



# Exclusion Policy

## September 2016

Next Review Due: September 2018

## HMFA Exclusion Policy

POLICY DATE: 1<sup>st</sup> September 2016

REVIEW DATE: September 2018

### Introduction

We do not wish to exclude any child from school, but sometimes in exceptional circumstances this may be necessary. The school has therefore adopted the standard national list of reasons for exclusion, and the standard guidance, *Exclusion from maintained schools, academies and pupil referral units in England January 2015*). We refer to this guidance in any decision to exclude a child from school.

It is the policy of all HMFA schools to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. (See Behaviour Policy).

Only the Head Teachers have the power to exclude a child from school. An exclusion may be carried out by a member of the senior management team but only after consultation with the Head Teacher. The Head Teacher may exclude a child for one or more fixed periods, for up to 45 days in any one school year. However, individual exclusions should be for the shortest time necessary, bearing in mind that exclusions of more than a day or so make it more difficult for the pupil to re-integrate into the school. In all cases work must be set and marked.

In extreme and exceptional circumstances the Head Teacher may exclude a child permanently. It is also possible for the Head Teacher to convert a fixed-term exclusion into a permanent exclusion, if the circumstances warrant this.

## **Fixed-term and permanent Exclusions**

Exclusion must not be decided in the heat of the moment unless there is an immediate risk to the safety of others in the school or the pupil concerned. A decision to exclude a child should be taken only:

- In response to serious breaches of the school's Behaviour Policy.
- Once a range of alternative strategies have been tried and have failed (unless the breach of behaviour policy is extreme).
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils.

Before reaching a decision the Head Teacher must:

- Consider all the relevant facts and firm evidence to support the allegations made, and take into account the school's policy on equal opportunities.
- Allow the pupil to give their version of events.
- Check whether the incident appeared to be provoked by racial or sexual harassment.
- If necessary, consult others, being careful not to involve anyone who may later take part in the statutory review of their decision, e.g. a member of the Governors' Pupil Discipline Committee.
- When establishing the facts in relation to an exclusion the Head Teacher must apply the civil standard of proof and not the criminal standard of "beyond reasonable doubt". This means that if something is more likely than not to have occurred ("on the balance of probabilities") then the standard is met.

Exclusion should **NOT** be used for:

- Minor incidents such as failure to do homework or to bring dinner money in.
- Poor academic performance.
- Lateness or truancy.
- Breaching school uniform policy, including hairstyle or wearing jewellery.
- Punishing pupils for the behaviour of their parents, for example, by extending a fixed period exclusion until the parents agree to attend a meeting.

If the Head Teacher excludes a child, he informs the parents immediately, giving reasons for the exclusion. At the same time, the Head Teacher makes it clear to the parents that they can, if they wish, appeal against the decision to the governing body. The school informs the parents how to make any such appeal.

When a child is excluded, the school must, 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
- the parents' right to make representations about the exclusions to the governing body
- how any representations should be made
- 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

The school must also notify the pupil's parents of the actual school days on which they must ensure that their child is not present in a public place at any time during school hours. Parents who fail to comply with this duty without reasonable justification commit an offence and may be given a fixed penalty notice or prosecuted.

School will provide work for pupils up until the fifth day of any exclusion and then from the sixth day of a fixed-term exclusion. From the sixth day the pupil will be educated off site at one of our cluster schools.

If a child is excluded for more than five days i.e. six or more, on the sixth day the school must arrange suitable full-time education. This provision must begin no later than the sixth school day of the exclusion. HMFA schools carry out this legal obligation by having a reciprocal agreement with other schools within the cluster. A Teaching Assistant is provided to attend the host school with the excluded pupil.

The Head Teacher informs the Local Authority (LA) about any permanent exclusion and about any fixed-term exclusions (by returning a copy of the exclusion via SIMs).

The school will hold a reintegration meeting with the pupil and their parents/carers as the pupil comes back to school. The purpose of the reintegration meeting will be to support the pupil in order that further exclusions are not necessary.

The school will initiate a Pastoral Support Plan for any child who is considered to be at risk of exclusion and a CAF (common assessment framework) may also be considered if necessary. The school will work actively with the Inclusion Manager (Rebecca Shephard) taking into consideration a Managed Move or Managed Transfer if appropriate.

This school would consider permanent exclusion only as a very last resort. Permanent exclusion would only be considered for serious breaches of the school's behaviour policy when all other options had been exhausted.

### **Governing Body**

The Head Teacher must, without delay, notify the governing body of:

- a permanent exclusion (including where a fixed period exclusion is followed by a decision to permanently exclude the pupil)
- exclusions which would result in the pupil being excluded for more than five school days in a term
- exclusions which would result in the pupil missing a public examination or national curriculum test

The governing body itself cannot either exclude a child or extend the exclusion period made by the Head Teacher.

The governing body has a discipline committee which is made up of between three and five members. This committee considers any exclusion appeal on behalf of the governors. When an appeal panel meets to consider exclusion, they consider the circumstances in which the child was excluded, consider any representation by parents and the LA, and consider whether the child

should be reinstated. If the governors' appeals panel decides that a child should be reinstated, the Head Teacher must comply with this ruling.

When convening and holding an exclusion appeal panel the Governors will refer to guidance set out in *Exclusion from maintained schools, academies and pupil referral units in England (January 2015)*.