



# EXCLUSION POLICY

(Non-Statutory Policy)

**(Pupil Wellbeing Committee)**

(Approval by Pupil Wellbeing Committee – 3 Year Review Cycle)

<b>Date to be implemented from:</b>	
<b>Date to be reviewed by:</b>	
<b>Date Reviewed by Sub Committee:</b>	
<b>Approved by:</b> Signed: ..... (Chair – Pupil Wellbeing Committee) (Print Name) ..... Date .....	
<p><i><b>This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.</b></i></p> <p><i><b>This Policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this School.</b></i></p>	

## Policy Statement

1.1 St Andrew's School affirms that individuals are entitled to equal rights, responsibilities and opportunities. The School strives to ensure that all individuals are equally valued and everyone is treated with respect.

1.2 St Andrew's School will meet its requirement to have an Exclusion Policy as part of our Behaviour strategy and meet any other legislation or requirements to ensure a calm, safe environment for pupils, staff, parents/carers and visitors.

1.3 The Policy will be readily accessible within the School on the Website and in hard copy on request.



## St Andrew's C of E School, Totteridge

### 2 Reviewing the Policy

2.1 Reviewing the Policy – St Andrew's School will assess the implementation and impact of this Policy on a continuous basis and undertake a regular formal review on an annual basis to ensure it is fit for purpose.

### 3 School Vision

3.1 Our vision is to become an outstanding School within a loving, Christian community.

3.2 Our parents/carers, children and staff will work together to enable all children to:

- achieve their potential
- learn in a safe, stimulating environment
- enjoy learning now and in the future

### 4 Purpose of Policy

4.1 At St Andrew's School, we are a Values School committed to educating and establishing an environment where all members of our community are equally valued and treated with respect. This Policy sets out our expectations and gives a framework for implementation.

4.2 We expect children to demonstrate our values and respect our School rules. When children are demonstrating exemplary behaviour then everyone in the class is able to learn and reach their potential.

4.3 At St Andrew's School, the vast majority of our children are co-operative, polite and well-motivated individuals.

4.4 Parents are usually supportive of the School, co-operating fully when consulted about the behaviour of their children. Close co-operation between School and Home is seen as developing the best environment in which each child can learn.



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4.5 **Each child has the right to learn undisturbed by disruptive behaviour.**

4.6 **Each teacher has the right to teach free from disruptive behaviour.**

4.7 This Policy must be closely linked with the Behaviour Policy and Policies that relate to Equalities. Permanent Exclusion would be only be considered as a last resort when the pupil has failed to respond in a positive manner to the strategies and stages in the Behaviour Policy and any Fixed Period Exclusions.

## **5 Aim of Policy**

5.1 The aim of this Policy is to create a culture and ethos where unacceptable behaviour is addressed in order to prevent any further disruption, intimidation or danger to those in the School.

5.2 This Exclusion Policy provides a framework that translates the values and aims of the School into effective procedures to enable each child to enjoy a calm and secure atmosphere in which to learn.

5.3 We always aim to include and not exclude. We approach challenging behaviour in a supportive and positive way and we recognise that sometimes poor behaviour can be symptomatic of a deeper need and may flag up other needs, issues or challenges the pupil is facing. All children may go through times of inappropriate behaviour and we will monitor this in case there are temporary underlying issues that need to be dealt with (eg. illness, bereavement, being bullied).

5.4 Our aim is that every member of the School community feels valued and respected. We are a caring Christian community whose values are built on mutual respect for all.



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### 6 Definitions

6.1 An exclusion means that a pupil is not allowed to attend School or go on to School premises for a period of time or permanently.

***(NB. New rules that have been applied during the pandemic and all exclusions occurring between 1 June 2020 and 24 March 2021 are subject to amended arrangements regarding remote access for meetings and deadlines for applications for an independent review. Schools should refer to: <https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak> ).***

6.2 Any decision to exclude must be lawful (with respect to the legislation relating directly to exclusions and a School's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010), rational, reasonable, fair and proportionate.

6.3 *Fixed period exclusions:*

- are for a fixed number of School days – Headteachers cannot exclude for an indefinite number of days
- an individual fixed period exclusion should be, in the first instance, for the shortest time necessary, they must not exceed 45 School days in an academic year either as a single exclusion or a cumulative total of shorter exclusions combined
- they do not have to be for a continuous period
- the behaviour of a pupil outside School may be considered grounds for an exclusion
- they may take place at lunchtimes but should not be for a long periods and if the child has FSM, the School must make other arrangements such as a packed lunch.
- lunchtime exclusions are counted as half a School day for statistical purposes



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

### 6.4 *Permanent exclusion:*

- In response to a serious breach or persistent breaches of the School's Behaviour Policy and the Headteacher believes that the School can no longer meet the needs of the child and by allowing them to remain would seriously harm the education or welfare of others
- the Headteacher's decision is reviewed by a panel of Governors. The child and their parents/carers have the opportunity to have their say at the meeting or may be represented by someone who can speak on their behalf. If the Governors support the Headteacher's decision to permanently exclude the child, parents/carers have a legal right to review by an Independent Review

## 7 **Key Points**

7.1 Good discipline in Schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports Headteachers in using Exclusion as a sanction where it is warranted.

7.2 The decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. Accurate documentation and recording by the School is vital to demonstrate the actions that have been taken and the outcomes of those actions.

7.3 It is unlawful to exclude for a non-disciplinary reason.

7.4 Disruptive behaviour can be an indication of unmet needs. Schools should give particular consideration to the fair treatment of pupils from groups who are



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vulnerable to Exclusion or have protected characteristics when considering Exclusion. The Headteacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or any looked after child (LAC).

7.5 Any decision to exclude is only for the Headteacher to take. Wherever practical, the Headteacher should give the pupil an opportunity to present their case before taking the decision to exclude.

7.6 Schools should take reasonable steps to set and mark work for pupils during the first five School days of the Exclusion and alternative provision must be arranged from the sixth day.

7.7 The 2014 amendment to the Education (Provision of Full-Time Education for Excluded Pupils. England. Regulations 2007) clarified that consecutive periods of exclusion are considered as one continuous period for the purposes of making arrangements for the provision of suitable full-time education for a pupil of compulsory School age who is excluded for a fixed period on disciplinary grounds.

7.8 Schools should have a strategy for reintegrating pupils that return to School following a Fixed Period Exclusion and strategies for managing future behaviour.



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### 8 Procedures

8.1 A decision to exclude is a serious one and should not be done in the 'heat of the moment' though obviously quick-thinking action will be needed where there is an immediate threat to the safety of others in the School or the pupil concerned.

8.2 Parents should also not be asked to keep their child at home 'voluntarily' at any time. Informal or 'unofficial' Exclusions are illegal even if they are suggested with the agreement of parents/carers ie. pupils cannot be sent home as part of a 'cooling off' period. Anytime a pupil is sent home for poor behaviour reasons then it must be formally recorded as an Exclusion.

8.3 Appendix A shows the main reasons that Exclusions occur.

8.4 Appendix B shows a Permanent Exclusion Flowchart.

8.5 Appendix C shows the Flowchart for the Exclusion Appeals process.

***NB new guidance from the Department was published regarding the processes during the exceptional impact of the current pandemic. These are time limited and hence, what follows is the process under normal times.***

*Process:*

8.6 We will treat all children fairly and apply this Policy consistently and only exclude a pupil if other sanctions have already been tried and have not been successful.

8.7 We will use the Policy to promote good relationships so that people can work together with the common purpose of ensuring all pupils learning is not held back by disruptive behaviour.

8.8 Decisions to exclude (fixed term or permanent) will only be taken only in response to serious breaches of the Behaviour Policy or where allowing a pupil to remain at School would seriously harm the education or welfare of the pupil or others in School.



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8.9 Following a period of sustained unacceptable behaviour or a single case of an extremely dangerous and/or violent act, the School will invoke the Exclusion Procedures.

8.10 A thorough investigation will be carried out and the Headteacher will consider all the allegations and evidence (taking into account the Equal Opportunities, Disability, and Behaviour Policies and children who have SEND needs, LAC or protected characteristics) to ensure there was no provocation in relation to bullying, sexual harassment, prejudice or racism. The duties under the public sector equality duty must be considered.

8.11 The Headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

8.12 Evidence and actions by staff, pupil statements and witness statements must be collated, signed and dated accurately.

8.13 The Headteacher must be content that the substantiating evidence and burden of proof indicates a high probability that the allegations are true and upheld in order to Exclude.

8.14 The Headteacher is not required to postpone taking a decision on an Exclusion solely because a Police investigation is underway and/or any criminal proceedings may be brought.

8.15 The child and parent/carers will be warned orally of the possibility of Exclusion should unacceptable behaviour continue to be demonstrated by a pupil.

8.16 Failure to improve behaviour to the required standard within a specified time frame, will result in the pupil being excluded, initially for a period of between 1 and 4 days.

8.17 Parents/carers will be notified immediately by telephone and asked to remove their child from the School.

8.18 They will be given a formal letter, without delay, outlining the reason(s) for Exclusion, the Exclusion process, responsibilities of the School and parents/carers during the Exclusion period and details of procedures eg. Appeals Procedure.





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8.19 The Chair of Governors and appropriate agencies of Barnet LA will be notified of the Exclusions. If it is a permanent exclusion and the pupil lives outside the LA area in which the School is located, the Headteacher must also notify the pupil's home LA of the exclusion and the reason(s) for it without delay.

8.20 The School will provide suitable Schoolwork during the Exclusion period.

8.21 There will be a planned managed programme of support for the pupil for her/his return to School (which may include input from staff at the School, parents, School Support Team, Attendance Service, external services and, if where appropriate, the child). This will be discussed with the parents/carers prior to the pupil's return to School.

8.22 It is envisaged that in most cases following Exclusion, the pupil will be able to return to School and that the support programme will promote in the pupil a more positive attitude and a subsequent improvement in behaviour.

8.23 If the monitoring indicates that there is no discernible improvement in behaviour, then further sanctions may need to be implemented. Permanent Exclusion is appropriate where it is the final step in a process for dealing with disciplinary offences following a wide range of other strategies being used without success.

8.24 There are exceptional circumstances, where in the Headteacher's judgement it could demand a Permanent Exclusion even if it is the first known offence:

Serious actual violence against another pupil or staff member

Sexual abuse or assault

Supplying or in possession of an illegal substance

Carrying an offensive weapon with intent to harm others

8.25 **All staff** will:

- follow the Behaviour Policy and alert the SLT and inclusion Leader where they recognise that a pupil's behaviour is worsening and they are not responding to the agreed strategies
- pay particular attention to pupils who are at risk of Exclusion – who should be monitored with accurate records of the behaviour patterns that are developing



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- understand that Exclusion cannot be used for:

poor academic performance or for a pupil simply because they have additional needs or a disability that the School feels it is unable to meet

lateness or truancy

minor incidents such as failure to do homework or to bring in dinner

money minor short-term breaches of school uniform rules

punishing pupils for the actions or non-compliance by

parents/carers 'protecting' victims of bullying by sending them home

as a threat or 'bargaining tool' to influence parents/carers to remove their child from the School

### 8.26 The **School Leadership** will:

*Headteacher (only the Headteacher, including an Acting Headteacher, has the power to Exclude)*

- ensure the procedures are followed and meet the requirements of the latest Guidance on Exclusion from the DfE
- encourage of culture of inclusion rather than exclusion
- monitor the discipline and delivery of the curriculum to ensure inclusion and good behaviour strategies
- ensure staff undertake regular behaviour management training
- make the decisions regarding the imposition impose of Fixed Period or Permanent Exclusions
- take account of their legal duty of care when sending a pupil home following an Exclusion
- take account of statutory duties in relation to SEND when administering the Exclusion process
- take into account the needs of pupils with protected characteristics and the public sector equality duty.
- notify parents/carers about Exclusion without delay and in writing, identify the type of Exclusion, give the reasons for it, how and when representations can be made by and to whom and what the parents/carers responsibility is regarding their child during the Exclusion within School hours



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- notify without delay any Permanent Exclusion, Fixed Period Exclusions of more than five days or where the Exclusion would result in the pupil missing a NC Test to the LA
- notify without delay any Permanent Exclusion, Fixed Period Exclusions of more than five days or where the Exclusion would result in the pupil missing a NC Test to the Governing Body
- notify without delay any Permanent Exclusion to the home LA where the pupil does not live in the Borough where the School is located
- notify the LA and Governing Body once a term of any other Exclusions
- when notifying parents/carers about an Exclusion draw attention to relevant sources of free and impartial information available to parents/carers
- when notifying parents/carers about an Exclusion set out what arrangements have been made to enable the pupil to continue with their education during Exclusion
- make appropriate representations to any Governors Panels reviewing the Exclusion
- lead a return to School meeting with parents/cares prior to the pupil returning after an Exclusion
- remove a pupil's name from the School Admissions in line with amended Education (Pupil Registration - England) Regulations 2006 and DfE Children Missing Education Guidance following Permanent Exclusion

### *Governance*

- Fulfil the requirements of the duties of Governors under Section 51A Education Act 2002 and Regulations made under this section and the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.
- It is the responsibility of the Governing Body to decide if the Headteacher has taken the appropriate action in Excluding the pupil and whether the length of Exclusion is also appropriate in the circumstances
- Governors will provide and convene a Panel to hear parental/carers representations about an Exclusion in line with DfE Guidance - ' Exclusion from maintained Schools, Academies and pupil referral units in England: A guide for those with



## legal responsibilities in relation to Exclusion **St Andrew's C of E School, Totteridge**

- The Governor's Panel will consist of three Governors (with one from the Pupil Wellbeing Committee)
- Where legally required to consider an Exclusion, the Governing Body will notify, in writing without delay, the parents/carers, LA (or home LA for pupils living in another Borough) and the Headteacher, their decision and the reasons for it
- In the case of a Permanent Exclusion the Governing Body's notification must also include a clear statement that it is Permanent and explain the process(es) parent/carers can follow if they wish for an Independent Review Panel or feel the decision is a result of discrimination
- Whole Governing Body will receive termly updates regarding Exclusions and comment on the data, offering support and challenge to the Headteacher regarding Exclusions



## APPENDIX A

### NATIONAL STANDARD LIST OF REASONS FOR EXCLUSIONS

This list provides descriptors of reasons for Exclusions and the main reason for Exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for Exclusions and the “other” category should be used sparingly. The further detail suggesting what the descriptors cover should be used as a guide and this list – it is not intended to be used as a tick list for Exclusions. In reaching a decision on whether to exclude Headteachers need to refer to the Department’s guidance published in January 2016, entitled “Behaviour and Discipline: Advice for Headteachers and School Staff.”

#### **Physical assault against pupil**

Includes:

- fighting
- violent behaviour
- wounding
- obstruction and jostling

#### **Physical assault against adult**

Includes:

- violent behaviour
- wounding
- obstruction and jostling

#### **Verbal abuse / threatening behaviour against pupil**

Includes:

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



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### **Verbal abuse / threatening behaviour against adult**

Includes:

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

### **Bullying**

Includes:

- verbal
- physical
- homophobic bullying
- racist bullying

### **Racist abuse**

Includes:

- racist taunting and harassment
- derogatory racist statements
- swearing that can be attributed to racist characteristics
- racist bullying
- racist graffiti

### **Sexual misconduct**

Includes:

- sexual abuse
- sexual assault
- sexual harassment
- lewd behaviour
- sexual bullying
- sexual graffiti



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### **Drug and alcohol related**

Includes:

- possession of illegal drugs
- inappropriate use of prescribed drugs
- drug dealing
- smoking
- alcohol abuse
- substance abuse

### **Damage**

Includes damage to School or personal property belonging to any member of the School community:

- vandalism
- arson
- graffiti

### **Theft**

Includes:

- 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** Includes:

- challenging behaviour
- disobedience
- persistent violation of School rules

### **Other**

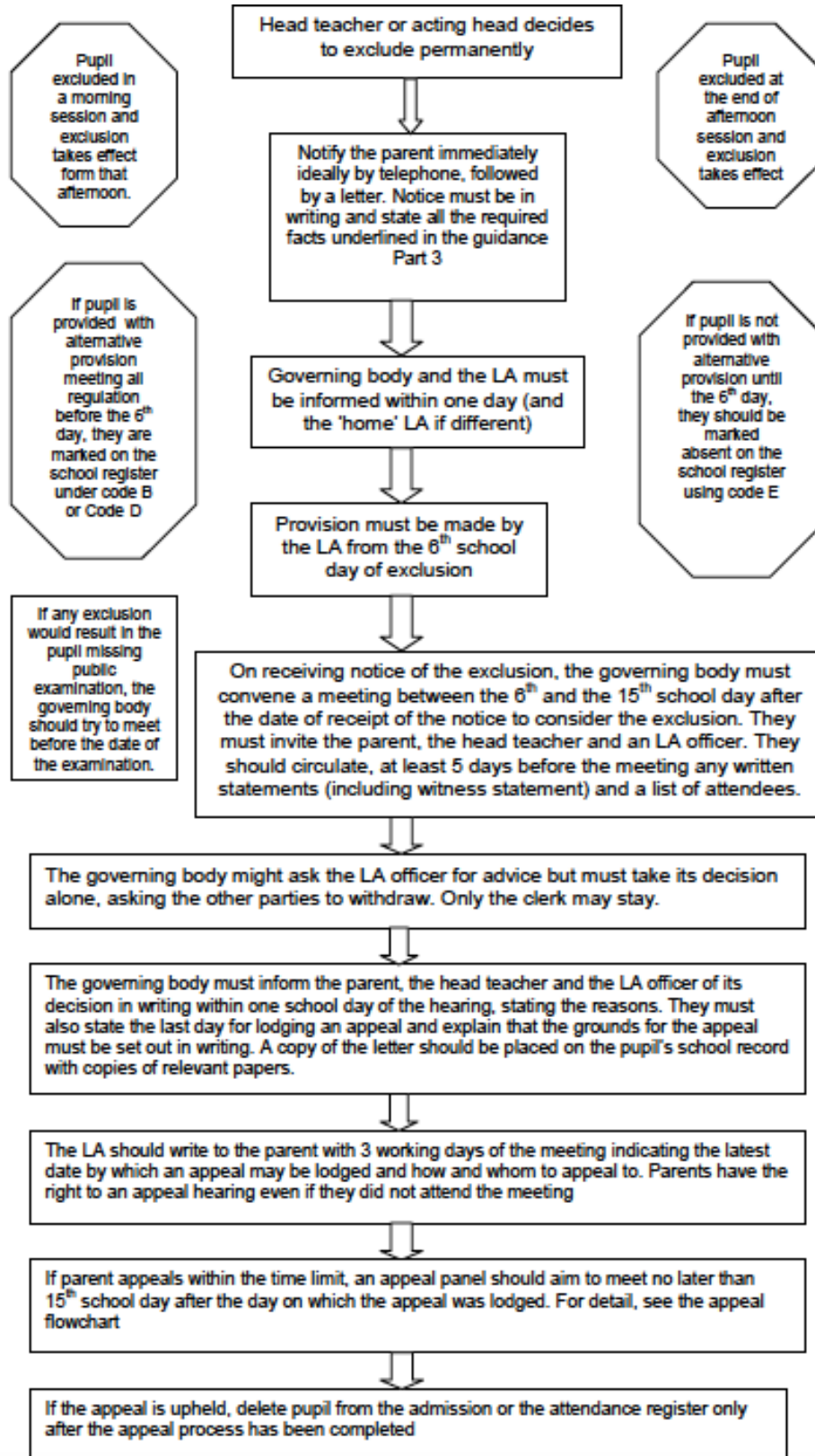
Includes incidents which are not covered by the categories above but this category should be used sparingly



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## APPENDIX B

### PROCESS CHART



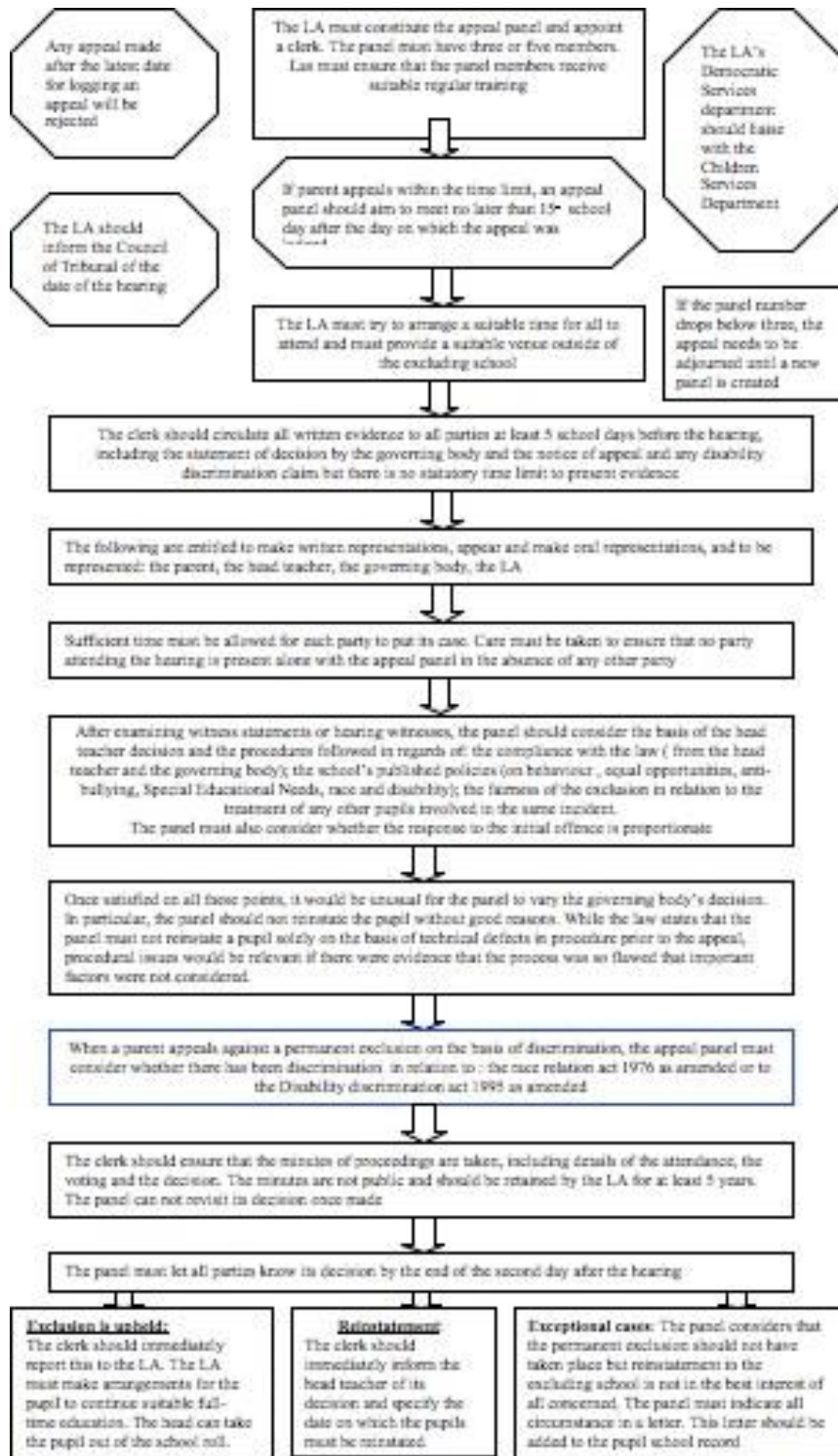




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## APPENDIX C

### APPEALS PROCESS





## St Andrew's C of E School, Totteridge

### 9 Sources of further information and support

Statutory Guidance: School Exclusion – Gov.UK

<https://www.gov.uk/government/publications/school-exclusion>

Governors' Exclusion Panels: purpose and membership – The Key

<https://schoolgovernors.thekeysupport.com/curriculum-and-pupils/behaviour-attendance/discipline-exclusions/discipline-committee/>

The Exclusion from School of children aged four to seven - OfSTED

[http://dera.ioe.ac.uk/4175/1/The\\_exclusion\\_from\\_school\\_of\\_children\\_aged\\_four\\_to\\_seven%5B1%5D.pdf](http://dera.ioe.ac.uk/4175/1/The_exclusion_from_school_of_children_aged_four_to_seven%5B1%5D.pdf)

Behaviour and Discipline: Advice for Headteachers and School Staff – DfE

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

Internal Exclusion Guidance - DCSF

<http://dera.ioe.ac.uk/712/1/DCSF-00055-2010.pdf>