

# Haytor View Community Primary School & Nursery

## Statement on the Exclusion Procedures 2020 - 21



*Learning together - enjoying success - aiming high - celebrating difference – enriching community*

This Statement has been adopted by adopted by FGB.

The Governing Body has adopted policies in line with the document: 'Statutory Policies, document and information required by schools. Checklist for Community, Voluntary Controlled, Voluntary Aided and Foundation Schools'.

These are reviewed annually as part of the Governor Annual Review Cycle.

The statement references the following DfE document in implementing Exclusion Procedures: *Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017*

The school follows the Local Authority's processes for management of exclusion processes.

### **Exclusion - Department for Education Definition**

'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. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.'  
(DfE 2017, Section 2, Key Points)

### **Overview**

The DfE Guidance is clear that exclusion is a sanction, a punishment for actions that seriously or persistently breach the school's behaviour policy. Exclusion, particularly permanent exclusion, should only be considered as a last resort. A head teacher taking a decision to exclude a pupil must be satisfied that there has been a serious breach or persistent breaches of the school's behaviour policy AND the pupil remaining in school will seriously harm their own or others' education or welfare.

Exclusion is never in the best interests of the pupil, nor does it give a pupil access to specialist provision that would otherwise not have been available. Pupils with special educational needs, including those with social, emotional and mental health difficulties, experience disproportionately high rates of exclusion. The DfE Exclusion Guidance expects schools to take additional action to reduce the risk of exclusion of pupils with SEN in addition to the reasonable adjustments schools must make under the Disability Discrimination Act 2002. The Guidance is clear that it is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet.

Looked After Children are particularly vulnerable to exclusion. If we are concerned that a Looked After pupil is at risk of exclusion, we engage the Local Authority Virtual School at the earliest possible opportunity

Early and thorough assessment of need is essential to inclusion. Identifying the needs of pupils at the earliest opportunity, planning intervention and support with partners, implementing and reviewing those plans under the SEN code of practice, can all reduce the risk of exclusion.

### **Types of Exclusion**

Exclusion involves a child not being allowed to attend school for a defined period of time. There are two kinds of exclusion:

- ! A fixed period exclusion is where a child is temporarily removed from school and is not allowed to return for a specified number of days.
- ! A permanent exclusion means a child's name will be removed from the school register and they will not be allowed to return to that school at all.

## **The Role of Exclusion**

The following information is contained within the School's Behaviour Policy:

### Internal exclusions

Internal exclusions are part of the school provision as detailed above, children will be asked to go to the Phase Leader in the event that their behaviours is getting in the way of their own and/or other children's learning.

Loss of playtime is not used as a punitive measure. Playtimes are not used as a punishment for inappropriate behaviour. Nor is loss of playtime used as a means for children to complete learning.

Children may be required to stay in at playtime in order to support guided reflection and engage in follow up discussion with an adult following repeated inappropriate behaviour.

### Formal Exclusions

Repeated inappropriate behaviour, which includes bullying and racist incidents, that does not improve following support programmes, parental involvement or sanctions may result in a fixed term or permanent exclusion of the pupil.

One off, incidents of a more serious nature may result in a fixed term or permanent exclusion.

Where parents have been asked to collect a child from school, formal exclusion processes are followed.

The child's age and the nature of any disability will be taken into account when these decisions are made.

The decision to exclude can only be taken by the Head teacher, or in her /his absence by the Deputy Headteacher. Exclusions will follow the Devon Guidance on Exclusions.

The school follows the Exclusion Guidance detailed by the Local Authority, the school works with the Local Authority Inclusion and Reintegration Officer, in the management of fixed term and permanent exclusions

### **The Role of Governors:**

- ! Have a First Committee of three members as required. The Head of Learning and Development will not be a member of this committee. The committee will have regard to any guidance given by the Secretary of State;
- ! They will review this policy annually;
- ! Have reported to them instances of Bullying, Discrimination and Exclusions;

### **Behaviours which are not acceptable at Haytor View Community Primary School and Nursery (this list is not exhaustive, but provides guidance):**

Physical Assault Against a Pupil or Adult:

- ! violent behaviour
- ! wounding
- ! obstruction and jostling
- ! Fighting (with another child)

Verbal Abuse or Threatening Behaviour Against Another Child or Adult:

- ! threatened violence
- ! aggressive behaviour
- ! swearing
- ! homophobic abuse and harassment
- ! verbal intimidation
- ! carrying an offensive weapon

Bullying, including:

- ! verbal
- ! physical
- ! homophobic bullying
- ! racist bullying (racist taunting and harassment/derogatory racist statements/swearing that can be attributed to racist characteristics)

- ! Cyber bullying

Drug and Alcohol Related:

- ! smoking
- ! alcohol abuse
- ! substance abuse

Damage:

- ! vandalism
- ! graffiti

Theft:

- ! stealing school property
- ! stealing personal property (pupil or adult)
- ! stealing from local shops on a school outing
- ! selling and dealing in stolen property

Persistent Disruptive Behaviour:

- ! challenging behaviour
- ! disobedience
- ! persistent violation of school expectations of appropriate behaviour

**Decision to Fix Term Exclude a Child:**

The decision to exclude a child is a last resort and will only be taken after a full range of alternative strategies have been tried, and only:

- ! in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- ! where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

When establishing the facts in relation to an exclusion decision, the Senior School Leader must apply the standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true. This means that the Senior School Leader should accept that something happened if it is more likely that it happened than that it did not happen. The Senior School Leader should consider all the relevant facts and verified evidence to support any allegations made and take into account the school's policy on equal opportunities and whether any incidents are provoked by racial or sexual harassment. If there is doubt that the child/young person actually did what is alleged, the Senior School Leader will not exclude the child/young person. Only a Senior School Leader has the authority to exclude a pupil.

The school recognises that all children have a right to education and will take reasonable steps to set and mark work for pupils during the exclusion. The Senior School Leader will formalise the fixed term exclusion in writing, outlining the length of time, the reason for the exclusion and reminding the parent/carer of their duty to ensure the young person is not present in a public place in school hours during the exclusion period – this will be based on the Local Authority Model Letters. The letter will also state details of the reintegration meeting and contact details for the local authority representative.

The reintegration meeting is to agree with pupil, parents/carers the expectations of behaviour following the child/young person's return. Any fixed term and permanent exclusions will be appropriately recorded on the child's records.

**Decision to Permanently Exclude a Child:**

A decision to exclude a child/young person permanently is a serious one. If the school is considering a permanent exclusion of a child/young person the local authority and the parents/carers will have been given an opportunity to attend a meeting with the school to discuss the matter.

If following the meeting the school wishes to proceed with a permanent exclusion, the parent/carer and local authority shall be given the opportunity to make representations (if required, in person) in connection with the exclusion to the Governing Board in line with Local Authority process.

If the school feels that it can no longer meet the needs of an individual pupil for serious breaches of the school policies then the Senior School Leader will have ensured regular communication with parents/carers and local authority professionals as to what the potential next steps maybe.

If permanent exclusion is the final decision for the school then this process will be managed with all relevant parties' involvement to ensure a supportive move from the school.

The Senior School, Leader will ensure that the permanent exclusion is confirmed with all parties in writing within 24 hours of the child leaving the school, ensuring the reasons why are clear. The Local Authority model letters will be used.