to exclude a pupil for an interim period. This will allow further, more detailed investigations to be undertaken.

On conclusion of the investigation the Headteacher will decide that either:

- the exclusion was justified and no extension is required; or:
- a further period of exclusion in the form of an extension is required; or:
- a permanent exclusion is necessary.

In both cases, the Academy will contact the parent of the excluded pupil prior to the expiry of the initial interim period.

**3.3 Permanent Exclusion** – a decision to exclude a pupil permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences have been employed to no avail or if an exceptional ‘one-off’ offence has been committed – these can include:-

- serious violence, actual or threatened, against a pupil or member of staff;
- endangering the health & safety of others;

Or any other one-off offence considered by the Headteacher to be an exceptionally serious one.

**3.4 Off-site Behaviour** – in certain circumstances, at the discretion of the Headteacher, the Academy will treat poor behaviour off-site as though it occurred on the premises. This usually involves such behaviour committed on the way to and from the Academy or during an educational visit.

**3.5 Drug-related Exclusions** – any decision to exclude will be based on the criteria indicated in the Academy’s Drug Education Policy.

**3.6 Lunchtime Exclusion** – the Headteacher can exclude a disruptive pupil for lunchtimes only, for a set period of time. These are recorded as half day exclusions.

**3.7 Looked After Children** – In line with government guidance every effort will be made to avoid excluding looked after children. In extreme cases where fixed or permanent exclusion is considered as the appropriate course of action, relevant parties will be consulted.

**3.8 Pupils with Special Educational Needs** – The Academy recognises that pupils with additional needs may not respond to the Behaviour and Anti-bullying Policy or may require an alternative range of sanctions. The Academy will engage proactively with parents/carers in supporting the behaviour of pupils with SEND. The Academy will, in partnership with others, consider what additional support or alternative placement may be required.

## **4. Roles and Responsibilities**

### **4.1 The Academy Governors**

4.11 The Governors will provide support to the Headteacher in exclusion issues whilst ensuring the Academy does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour.

4.12 The Governors will ensure that exclusion is used appropriately within the framework of the Academy's Behaviour and Anti-bullying Policy and will discharge its statutory duty regarding consideration of re-instatement of an excluded pupil.

#### **4.2 The Headteacher**

4.21 The Headteacher will take responsibility for the decision to exclude a pupil and it is part of the duty as a Headteacher to remain up to date with any statutory changes and to be fully knowledgeable with the Exclusion Policy and procedure.

4.22 The Headteacher must take lead responsibility for ensuring all stages in the process are documented accurately and effectively.

4.23 The Headteacher takes responsibility for keeping parents/carers informed at every stage.

#### **4.3 The Governors' Pupil Discipline Committee**

4.31 The Governors take responsibility for understanding their role as a member of a decision making committee and for being fully acquainted with this and other related policies.

4.32 The Governors take responsibility for having a Pupil Discipline Committee. The Pupil Discipline Committee takes responsibility for reviewing all exclusions and will ensure that they consider any representations from parents. The Governors have decided that for exclusions less than 6 days, only written representations will be accepted. The Governors' Pupil Discipline Committee takes responsibility for remaining up to date with any statutory changes.

#### **4.4 The Senior Leadership Team**

4.41 All members of the Senior Leadership Team must be fully conversant with this policy.

4.42 In the absence of the Headteacher, a Deputy Headteacher has responsibility for taking a decision to exclude, or not exclude, a pupil.

4.43 The SLT member on duty must ensure all incidents with potential to exclude are recorded accurately and efficiently.

#### **4.5 Training**

4.51 The Academy will ensure relevant staff and the Governors are up-to-date with regard to exclusion procedures and statutory duties.

#### **4.6 Parents/Carers**

Parents/carers will be responsible for supervising their child during and up to the first five days of any period of fixed term exclusion and will face a fixed penalty notice if their child is found in a public place in Academy hours without reasonable justification during this period.

### **5 The Procedure**

#### **5.1 Pre-Exclusion Procedure**

5.11 Before deciding to exclude a pupil the Headteacher must ensure that the following takes place:-  
- ensure an appropriate investigation has been conducted, that all relevant evidence has been considered, will encourage and give the pupil an opportunity to be heard and consult other relevant people if necessary.

5.12 The Headteacher should ensure all of these steps are recorded and make a decision based on the balance of probabilities as to whether the pupil should be excluded.

5.13 The Headteacher, in consultation with the Senior Leadership Team, should consider alternatives which may include the following:-

- a restorative practice process, whereby the harm caused to the 'victim' can be redressed;
- internal exclusion;
- a managed move to another education setting.

5.14 The Headteacher, in consultation with the Senior Leadership Team as required, should consider the following as inappropriate reasons for exclusion:-

- minor breaches of discipline;
- poor academic performance;
- truancy or lateness;
- in response to the (unacceptable) behaviour/attitude/conduct of a pupil's parents.

5.15 The Headteacher must ensure that special educational needs, disabilities, gender and cultural differences are considered before making a decision to exclude, taking into account that the Equality Act 2010 is adhered to.

5.16 The Headteacher will monitor exclusion data to ensure that vulnerable groups e.g. pupils from ethnic minorities, FSM or CLA are not disproportionately excluded. The Headteacher will include this analysis in reports to Local Governing Board meetings.

## **5.2 Exclusion Procedure**

### **5.21 Informing Parents about the Exclusion**

The Senior Leader on duty will inform parents without delay by telephone. This will be followed within one Academy day by a letter from the Headteacher. Contact with parents will include the following information:-

- in cases of fixed term exclusions, the length of the exclusion;
- in cases of permanent exclusion, that it is a permanent exclusion;
- the reasons for the exclusion;
- their right to make representations to the Chair of Governors, via the school;
- the name of the person to be contacted, if they wish to make representations.

The letter to parents will also state:

- the latest date by which the Governors' Pupil Discipline Committee must meet to consider the case;
- the parents' right of access to the pupil's Academy record;
- the date and time when the pupil should return to the Academy (with a fixed term exclusion) or the number of lunch-times for which the pupil is excluded (with lunch-time exclusions);
- with a permanent exclusion, its immediate effect and any relevant previous history;
- arrangements for the setting and marking of work (it is the parents' responsibility to ensure that work sent home is completed and returned to the Academy);
- the name and telephone number of the LA officer to be contacted for advice; and
- the website address of ACE (the Advisory Centre for Education).
- the contact details for Babcock and SENDIASS for support and advice.
- information if any Physical Intervention has had to be used.

5.22 The Academy will use letters according to the DfE Guidance "Exclusion from Maintained Schools, Academies and Pupil Referral Units in England".

### **5.3 Informing the Governors and the LA**

The Head will inform the Chair of Governors and the LA within one Academy day of:

- permanent exclusions;
- exclusions totalling more than 5 Academy days or 10 lunch-times per term;
- exclusions necessitating a pupil missing a public examination; and

The Headteacher will inform the Governors and the LA of fixed term exclusions amounting to 5 or fewer Academy days or 10 or fewer lunch-times (or half days) per term on a termly basis.

The Headteacher will include the following in his/her exclusion report;

- the name of the pupil to LA but anonymised to Governors;
- the duration of the exclusion;
- the reason(s) for the exclusion;
- the pupil's age, gender and ethnicity;
- whether the pupil has an EHCP or is on the SEND register;
- whether he/she is in Local Authority care.

#### **5.4 Exclusion Meetings with the Governors if requested**

5.41 On being informed of an exclusion by the Headteacher, the clerk or chair must:

- with fixed term exclusions totalling fewer than 6 Academy days in one term, consider representations from the parents (if these have been made), but the pupil cannot be reinstated;
- in the case of fixed term exclusions totalling more than 5, but not more than 15 Academy days, in any one term, convene a meeting to review the exclusion if the parents have asked to make representations before the 50th Academy day after being notified of the exclusion;
- in cases of permanent exclusion or where one or more fixed term exclusions add up to more than 15 days in any one term, arrange a meeting to review the exclusion no later than 15 Academy days after being notified of the exclusion;
- invite the parents, Headteacher and an LA officer to attend at a mutually convenient time and place and should:-
  - request written statements before the meeting; and
  - circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties.
- Set up a committee of no less than 3 governors to review the exclusion case/s

5.42 The parent may be accompanied by a friend or a legal representative. The excluded pupil would usually be allowed to attend and to speak if the parent requests this.

5.43 The Governors must comply with the statutory time limits, but is not absolved of its legal duties in the event of non-compliance (i.e., its decision remains valid even if it was made out of time).

The Committee will consider whether reinstatement is a practical option.

- The Committee may consider more than one exclusion at any one meeting where appropriate - In cases where a pupil will miss a public examination as result of exclusion, the Committee should endeavour to meet before the date of the examination. In extremis with fixed term exclusions, the chair of the Committee may consider the exclusion on his/her own and may reinstate.

#### **6. Reintegration Interviews**

6.1 On all occasions when a pupil is excluded from the Academy a reintegration interview must be requested with the pupil and parent/carer. This will be before they return from exclusion.

6.2 A record will be made on the pupil file should a parent choose not to attend.

#### **7. Education**

7.1 Education of pupils excluded for a fixed term – From September 2007, schools/Academies will be required to provide full time education from and including the sixth day of any period of fixed period exclusions of six days or longer. Days of fixed period exclusion are not to be aggregated. The education must be provided off site.

7.2 Education of pupils excluded permanently – From September 2007, local authorities will be required to provide full time education from day six of a permanent exclusion.

#### **8. Monitoring & Review**

- 8.1 The Headteacher will report at least annually on the number and type of exclusions and their outcome.
- 8.2 This policy is reviewed annually by the Local Governing Board.