Tavistock Primary and Nursery School

Senior Leader responsible for managing this policy	
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EXCLUSIONS POLICY

Tavistock Primary and Nursery School is committed to valuing diversity and to equality of opportunity.

We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never “give up” easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

Partnership with Parents

Parents working in partnership with the school to consistently reinforce the school’s expectations is an important factor in every child’s success. In Tavistock Primary and Nursery School, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Behaviour Policy;
- Anti-Bullying Policy;
- Home-School Agreement

Tavistock Primary and Nursery School

1. Aims

Our schools aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

2. The decision to exclude

Tavistock Primary and Nursery School recognises that all children are special irrespective of special educational need, disability, gender or social status. However, taking into account all the circumstances, the evidence available and the need to balance the interests of the pupil against those of the whole school community, the Headteacher will decide whether to exclude a pupil, for a fixed term or permanently, should the child meet the appropriate criteria.
In the first instance Tavistock Primary and Nursery School will promote positive behaviour, early intervention and the use of behaviour data to assess patterns of challenging behaviour in pupils. Where patterns emerge, we will systematically intervene, drawing up an action plan with the child, parent/carer and teacher and review this regularly (and where necessary with the involvement and collaboration of multi-agency professionals). Tavistock Primary and Nursery School are of the opinion that permanent exclusions are a last resort.

An alternative to exclusion will be sought where possible, e.g. restorative justice, mediation or internal exclusion.

For those at risk, additional measures will be taken where appropriate, e.g.:

- The school engaging with parents;
- A change of teaching set or class;
- Involvement of multi-agency professionals (e.g. educational psychologist, school counsellor etc.)
- Curriculum alternatives where appropriate, including attendance at an alternative provision.
- A managed move to another school, with the consent of all parties involved;
- Close liaison with the Local Authority (LA) and their Special Educational Needs team to review a child's needs and provision and investigate any relevant statutory support (e.g. an Education, Health and Care Plan). Further discussions or options by the LA (in collaboration with parents/carers) may include possible placement in a specialist setting that may be better able to meet the child's needs.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"…the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

Tavistock Primary and Nursery School

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

In response to serious or persistent breaches of the school's behaviour policy, and

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Executive Head will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- 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
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Tavistock Primary and Nursery School has, and asks parents to sign, a Home School Agreement that outlines the responsibilities of the parent and the school, including those around behaviour and attendance. Parents are under a legal duty to ensure that their child (aged 5-16) receives a suitable full-time education either at a school or by making other suitable arrangements.

3. Roles and responsibilities

3.1 The Headteacher:

- **Informing parents**

The Headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant

- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

- **Informing the Governing Body and Local Authority**

The Headteacher will immediately notify the Governing Body and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the Governing Body and LA once a term.

3.2 The Governing Body

Responsibilities regarding exclusions is delegated to the First Committee consisting of at least 3 governors.

The First Committee has a duty to consider the reinstatement of an excluded pupil (see section 4).

Within 14 days of receipt of a request, the Governing Body will provide the Secretary of State and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the Governing Body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The Governing Body's duty to arrange education from the sixth day of a fixed-period exclusion is triggered by consecutive fixed-period exclusions totalling more than five days.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

3.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

4. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, the Head of School and other staff, where appropriate.

5. Considering the reinstatement of a pupil

The First Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or National Curriculum test

If requested to do so by parents, the First Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination or National Curriculum Test, the First Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing Body (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the Governing Body and allowed to make representations:

- parents (and, where requested, a representative or friend);
- the Headteacher; and
- a representative of the Local Authority

The First Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the First Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The First Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the First Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the First Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

7. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Governing Body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education offsite) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

8. Monitoring arrangements

The Headteacher monitors the number of exclusions every term and report back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Governing Body every three years. At every review, the policy will be shared with the Governing Body.

This policy should be viewed together with the full guidance available from the DfE

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