



Quinton

Church Primary School

Exclusions Policy

Date	September 2023
Date for Review	September 2024

Our Christian Vision and Values at Quinton Church Primary School

This policy is embedded in our school's vision: Fullness of life for all, through working together with the love of Christ.

At Quinton Church Primary School, we believe that everyone should have life in all its fullness. Therefore, our aim is for everyone to be part of our **Christian community** where everyone is happy, safe and supported, feels **loved** and demonstrates kindness; understands **justice** and shows fairness to all; and receives high quality education and is empowered to live life to the full (John 10:10).

In our diverse community life - in the classroom, playground, staff room, and the wider community- our core life is one set on the belief that we are created by and in the image of a generous, loving and creative God who has justice for all at the origin of His being. We are humans created equally by this loving God whose desire for us is to experience life in all its depth and complexity, as well as to reach our full potential.

It is because of who God is that drives our whole school to seek the development of a community that is distinctive in its Christian core. In every part of the school experience, we want everyone to be happy, safe and supported, feeling loved and valued, experiencing fairness and equality, just as God has demonstrated this to us through the living example of his son, Jesus Christ.

As a school we are inspired by the instruction in Micah 6:8 "The LORD has told us what is good. What he requires of us is this: to do what is just, to show constant love, and to live in humble fellowship with our God."

Therefore, we will aim to demonstrate and encourage a life that understands justice and shows fairness in every circumstance; shows love to all, demonstrating kindness in every way; and living in recognising God in each other and in our community.

To support our vision, we have three overarching Christian Values: Be kind, Be fair, Be thankful. Any exclusions will be dealt with in-line with the school's vision and values. Conversations, with all parties, will be centered around kindness (including forgiveness), fairness and thankfulness.

Decisions will be made to ensure all parties are empowered to live life in all its fullness.

Introduction

A decision to exclude a pupil, either for a fixed period or permanently, is seen as a last resort by the school. 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. No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

Only the headteacher can exclude a pupil and this must be on disciplinary grounds.

Should it be decided for whatever reason the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a Child Protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the child will be able to return to school with a more positive attitude and a subsequent improvement in behaviour.

Reasons for Exclusion

Actions for exclusion from the school day should be implemented when a child is responsible for any of the following actions.

- risk of serious harm to the education or welfare of the pupil or others in the school
- physical assault on another child or member of staff.
- constant disruption to the education of other children.
- regular breaches of the school's behaviour policy, which result in the teacher being distracted from the task of teaching the class in order to attend to the needs of an individual child.
- deliberate and wilful damage to school property.

Any exclusion will be at the discretion of the Headteacher and through consultation with the BDMAT CEO.

Suspension

A suspension should be for the shortest time necessary; Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

Persistent or Cumulative Problems

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.

These could include:

- discussion with the pupil
- mentoring (support from the class teacher, SENCO or teaching assistant)
- discussions with parents
- target setting
- checking on any possible provocation
- mediation
- counselling
- internal exclusion

Single Incident

Fixed term exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary, the Headteacher will consult the Chair of The Local Academy Board or CEO of BDMAT.

Permanent Exclusion

A permanent exclusion is a very serious decision and the Headteacher will consult with the Chair of Local Academy Board and CEO of the BDMAT before enforcing it. As with fixed term exclusion, it will follow a range of strategies and be seen as a last resort for persistent breaches of school rules and behaviour policies such as:

- persistent bullying, or
- persistent racial harassment
- persistent noncompliance to school rules

or

it will be in response to a very serious behaviour breach or where allowing a pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Examples of this behaviour are:

- serious actual or threatened violence against another pupil or a member of staff
- possession or use of an illegal drug on school premises
- bringing an offensive weapon in to school

Please note this list is not an exhaustive list and these are only examples

The Decision to Exclude

If the Headteacher decides to exclude a pupil he/she will:

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision and ask that the child be collected
- send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or fixed term exclusion
- the length of the exclusion and any terms or conditions agreed for the pupil's return
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- plan how to address the pupil's needs on his/her return
- plan a meeting with parents and pupil on his/her return

Behaviour Outside School

Pupils' behaviour outside school, on school business e.g., on school trips, at sports fixtures, is subject to the school's behaviour policy. Inappropriate behaviour in such circumstances will be dealt with as if it had taken place in school. For behaviour outside the school, not on school business, the Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school. This includes online behaviours.

Marking Attendance Registers following Exclusion

When a pupil is excluded temporarily, he or she will be marked as absent in the Attendance Register using the appropriate code.

Pupils with Special Educational Needs and Disabled Pupils

The school must take account of any special educational needs when considering whether or not to exclude a pupil. We have a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should 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 the disability.

'Reasonable steps' could include:

- differentiation in the school's Behaviour Policy
- Individualised behaviour support plans
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is

a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, school should consider requesting an early annual review or interim/emergency review.

Students from racial minorities

The law places specific duties on schools to ensure they do not discriminate against pupils on racial grounds. Schools should monitor and analyse exclusions by ethnicity to ensure they do not treat some groups of pupils more harshly than others. Schools are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If an adverse impact is identified that cannot be justified, then the policy and practice should be reviewed.

Children in care

Exclusion of children in care should be an absolute last resort. Before exclusion, schools, in conjunction with the LA, should first consider alternative options for supporting the child.

Steps taken to avoid exclusion

Children whose behaviour is causing concern are the children who regularly fail to respond to the expectations set out in the Behaviour Policy. At this stage the class teacher should alert SLT to these concerns and a decision should be reached about the best course of action to be taken. Teachers of the younger age groups need to be aware that the policy is there to support all children and to act as a deterrent to all children who regularly breach reasonable expected standards. If the agreement is to place the child on the behaviour register, then procedures outlined below should be followed:

Preliminary Step

A member of the Behaviour Team will give a verbal warning to the child, who is placed on a behaviour card for an agreed period of time. The teacher will use circle time and other strategies to reinforce the behaviour policy of the school.

Stage 1: An attempt to get children back on track when they are not meeting the standards required by school. This is when the normal mechanisms in school are not having an impact on patterns of behaviour or severity of incidents. Most children will be successful at stage 1 and will work their way off the plan. At stage 1 support should be viable within the classroom setting as an integral part of quality first teaching.

Stage 2: This is often an escalation of stage 1 when the behaviour plan is not having an impact. A pupil can however move straight to stage 2 if there has been a significantly serious incident. It is not necessary to go through each behaviour plan stage to access the next. At stage 2, a pupil's school place is being considered and they are beginning to be at risk of losing that place in the school due to their negative behaviour. Additional support will be sought from external agencies and interventions may be introduced. At this stage alternative provision or a managed move will be considered with the aim of keeping the child in education.

Stage 3: The final escalation of the behaviour support package prior to a child's permanent exclusion. There are times when it is necessary and correct to permanently exclude. Second chances cannot be offered continually. Stage 3 requires intensive support and an awareness and consistency of approach by all adults known to the child. The aim and aspiration of this stage is always for the child to make improvements in their behaviour and to be able to move back down the stages. It is likely that children who are moved to stage 3 will have already been subject to fixed term exclusions.

Reasons for excluding a child placed at level 3 on the schools Behaviour Register

Parents and children are made aware at the start of the process that failure to modify and control anti-social behaviour in school will result in fixed term exclusion from school. As the child progresses through the stages the likelihood of the exclusion rises.

Parents of children at Level 3 of the policy, who are not complying with school rules will be called to meet SLT, who will state that the behaviour changes needed are not in evidence. It will be explained that one further unacceptable incident will result in an exclusion of between one and five days.

Exclusion from school is a serious step to take however this step is sometimes the only course of action available to the school. Actions for exclusion from the school day should be implemented when a child is responsible for any of the following actions:

- physical assault on another child or member of staff.
- constant disruption to the education of other children.
- regular breaches of the schools behaviour policy which result in the teacher being distracted from the task of teaching the class in order to attend to the needs of an individual child.
- deliberate and wilful damage to school property.

It is likely that a combination of the above will contribute to exclusion. Parents will be contacted immediately and invited to school to discuss the seriousness of their child's actions.

Excluding a child not on the Behaviour Register

Occasionally, a child not listed on the Behaviour Register seriously breaches the schools Behaviour Policy. In these circumstances, after a thorough investigation by the Headteacher, consideration will be given to the use of a one to five-day fixed term exclusion in order to show the child that the school will not tolerate such actions. Similarly, the parents of any other parties involved will be made aware of the course of events and action taken by the school.

The Headteacher may consider that the behaviour of a child poses a serious threat to the safety and welfare of others. If this is the case a longer period of exclusion will be implemented and a meeting of the Senior Leadership Team will be convened to consider the possibility of a permanent exclusion. The school will provide work for the child to complete at home.

Staged returns to school

Consideration should be given to the staged return of a child into school. If this is considered to be a suitable course of action it should be noted in the IEP. However, the school recognises that this type of arrangement is one which can only be entered into voluntarily with the child's parents. If agreement is given, the re-integration plan will be carefully staged and monitored by SLT. At all times, work will be provided for the child to complete when not in school and free school meals provided in the form of sandwiches.

Exclusion at lunchtime

All parents and children should be made aware that inclusion in lunchtime is dependent on the school's ability to reasonably supervise children. If a child regularly presents behaviour difficulties which cannot be regulated by normal school sanctions the Head Teacher must consider implementing lunchtime exclusion. Prior to implementing exclusion, the Head Teacher will warn the child and will meet with the parents expressing the school's concerns. Children who are entitled to free school meals will be provided with sandwiches if this is the wish of the parents.

The governing board's duty to consider an exclusion

The governing board has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors.

The governing board must consider the reinstatement of an excluded pupil 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 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.

The requirements are different for fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.

Parents still have the right to make representations to the governing board and must be made aware of this right.

The following parties must be invited to a meeting of the governing board and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the head teacher; and

The governing board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

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 board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents

When establishing the facts in relation to an exclusion the governing board 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'.

In the light of its consideration, the governing board can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

Where legally required to consider reinstating an excluded pupil, the governing board must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.

The notice to parents will either be:

- Delivered directly to parents,
- Delivered to their last known address or
- Posted first class to their last known address

Notice is deemed to have been given on the same day it is delivered or on the second working day after posting if it is sent first class mail.

In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must also include the information below.

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing board's decision is given to parent);
 - b) where and to whom an application for a review (and any written evidence) should be submitted;
 - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the exclusion;
 - d) that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;
 - e) details of the role of the SEN expert; and
 - f) that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.
- That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.
- That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

Duty to arrange an independent review panel

If applied for by parents within the legal time frame, the academy trust must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil or
- 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.

Any application made outside of the legal time frame must be rejected by the academy trust.

The academy trust must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents may request an independent review panel even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.

The academy trust must take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin within 15 school days of the day on which the parent's application for a review was made (panels have the power to adjourn a hearing if required).

The venue must be accessible to all parties.

The academy trust must arrange a venue for hearing the review.

Whatever the venue, the panel must hold the hearing in private unless the academy trust directs otherwise.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections