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**Monkwick Junior School**

**Exclusion Policy**

**Approved by Governors - May 2018**

**To be Reviewed - May 2020**

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**Monkwick Junior School - Exclusions Policy - May 2018**

***(To be read alongside the Behaviour and Anti-Bullying Policies)***

This document describes the Academy’s exclusions policy and its implementation. The headteacher is responsible for implementation of the policy. The governor’s responsibility is to monitor and review the policy and also ensure its implementation.

**Aims**

To develop a whole school exclusions policy which works alongside the behaviour policy which is supported and followed by the whole school community, parents, staff and children, based on a sense of community and shared values.

To minimise the number of pupils at risk of either permanent or fixed period exclusion.

**Managing Behaviour in school**

For those at risk, additional measures may include:

1. The school engaging with parents

2. Consideration by the SENCO, with colleagues, of possible interventions within school

3. Assessment of SEN, including possible placement in a special school

4. Allocation of a key worker such as a Learning Mentor or Wellbeing Mentor

5. A change of teaching set or class

6. Referral to a specific support service, such as the Education Welfare Service, Children’s Services or the Emotional Wellbeing and Mental Health Services

7. A managed move to another academy or school, with the consent of all parties involved; this can be successful for pupils at risk of exclusion and as an alternative to permanent exclusion.

The school will intervene as early as possible to address emerging behaviour problems, including those masking underlying learning difficulties or disabilities, thereby minimising the need for permanent exclusion.

Pastoral Support Programmes (PSPs) help pupils better manage their behaviour. A PSP will normally involve a number of interventions, as listed above. It is particularly appropriate for those pupils whose behaviour is deteriorating rapidly.

The behaviour of pupils at risk of exclusion is sometimes driven by complex combinations of social, emotional and health problems, often involving multi-agency teams. In all cases where a child is receiving support from more than one agency, one practitioner will act as the ‘lead professional’ to co-ordinate support and provide a single point of contact for the child and family.

**Alternatives to Exclusion**

The following options may be used in response to a serious breach of behaviour policy:

**a) Restorative justice**, which enables the offender to redress the harm that has been done to a ‘victim’, and enables all parties with a stake in the outcome to participate fully in the process.

**b) Mediation** through a third party, usually a trained mediator.

**c) Internal exclusion** which can be used to defuse situations that occur that require a pupil to be removed from class but may not require removal from the school premises. The internal exclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal exclusion will be for the shortest time possible and subject to review.

**d) Managed move** to another school to enable the pupil to have a fresh start in a new setting. The head teacher may ask another head teacher to admit the pupil. This should only be done with the full co-operation of all the parties involved, including the parents, governors and the LA, and in circumstances where it is in the best interests of the pupil concerned. Parents will never be pressured into removing their child from the school under threat of a permanent exclusion, nor will pupils’ names be deleted from the school roll on disciplinary grounds unless the formal permanent exclusion procedures set out in statute have been adhered to or unless a managed move has been agreed by all relevant parties.

**Removing Pupils from the Academy Site**

There are four sets of circumstances in which individual pupils may be required to leave the school site:

a) There is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded for a fixed period or permanently.

b) A pupil is accused of a serious criminal offence but the offence took place outside the school’s jurisdiction. In these circumstances the head teacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated off site for a certain period, subject to review at regular intervals. This is not an exclusion.

c) For medical reasons, a pupil’s presence on the school site represents a serious risk to the health and safety of other pupils or staff. In these circumstances a head teacher / teacher in charge may send the pupil home after consultation with the pupil’s parents. This is not an exclusion and may only be done for medical reasons.

d) The pupil is given permission by the head teacher / teacher in charge, or person authorised by them, to leave the school premises briefly to remedy breaches of the school’s rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence.

**No child would ever be sent off the premises without being collected by a parent or carer.**

**The Decision to Exclude**

A decision to exclude a pupil permanently should be taken only:

• In response to serious breaches of the school’s behaviour policy

• If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others

A decision to exclude a pupil for a fixed period should be taken only in response to breaches of the school’s behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are inappropriate. Individual fixed period exclusions should be for the shortest time necessary. Where it is clear that fixed period exclusions are not being effective in deterring poor behaviour the head teacher will consider alternative strategies for addressing that behaviour.

Only the head teacher (or in the absence of the head teacher, the deputy head teacher), can exclude a pupil. Other exclusion related activities do not have to be undertaken by the head teacher personally, but may be delegated.

A decision to exclude a pupil permanently is a serious one and will only be taken where the basic facts have been clearly established. It is the final step in the process for dealing with disciplinary offences following a wide range of strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and is used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher’s judgement, it is appropriate to permanently exclude a child for a first or ‘one off’ offence. These might include:

• Serious actual or threatened violence against another pupil or a member of staff

• Sexual abuse or assault

• Supplying an illegal drug

• Carrying an offensive weapon

Where a criminal offence may have taken place, the school will inform the police and other agencies such as the Youth Offending Team or social workers.

**Lunchtime Exclusion**

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day. A lunch time exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for pupils who are entitled to free school meals to receive their entitlement which may mean providing a packed lunch.

**Reintegration Interview**

The head teacher must arrange a reintegration interview with parents during or following the expiry of any fixed period exclusion of a pupil. The pupil should attend all or part of the interview. The interview should be conducted by the head teacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher for Looked After Children or children with SEN.

The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

• Emphasise the importance of parents working with the school to take joint responsibility for their child’s behaviour

• Discuss how behaviour problems can be addressed

• Explore wider issues and any circumstances that may be affecting the child’s behaviour

• Reach agreement on how the child’s education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour

• Create a useful forum to consider with parents the possibility of a parenting contract

The head teacher will try to arrange the interview for a date/time that is convenient for the parent. If possible the interview should be held on the day the pupil returns to Academy. At least one of the child’s parents is expected to attend the meeting.

The LA must constitute the appeal panel and appoint a clerk. The panel must have three or five members. Las must ensure that the panel members receive suitable regular training

The LA must try to arrange a suitable time for all to attend and must provide a suitable venue outside of the excluding school

Any appeal made after the latest date for logging an appeal will be rejected

The LA’s Democratic Services department should liaise with the Children Services Department

The LA should inform the Council of Tribunal of the date of the hearing

If parent appeals within the time limit, an appeal panel should aim to meet no later than 15th school day after the day on which the appeal was lodged.

The following are entitled to make written representations, appear and make oral representations, and to be represented: the parent, the head teacher, the governing body, the LA

Sufficient time must be allowed for each party to put its case. Care must be taken to ensure that no party attending the hearing is present alone with the appeal panel in the absence of any other party

Once satisfied on all these points, it would be unusual for the panel to vary the governing body’s decision. In particular, the panel should not reinstate the pupil without good reasons. While the law states that the panel must not reinstate a pupil solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered.

When a parent appeals against a permanent exclusion on the basis of discrimination, the appeal panel must consider whether there has been discrimination in relation to : the race relation act 1976 as amended or to the Disability discrimination act 1995 as amended

After examining witness statements or hearing witnesses, the panel should consider the basis of the head teacher decision and the procedures followed in regards of: the compliance with the law ( from the head teacher and the governing body); the school’s published policies (on behaviour , equal opportunities, anti-bullying, Special Educational Needs, race and disability); the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

The panel must also consider whether the response to the initial offence is proportionate

The clerk should circulate all written evidence to all parties at least 5 school days before the hearing, including the statement of decision by the governing body and the notice of appeal and any disability discrimination claim but there is no statutory time limit to present evidence

If the panel number drops below three, the appeal needs to be adjourned until a new panel is created

The clerk should ensure that the minutes of proceedings are taken, including details of the attendance, the voting and the decision. The minutes are not public and should be retained by the LA for at least 5 years.

The panel can not revisit its decision once made

The panel must let all parties know its decision by the end of the second day after the hearing

**Exclusion is uphold:**

The clerk should immediately report this to the LA. The LA must make arrangements for the pupil to continue suitable full-time education. The head can take the pupil out of the school roll.

**Reinstatement**:

The clerk should immediately inform the head teacher of its decision and specify the date on which the pupils must be reinstated

**Exceptional cases**: The panel considers that the permanent exclusion should not have taken place but reinstatement in the excluding school is not in the best interest of all concerned. The panel must indicate all circumstance in a letter. This letter should be added to the pupil school record

**Contact parent:** The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child’s welfare must always be the prime consideration

**Lunchtime exclusion**: Pupils who are disruptive during the lunch time may be excluded just for the duration of the lunch time. Lunchtime exclusion will count as half a day for statistical purpose and for parents to make representation but are not counted in the school’s 6th day duty to provide full-time education.

**Decision**: Head teacher, acting head teacher, or teacher in charge of a PRU takes the decision to exclude a pupil for a fixed period.

**Educational provision during the exclusion**:

* The school has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the exclusion.
* Where a Looked After Child is excluded provision should be in place from the 1st day of exclusion.
* Schools in the former BIP still receiving additional funding should make provision from the first day of exclusion.

**Reintegration interview**:

The head teacher or a senior member of staff should arrange and conduct a reintegration interview with a parent and the pupil at the end of the exclusion at a date and time convenient for the parent on the school premises.

The notice for a reintegration interview must be given no later that 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

If the parent fails to attend, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates’ Court when deciding whether to impose a parenting order.

Primary: School **must** offer a reintegration interview after any exclusion

Secondary: School **must** offer a reintegration interview for an exclusion of 6 or more school days.

**Exclusion during morning session**: the exclusion takes effect from the afternoon session, notice must be given to the parent before the start of the afternoon session.

**Exclusion during afternoon session**:

- if the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.

- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon session

**Written notice**: The head teacher must give a written notice to the parents informing them of:

* the precise period and the reasons of the exclusion;
* the parent’s duties during the first five days;
* the parents right to make representation to the Governing body and how the pupil may be involved in this;
* The person the parent should contact if they wish to make such representation;
* The arrangement made by the school to set and mark work for the pupil during the initial 5 days of the exclusion;
* if relevant, the school day on which the pupil will be provided with full-time education; and
* if relevant details of a reintegration interview.

The head must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Pupil’s can excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

If the school or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with the school or LA in attempting to improve the child’s behaviour, the school or LA may consider applying to the Magistrate’s Court to compel the parent to comply with certain requirements. See related guidance.

Trigger point for Pupil at risk is established

Early intervention

Has early intervention been put into place?

Consider options such as:

restorative justice, mediation, managed move, internal exclusion

No

Yes

No

Have Alternatives to exclusions been considered?

Head teacher or acting head teacher decide whether a permanent or a fixed term exclusion is appropriate

Yes

Head teacher will:

* have ensured that a thorough investigation has been carried out;
* consider all the evidence available to support the allegations, taking into account the school various policies and where applicable, the race relation act and the disability discrimination act;
* allow and encourage the pupil to give his version of the events;
* Check whether the event might have been provoked, for example by bullying or sexual or racial harassment;
* Keep a written record of the action taken (and copies of records made by other members of staff) including any interviews with the pupils concerned. The statements must be dated and signed whenever possible; and
* If necessary, consult others, but not anyone who might be have a role in reviewing the decision.

Head teacher or acting head decides to exclude permanently

Notify the parent immediately ideally by telephone, followed by a letter. Notice must be in writing and state all the required facts underlined in the guidance Part 3

Governing body and the LA must be informed within one day (and the ‘home’ LA if different)

Provision must be made by the LA from the 6th school day of exclusion

Pupil excluded in a morning session and exclusion takes effect form that afternoon, notice must be given before the art of the following the afternoon session

Pupil excluded at the end of afternoon session and exclusion takes effect form the next school day, notice must be given before the start of the day

If pupil is provided with alternative provision meeting all regulation before the 6th day, they are marked on the school register under code B or Code D

If pupil is not provided with alternative provision until the 6th day, they should be marked absent on the school register using code E

On receiving notice of the exclusion, the governing body must convene a meeting between the 6th and the 15th school day after the date of receipt of the notice to consider the exclusion. They must invite the parent, the head teacher and an LA officer. They should circulate, at least 5 days before the meeting any written statements (including witness statement) and a list of attendees.

The governing body might ask the LA officer for advice but must take its decision alone, asking the other parties to withdraw. Only the clerk may stay.

The governing body must inform the parent, the head teacher and the LA officer of its decision in writing within one school day of the hearing, stating the reasons. They must also state the last day for lodging an appeal and explain that the grounds for the appeal must be set out in writing. A copy of the letter should be placed on the pupil’s school record with copies of relevant papers.

If any exclusion would result in the pupil missing public examination, the governing body should try to meet before the date of the examination.

The LA should write to the parent with 3 working days of the meeting indicating the latest date by which an appeal may be lodged and how and whom to appeal to. Parents have the right to an appeal hearing even if they did not attend the meeting

If parent appeals within the time limit, an appeal panel should aim to meet no later than 15th school day after the day on which the appeal was lodged. For detail, see the appeal flowchart

If the appeal is upheld, delete pupil from the admission or the attendance register only after the appeal process has been completed