

Oakington C of E Primary School



Anti-bullying Policy

January 2020

Review Date: Spring 2022

Local Governing Body

Exclusion Arrangements

At Oakington, we are keen to avoid exclusions wherever possible. However, a pupil will be excluded from lessons or school when he/she has breached the school's behaviour policy seriously or persistently. This is a serious sanction and will be considered in light of the conduct in question and by taking into account the school's policy.

When deciding whether to exclude a pupil, the Head Teacher considers the school's responsibilities under the Equality Act 2010. She will also only exclude after a full investigation has taken place in order to ascertain what has happened and why.

On excluding a pupil, the Head Teacher will notify parents/carers of the period of the exclusion and the reasons for it.

In the case of fixed-term external exclusions, she will also inform parents/carers of their right to make representations about the exclusion to the Local Board of Governors.

During the external exclusion the pupil is expected to be at home and work will be provided. Parents/carers are required to attend a reintegration meeting following the external exclusion prior to the pupil's return to lessons.

Exclusions can be a worrying, upsetting and difficult time for you and your child. Provided here is a brief overview of the process involved if your child has either been excluded from school permanently or for a fixed period (including lunchtimes).

The process of exclusion that all schools must follow is based on DfE guidance, 'Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with responsibilities in relation to exclusion. (September 2017).

The exclusion guidance affects all pupils, including those who may be below or above compulsory school age. However, the guidance in relation to education provision on the sixth day, only applies to those children who are of compulsory school age and are excluded for more than five days. This means if your child is of compulsory school age, they will continue to receive an education provision on the sixth day of exclusion.

Purpose of this policy

This policy is designed to outline the school's approach to exclusions within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

1. Principles

1.1 As a school, we feel it is important to promote a caring and supportive environment to enable all members of the school community to feel secure, respected and therefore promote good behaviour in others.

1.2 The development of personal qualities and social skills and the fostering of socially acceptable behaviour are an integral aspect of the school curriculum.

1.3 Exclusion is a sanction used by the school only in cases deemed as a **serious breach** or **persistent breaches** of the school's Behaviour Policy.

A pupil may be at risk of an exclusion from school for:

- serious fighting
- verbal or physical assault of another pupil or adult;
- threatening/intimidating behaviour towards other pupils and/or adults;
- bullying behaviour including racism;
- abusive language directed at another pupil or adult;
- defiance towards any authorised adult in the school;
- damaging school or others' property;
- persistent and repetitive disruption of lessons and other students' learning;
- extreme misbehaviour, which is deemed outside the remit of the normal range of sanctions.

1.4 In most cases, except for the most extreme, the Head teacher will have considered the following before making a decision about an exclusion:

- Verbal or written reports from members of staff;
- Discussions with the pupils concerned;
- Discussions with the parent/s of the pupils concerned;
- Responses to any of the following:
 - consequences as outlined in the Behaviour Policy;
 - entries into the behaviour log on MyConcern;
 - communication to parents reporting incidences of poor behaviour.

Types of Exclusion

- a. A **Fixed Term Exclusion** from the school can only be authorised by the Head teacher or Deputy Head teacher acting on their behalf. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

- b. In the case of a **Permanent Exclusion** this can only be authorised by the Head teacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Head teacher.

The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.

The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Notification of an Exclusion

- i. The pupil who has been excluded will have the reason for his/her exclusion explained to them by either the Head teacher or Deputy Head teacher, so that they understand the nature of their misbehaviour and why it is unacceptable.
- ii. If an incident takes place at the end of the school day or after school that day, the parents of the pupil will be contacted and a meeting with the parents and pupil will be arranged for the next morning to investigate the incident and provide the pupil with an opportunity to discuss what took place and why, before a decision to exclude is made.
- iii. The parents will be notified as soon as possible of the decision to exclude and the reasons for the exclusion. The evidence leading up to the decision will be explained.
- iv. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting.
- v. In the case of a Permanent Exclusion parents will be notified by the Head teacher in a face-to-face meeting.
- vi. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day, outlining:
- the reason(s) for the exclusion;
 - the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
 - parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- vii. Where an excluded pupil is of compulsory school age the Head teacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier).
 - Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.
- viii. The Chair of Governors and the Local Authority will be informed, and a copy of the letter to parents made available.

ix. The school administrator will record the nature and length of the exclusion on the School's Information Management System

x. The exclusion will be reported to the next Full Governing Body meeting. This will include the reason(s) for the exclusion and the duration of any fixed-period exclusion.

xi. Work will be set for the pupil to complete at home during a fixed-period exclusion. This will be made available to the parents on the morning following an exclusion.

Students Returning from a Fixed Term Exclusion

All students returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school.

For permanent exclusions:

e. A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a Head teacher may decide to permanently exclude a pupil because of on-going issues or even for a 'one-off' incident.

f. In the case of a Permanent Exclusion this can only be authorised by the Head teacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Head teacher of the school.

If your child has been permanently excluded, be aware that:

- The Head teacher will inform the parents of the decision in a face- to-face meeting. The parents will be informed of the decision and the reasons for it. The evidence leading up to the decision will be explained.
- A letter of confirmation will be sent on the same day by first-class post outlining the reasons for the decision, the procedures for appeal which are open to the parents.
- The Chair of Governors will be informed, and a copy of the letter to parents made available.
- The school's governing body is required to review the Head teacher's decision and you may meet with them to explain your views on the exclusion;
- The local authority must provide full-time education from the sixth day of a permanent exclusion.
- A special meeting of a delegated committee of the Governing Body will be called within fifteen working days of the date of exclusion, of which the parents will be notified, in order to consider the decision of the Head teacher

2. The governing body's duty to consider an exclusion

All correspondence regarding an exclusion from the school will inform parents of their right to make their case about the exclusion of their child to the governing body. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

- For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing body must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

- For all permanent exclusions, the governing body must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a key stage 2 test taken at the end of primary school).
- For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15, the governing body must consider reinstatement within 50 school days if the parent asks it to do this. If the governing body decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing body's decision.

Exclusions Committee

2.1 The Governing Body delegates authority to a committee comprising at least three governors, of whom the Head teacher shall not be one.

2.2 The membership of the committee shall be reviewed annually at the first full meeting of the Governing Body of each year.

2.3 The committee is delegated the authority, to consider:

- the report of the Head teacher in respect of the decision to exclude a pupil;
- the representations of the parents of the pupil (if present);
- to question those involved, if appropriate;
- to allow cross-questioning, and;
- to decide either to endorse the decision of the Head teacher, or to direct the Head Teacher to reinstate the pupil.

3. The local authority's duty to arrange an independent review panel

If applied for by parents within the legal time frame, the local authority must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil. Further details of this requirement are outlined in DfE guidance, 'Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with responsibilities in relation to exclusion. (September 2017).

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil, or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision.

Whether or not a school recognises a pupil as having Special Educational Needs (SEN), all parents have the right to request the presence of an SEN expert at an independent review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review.

4. Relationship to other school policies

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Equalities Policy and Special Educational Needs Policy. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

5. Monitoring and Review

a) The impact of this policy will be reviewed by the governors' Curriculum Committee of the Governing Body and through Head Teacher's Reports to Governors

b) The Head teacher will provide the Committee with regular monitoring reports, which will help it to evaluate the effectiveness of the policy and procedures.

c) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders

Appendix 1 – Extract from DfE guidance, 'Exclusion from maintained schools, academies and pupil referral units in England.'

Statutory guidance for those with responsibilities in relation to exclusion.

(September 2017).

A guide for parents/carers

Parent/Carer Guide on Exclusion

Disclaimer

This non-statutory document is not replacing the statutory guidance on exclusion and is intended only to support parents' understanding of the exclusion process.

The exclusion legislation applies to maintained schools; pupil referral units (PRUs); and academies/free schools – other than 16-19 academies. It applies to all pupils at these schools, including those who are above or below compulsory school age, for example where a school also has a nursery or a sixth form. It does not apply to fee-paying independent schools, stand-alone nurseries, stand-alone sixth form colleges and other post-16 provision, such as Further Education colleges. These have their own exclusion arrangements.

If you are unsure in which category your child's school fits, you can find this information in Edubase: <http://www.education.gov.uk/edubase/home.xhtml>.

Glossary

The term '**must**' refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, '**parents**' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term '**governing board**' includes the governing body of a maintained school, the management committee of a PRU and the academy trust of an academy.

Fixed-period Exclusion: when a pupil is barred from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent Exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: This refers to the education arrangements made for excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision can be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour.

Reasons for exclusion:

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded, and the decision to exclude lies with the head teacher. Head teachers can only exclude a pupil for a disciplinary reason (e.g. because their behaviour violates the school's behaviour policy). They cannot, for example, exclude a pupil for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A head teacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

Schools have the power to send a pupil to another education provider at a different location to improve their behaviour without the parents having to agree.

A school can also transfer a pupil to another school – a process called a '**managed move**' – if they have the agreement of everyone involved, including the parents and the admission authority for the new school.

Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded (see below). Any fixed-period exclusion must have a stated end date.

Exclusion process:

What happens when my child is excluded?

Please go to the section entitled 'What happens when your child is excluded' on the gov.uk website: <https://www.gov.uk/school-discipline-exclusions>.

What are the legal obligations on a school when excluding a pupil?

When a head teacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the length of the exclusion;

xii. the parents' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved; and

xiii. when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

xiv. **Is there a limit to the number of times my child can be excluded?**

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more; and also they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools.

Lunchtime exclusions – where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

xv. **Scrutiny of the exclusion Can I question the decision to exclude my child?**

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents. For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE) or a national curriculum test (e.g. a key stage 2 test taken at the end of primary school). For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this. If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. Information on school discipline and exclusions issued by the Department for Education can be found here:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

xvi. **What can I do if I feel my child is being discriminated against in the exclusion process, for example because he/she has a disability?**

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the governing board.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. When making their request parents can ask for a Special Educational Needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion:

www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm

The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through http://www.childrenslegalcentre.com/index.php?page=education_legal_practice
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: schoolexclusions@nas.org.uk
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/> You may also wish to access the following sources of advice from the Department for Education:

The Department's guidance to schools on exclusion

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

'School discipline and exclusions' and 'Complaint about a school or childminder':

<https://www.gov.uk/school-discipline-exclusions/exclusions> and <https://www.gov.uk/complain-about-school>

Arrangements for my child after exclusion

Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion.

From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements). If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their exams or national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education provided from the sixth day of exclusion (unless they have arranged suitable alternative education themselves).

Approval

Head Teacher	Nathan Clark	Signed		Date	
Co-Chair		Signed		Date	