



# Reach for the stars.

## HILL VIEW PRIMARY ACADEMY Exclusions Policy

### Rationale

This policy is underpinned by the shared commitment of all members of the School community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed,
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

### Principles

The decision to exclude a pupil will be taken in the following circumstances: -

- (a) In response to a serious breach of the School's Behaviour Management Policy;
- (b) If allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the Deputy Head who is acting in that role).

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Management Policy:

- Verbal abuse to Staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on Staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson. Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour. This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

### Exclusion procedure

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days). The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review all permanent exclusions from the School and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Governors have established arrangements to review fixed term exclusions that would lead to a pupil

being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Prior to exclusion of a child with SEND, the Head will check that the issue/incident has not arisen as a result of support needs not being met and consider any factors for mitigation or that the Exclusion does not discriminate under the terms of the Equalities Act 2010.

Parents/carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day, which will include details of where a copy of the Exclusion Policy can be obtained, if required.

If the Headteacher wishes to extend a fixed period exclusion the Headteacher will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above. Where exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Governors Discipline Committee.

A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of the Senior Leadership Team, and where appropriate the SENDCo, so that they understand the nature of their misbehaviour. This may need further clarification at the reintegration meeting.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the School premises, and that daytime supervision is their responsibility, as parents/guardians.

### **Pupils Returning from a Fixed Term Exclusion**

All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. A reintegration meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff including the SENDCo where appropriate. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school. It may also be relevant to complete a risk assessment at this meeting.

In some incidents, on the return from a Fixed Term Exclusion, pupils will be required to attend seclusion within the school so that a phased reintegration of the pupil can take place.

### **Permanent Exclusion**

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and or use of an illegal drug on School premises.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug
- Carrying an offensive weapon \*.

- Arson.

The School will consider police involvement for any of the above offences.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.” These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the School.

### **General factors the School considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the School or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period, the Head will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Behaviour Management Policy, Equalities Policy.
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Head is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

The nominated governor, LA Inclusion Officer and relevant school staff will be notified of all Permanent Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

### **Exercise of discretion**

In reaching a decision, the Head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider

- a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School’s Behaviour Management Policy and
- b) The effect that the pupil remaining in the School would have on the education and welfare of other pupils and staff.

Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the School’s usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors’ Pupil Discipline Committee, when it meets to consider the Headteacher’s decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil’s School record, witness statements and the strategies used by the School to support the pupil prior to exclusion.

### **Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Behaviour Management Policy. The School works closely with the Local Authority and other primary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and to the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

### **Lunchtime Exclusion**

Exclusions Policy June 2021

Pupils whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

### **Behaviour Outside School**

Pupils that attend Morning and After School Club are subject to the school behaviour policies. This includes that, if warranted, inappropriate behaviour may impact on not on only the temporary and/ or permanent withdrawal of the place at the Morning or After School provision but have implications for consideration under this exclusion policy.

Behaviour expectations and management for wider-curriculum clubs and trips are as school and contravention of the expectations described by the behaviour policy may result in a behaviour sanction, this may include Internal or External Exclusion. This includes pupils' behaviour outside School on school "business" for example school trips and journeys, away school sports fixtures. The Head Teacher has a statutory duty towards behaviour of pupils whilst they are on roll at the school, and any inappropriate/ illegal and antisocial behaviour will be considered, and after any mitigating factors are considered, may result in action being taken as if it had taken place in School. If pupils' behaviour in the immediate vicinity of the School or on a journey to and from school is poor and meets the School criteria for exclusion, then the Head may decide to exclude.

### **Drug Related Exclusions**

In making a decision on whether or not to exclude for a drug-related offence the decision will depend on the precise circumstances of the case and the evidence available. In some cases, fixed term exclusion will be more appropriate than permanent exclusion.

### **Appeals Process**

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

**Responsible:** Headteacher

**Changed:** YES

**Date Reviewed:** June 2021

**Date for policy review:** September 2022

**Approved by Board of Governors:** June 2021