Fairfields Primary School

EXCLUSION POLICY

Introduction

This policy outlines the use of exclusion as a sanction by the Headteacher when dealing with certain cases of misbehaviour. The aim of this Policy is to ensure procedural fairness and natural justice and to promote co-operation between the school and parents when it is necessary to consider exclusion as a sanction. All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Corporal punishment or the threat of corporal punishment is illegal and will never be used.

The instance on high standards is based on the following principles:

- The foundation of mutual respect
- A focus on commending positive behaviour
- Consistency and fairness
- Affirmation of the value of the individual whilst acknowledging the inappropriateness of some behaviours

These principles are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below and which are covered by this Policy. This policy should be read in conjunction with the Parent Contract, the School Behaviour Policy and the Drugs and Alcohol Policy.

The sanctions available to the Headteacher:

- Fixed Term Exclusion – when a pupil is sent home for a limited period either as a disciplinary measure or to allow for the investigation of an allegation of serious misbehaviour
- Permanent Exclusion – when a pupil is required to leave the School permanently

The school may operate a system of 'internal exclusion'. Internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons. It may be a formal process within the school but it is not a legal exclusion so exclusions legislation and the department's guidance on exclusion from school does not apply. Internal exclusion is not registered as a formal exclusion.

The main types of behaviour which may result in one of the above sanctions are as follows:

- Breach of school rules
- Persistent disruptive behaviour
- Persistent attitudes or behaviour which are inconsistent with the ethos of the school
- Theft, blackmail, physical violence, threatening behaviour, drug abuse, alcohol abuse, smoking, intimidation, realism, bullying, including cyber bullying
- Misconduct of a sexual nature, including sexting, supply and possession of pornography or indecent images
- Inappropriate use of social media and/or technology, including serious cases of bullying
- Possession or use of unauthorised firearms or other weapons
- Damage to property, vandalism and computer hacking
- Malicious accusations against a member of staff
- Use of discriminatory language
- Cheating, including plagiarism
- Sexual harassment
- Sexist, Racist or Homophobic abuse
- Supply, possession or use of certain drugs and solvents or their paraphernalia or substances intended to resemble them and alcohol and tobacco
- Other serious misconduct toward a member of the school community or which brings the school into disrepute (single or repeated episodes) on or off the school premises

Exclusion can also be used where one of the following is evident:

- Parental breach of contact with the school
- Parents causing serious or repeated nuisance on the school premises, acting aggressively towards staff (including via social media or electronic communication) or bringing the school into disrepute
- Serious disagreement (on the part of the parents or the pupil) with, or contravention of, the school's policies on social inclusion, diversity or equality

The above is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate action

In most cases, a Fixed Term Exclusion will follow a single offence against the expectations of the School's Behaviour Policy. However, suspension may also be the result of a series of less serious offences, where repetition of these offences indicated the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases, parents will have been consulted before a decision of Fixed Term Exclusion is reached in an attempt to correct the behaviour. The school should be able to provide evidence of the support offered to the pupil before a decision of Fixed Term Exclusion is made. In particular, where the misbehaviour may be in part affected by any SEND needs

The school will also consider whether a child's behaviour gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff will follow the School's Safeguarding Policy. The School will also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs and whether a referral to Children's Social Care is appropriate

In certain circumstances, the Headteacher may at his/her discretion Permanently Exclude a pupil for a first offence which is considered sufficiently serious to warrant such a step. A pupil may also be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of other pupils at the school that he/she remains.

A pupil who is found to have made malicious allegations against a member of school staff will be managed in accordance with this Policy which may result in exclusion from the school.

Fixed Term Exclusion

Only the Headteacher can exclude a pupil. Before deciding to exclude a pupil, the Headteacher must ensure that an initial and immediate assessment of the incident(s) is made, which led to the consideration of a Fixed Term Exclusion.

Once a decision has been reached to exclude a pupil, the Headteacher must inform parents without delay, in person (wherever possible) or by telephone. The Headteacher will also write to confirm the exclusion, provide clear reasons for the exclusion and the length of time the pupil is to be excluded for. The reasons may include a cooling off period for the pupil and time for a full investigation to take place.

A full investigation must be recorded and the notes concerning the investigation placed in the pupil's file.

For clarity, there is no right of appeal against an exclusion or against the reasons given for the exclusion in the accompanying letter. An exclusion can last anything from 1 school day to 5 school days, depending on the severity of the incident. No more than 15 days of exclusion can be given in one academic term.

Work will generally be set for a pupil to do at home during the period and when they are excluded for more than one day. In addition, consideration must be given to any relevant problems arising from the suspension especially if there are any safe-guarding concerns, such as lack of appropriate supervision during the period of suspension.

For Fixed Period Exclusions Milton Keynes Council require the school to update the Exclusions Online Portal. They do not require an email or copy of the Exclusions letter.

Permanent Exclusion

A pupil may be Permanently Excluded at any time if the Headteacher is satisfied that the pupil's conduct whether on or off school premises or in or out of term time, has be prejudicial to good order, school discipline or to the reputation of the school. The school and the Headteacher will act fairly and in accordance with the procedures of natural justice and will not expel a pupil other than in very serious circumstances.

In making a decision about Permanent Exclusion, the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

Only the Headteacher can Permanently Exclude a pupil and before doing so they will follow the same procedure as for Fixed Term Exclusion.

Some parents, may, after due consideration, prefer to voluntarily withdraw their child from the school rather than deal with the consequences of a Permanent Exclusion. However, it must clearly be understood by all parties that the Headteacher reserves the right to insist on Exclusion.

When a pupil is Permanently Excluded, Milton Keynes Council require the Exclusion to be added to the online Exclusions portal. The school will also continue with the current process of emailing exclusions@milton-keynes.gov.uk the documentation supporting the Permanent Exclusion so that they are notified immediately.

Discretion

The decision to exclude a pupil (Fixed Term or Permanent) and the manner and form of any announcement regarding such a decision should be at the sole discretion of the school, acting on the recommendation of the Headteacher. In no circumstances should the school or its staff be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information which has led to the exclusion of a pupil, or which the Headteacher has acquired during an investigation.

Access to the school

A pupil who has been excluded from the school has no right to enter the premises, to be on school grounds or attend school trips without the written permission of the Headteacher. This also applies in relation to external exams and it may be, in certain circumstances, that arrangements have to be made for the pupil to take their exams isolated from their peers or elsewhere.

Involvement of External Agencies

The school will report to the police anything they believe may amount to a criminal activity

Review of Exclusion

A decision to exclude a pupil is not taken lightly and before it is reached, the Headteacher will have given careful consideration to all the evidence collected and provided and of any representations by the parents.

Can Parents/Carers appeal the decision to exclude?

Parents/carers can request that the Governing Body meet to consider their representation. If the exclusion takes the total number of days of exclusion above 5 days for the term and parents have requested the Governing Body to meet, they must do so within 50 school days of receiving notice of exclusion (para. 52 of the DfE statutory guidance).

If a child has been excluded for more than 15 days in one term, the Governing Body must meet to consider reinstatement within 15 school days of receiving the notice of the exclusion. (see para. 50 of the DfE statutory guidance)

If a child receives a permanent exclusion the Governing Body must meet to consider reinstatement within 15 school days of receiving the notice of the exclusion. (see para. 50 of the DfE statutory guidance)

Where a review is requested, the pupil will be treated as a 'Fixed Term Exclusion' pending the review. While a Fixed Term Exclusion is in place, the pupil shall remain away from school and will have no right to enter school premises during that time without written permission from the Headteacher.

Exclusion Review Panel Meeting

If applied for by parents within the legal time frame, the Academy Trust must, at their own expense, arrange for an independent review panel hearing to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Approval: Exclusion Policy This policy was ratified by the IFtL Trustees Date: Signed:	Next Review on or before: September 2021 *This policy will be reviewed annually and approved by the Trustees at on an annual basis*