

# Haytor View Community Primary School & Nursery

## Statement on Exclusion Procedures 2024 - 25



*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:  
***Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – Guidance for maintained schools, academies and pupil referral units in England.***

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

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

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For the vast majority of pupils, suspensions<sup>1</sup> and permanent exclusions may not be necessary, as other strategies can manage their behaviour. If these approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff can work in safety and are respected.

This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating calm, safe, and supportive environments where both pupils and staff can work in safety and are respected. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

### **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:

- In guidance provided the word 'suspension' is used to refer to what legislation calls and exclusion for a fixed period. A suspension 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 Relational 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 suspension or permanent exclusion of the pupil.

One off, incidents of a more serious nature may result in a suspension 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 suspensions 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

**The Head Teacher's Power to Suspend or Permanently Exclude:**

Only the head teacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

Head teachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made.<sup>15</sup> Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.

Suspensions

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.<sup>18</sup> The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

#### Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- 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 such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered. Paragraph 8 provides further guidance on utilising online pathways and the potential significance of SEND law.