

Aspire Learning Trust



Exclusion Policy and Procedures Policy 2020

Policy Reference: Exclusion Policy and Procedures Policy

To be reviewed: Annually

Policy Owner: Local Governing Body (New Road Primary School and Nursery and Park Lane Primary School and Nursery)

Exclusion Policy and Procedures 2020

Good behaviour at school is vital for children to learn well. Children who fail to attend school regularly or who persistently misbehave are more likely to:

- leave school with few, if any, qualifications
- be at risk of becoming involved in criminal activity
- have difficulty holding down a job
- experience social and other problems later in life.

For this reason, New Road and Park Lane Primary and Nursery schools have a behaviour policy which is regularly updated and which is available to pupils, staff and parents.

Exclusions

An exclusion happens when the headteacher decides that your child is not allowed to attend school either at lunchtime, for a fixed period or permanently, in response to a breach of the school behaviour policy.

During the exclusion your child must not come on to the school premises at any time, including breaks, lunchtimes and after school, and will not be able to use school transport for that period if he / she is entitled to it.

Only the headteacher, or teacher in charge of a Pupil Referral Unit (or the acting headteacher) can exclude a pupil.

Both New Road and Park Lane Primary and Nursery schools follow the Cambridgeshire Exclusion Guidance which is updated regularly and available on both the school website as well as Cambridgeshire County Council's.

Different types of exclusion

There are three types of exclusion.

Lunchtime exclusion

Lunchtime exclusions are normally used when a child's behaviour is unacceptable in the playground. Parents / carers must take responsibility for their child for the lunch break and return him / her for the start of afternoon school. It is expected that these exclusions will be used for short periods. If a child is asked by the school to go home at lunchtimes, this must be treated as a half day fixed period exclusion for each lunchtime, even when the child returns to school in the afternoon.

Fixed period exclusion

Fixed period exclusions last for a specific number of days. The number of days and when your child should return to school will be made clear by the headteacher. These are normally used for more serious incidents or where a child's behaviour is unacceptable in the classroom. They can be used for a maximum of 45 days in any one school year.

Permanent exclusion

Permanent exclusion is the decision to permanently exclude a pupil and should be taken only:

- in response to serious breaches of the school's behaviour policy;
- and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Permanent exclusions should always be a last resort.

There will be exceptional circumstances where the headteacher / teacher in charge judge it is appropriate to permanently exclude a child for a first or one-off offence.

Unofficial, informal or illegal exclusions

Unofficial, informal or unlawful exclusions have no legal status and should not be used. If a child or young person is sent home to cool down or because they cannot cope and it is not a fixed period or permanent exclusion, it is unofficial and not legal. If a pupil is sent home due to their behaviour, it has to be either a fixed term or permanent exclusion, there are no other options.

For further information, please contact the Council's Alternative Education Provision Manager or SENDIASS, formerly Parent Partnership, who can provide you with impartial advice and information about the process. Details for each of these are available at the bottom of this page.

What to do if told your child has been excluded

Discuss what happened in detail with your child.

You can ask to see the school's behaviour policy.

You may want to contact the school to discuss the reasons for exclusion. In most cases, the headteacher and senior staff will use the period of exclusion to plan for the successful re-integration of your child, including areas where you may be able to help.

On the first day back after an exclusion, the school will normally hold a re-integration meeting, which you should try to attend if possible. However, the headteacher must allow your child to start back at school once the exclusion has finished, even if you are unable to, or do not want to, attend the meeting.

Notification of a child's exclusion

New Road Primary School and Park Lane Primary School and Nursery

Whenever a headteacher / teacher in charge excludes a pupil, the parent (or pupil if aged 18) must be notified immediately, ideally by telephone and followed up by a letter.

When the parent must be notified in writing depends on when the pupil is excluded:

- Where the pupil is excluded at the end of the afternoon session and the exclusion takes effect from the next school day, notice must be given before the start of the day.
- Where the pupil is excluded in the morning session and the exclusion takes effect from that afternoon, notice must be given before the start of the afternoon session.
- Where the pupil is excluded in the afternoon session and the exclusion takes effect that afternoon, the notice must be given by the end of the afternoon session.

When a pupil is sent home for disciplinary reasons for part of a school day, some headteachers have viewed this as a 'cooling off' period, and have not taken action to exclude the pupil formally. There is no basis in law for this; informal or unofficial exclusion are illegal regardless of whether they have the agreement of parents or carers.

Education during an exclusion

The headteacher must make arrangements for work to be sent home in the first five days of any exclusion. It is the parent's responsibility to ensure that work sent home is completed and returned to school so it can be marked. From the sixth continuous day of any exclusion, alternative suitable full time education must be provided. If your child is fixed term excluded, this will be provided by the school. If your child is permanently excluded, this will be provided by the Council for primary school pupils and by the school for secondary school pupils.

Your responsibilities as a parent or carer during the period of exclusion

During the first five days of an exclusion, you are responsible for ensuring that your child is not found in a public place during normal school hours without reasonable justification. If you fail to do this, you can be issued with a fixed penalty notice for £50.

If your child's exclusion is for six days or more, you are responsible for ensuring from the sixth day, once education is provided, by either the school (or the Council in the case of a permanent exclusion), that your child attends this education.

Re-admission interviews

Schools may hold a re-admission interview with you following a fixed period exclusion. It may be appropriate for your child to attend all or part of the interview. At least one of the child's parents is expected to attend the meeting. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend.

Parents' rights around exclusion

The parent is the focal point of all the legislation relating to exclusion until a pupil reaches the age of 18. In the very small number of cases where it is necessary to exclude a pupil aged over 18, the school will correspond with the pupil direct.

You must be informed of an exclusion as soon as possible, and this will normally be by telephone.

Within one day, the headteacher must inform you in writing that your child has been excluded, the type of exclusion and the reasons for it. The headteacher's letter will tell you that you have the right to make representations to the Discipline Committee of the Governing Body about the decision to exclude your child.

How you do this will depend on the length of the exclusion:

- if the exclusion is for 5 days or less then you have a right to make written representation
- if the exclusion is for between 6 - 15 days (inclusive) you have a right to ask to meet with the Discipline Committee
- if the exclusion is for a period in excess of 15 days, or permanent, then the Clerk to the Committee will write to you inviting you to a meeting of the Discipline Committee

The clerk will make arrangements for the governors to meet.

The timescales for this meeting are set down in the government regulations as follows:

- if the exclusion is for 15 days or less and you made written representations or asked to meet the Committee, then the meeting will be held between the 6th and 50th day following the start of the exclusion
- if the exclusion is a period in excess of 15 days or permanent, then the meeting will be held between the 6th and 15th day following the start of the exclusion.

Before the meeting, you will receive a copy of any report and related documents that are provided to the Discipline Committee. These can be translated for parents / carers whose first language is not English. You may also send a written statement or other evidence for the Committee to consider, and the clerk will advise you when to do this.

Please contact the County Alternative Education Provision Manager using the details at the bottom of this page.

Discipline Committees

The Discipline Committee is made up of three or five governors who have been appointed by the full governing body to consider cases of exclusion.

The headteacher will attend to present the case for exclusion together with other appropriate school staff invited by the headteacher to give evidence.

The clerk will attend to take notes of the meeting and to record the decision of the governors.

If the circumstances surrounding the case are complex, a representative of the Council may attend and may give procedural advice. The Council is rarely represented at Discipline Committees to consider fixed period exclusion but a senior officer will always attend if the exclusion is permanent.

The parent / carer may attend for exclusions in excess of 5 days, and may be accompanied by a friend / supporter or be legally represented.

The responsibility of the Discipline Committee is to look at the evidence and to come to a view about whether the headteacher's decision was fair and reasonable in the circumstances, taking account of:

- any support provided by the school to avoid exclusion
- whether the exclusion was fair relative to seriousness of the offence
- whether there are any mitigating factors

If the Discipline Committee does not agree with the headteacher, the governors must direct reinstatement - in other words, instruct the headteacher to allow your child to return to school. However, it has no power to do this if the exclusion is for 5 days or less.

The clerk will write to you and the letter will be stapled to the letter of exclusion on your child's file, thus nullifying its effect, but the letter of exclusion cannot be removed from the file.

If the Discipline Committee does agree with the headteacher, the clerk will write to you confirming the decision.

An excluded pupil under the age of 18 should be allowed and encouraged to attend the hearing and speak on his or her own behalf, if he or she wishes to do so, subject to their age and understanding.

For further information about the Discipline Committee, please contact:

- Primary: Rebecca Salmon - The Acting SEND Manager (District Teams) – 01223 728311
- Secondary: Anna Wahlandt - The County Alternative Education Provision Manager – 01354 750369
- or Coram Children's Legal Centre on 0300 330 5485.

Your statement, together with the headteacher's report and any other written statements or letters, will be circulated before the meeting to everybody who will be attending.

At the meeting, the Chair of the Committee will introduce everybody and invite the headteacher to outline the reasons for excluding your child. You will be able to ask questions of the Headteacher and of other witnesses. After that, you (and your child, if he / she attends the meeting) will be able to put forward your case, and then you may be asked questions.

The local authority representative, if present, may also make a statement giving the local authority's view of the appropriateness of the exclusion.

When the Discipline Committee has heard all the information, the headteacher will be asked to sum up, and after that you will be invited to sum up, giving you the last word in the proceedings. All parties are then asked to withdraw to allow the Committee to discuss the exclusion and make its decision in private.

The Discipline Committee's decision

The clerk to the Discipline Committee will write to you to advise you of the decision. This will happen as soon as possible, but the letter will be posted out no later than the following working day.

The Discipline Committee may inform you immediately following the meeting but in most schools, the decision is notified first in writing. You may ask to wait or be notified later that day by telephone, but the decision about how to inform you, rests with the Committee.

In the case of a permanent exclusion, a fixed period exclusion of more than 5 days, or any exclusion where the pupil loses the opportunity to take a public examination, the letter will state whether your child should be reinstated to the school. If the Committee agrees that your child should be reinstated, you will be told the date on which he / she can return to school. No conditions may be attached to this decision.

Independent review

If a permanent exclusion is upheld by the Governors, and if you feel that this decision was unfair, you may request that it should be reviewed by an Independent Panel.

If you believe your child's Special Educational Needs (SEN) may have been a factor in their exclusion, you may also request that a Special Needs Expert should attend the Panel.

For more information, please contact the County Alternative Education Provision Manager using the details at the bottom of this page.

If your child remains permanently excluded

A local authority exclusions officer will contact you at the end of the process to discuss what should happen next. In most cases this will involve a move to a new school to enable your child to make a fresh start, although some older children make better progress in alternative provision. The important thing is that your views, and those of your child, will be taken into account at each stage.

Who does this information apply to?

This information applies to pupils in all schools (including nursery classes and Pupil Referral Units) maintained by the local authority, and all academies, but not to independent schools or sixth form colleges.

How can the Local Authority help?

Experienced officers of the local authority will be prepared to discuss matters with you in confidence, although parents should be aware that the local authority is not in a position to tell schools what to do, nor can it overrule the decisions made by a headteacher.

Contacts

Anna Wahlandt
County Alternative Education Provision Manager
Email: Anna.Wahlandt@cambridgeshire.gov.uk
Telephone: 01354 750 369

Rebecca Salmon
The Acting SEND Manager (District Teams)
Telephone: 01223 728311

SEND (Special Educational Needs and Disabilities) Services
East Cambridgeshire and Fenland: 01353 612 802
Huntingdonshire: 01480 373 470
South Cambridgeshire and Cambridge City: 01223 728 311

SENDIASS (Special Educational Needs and Disabilities Information, Advice and Support Service) - for parents of children with Special Educational Needs and Disabilities
Email: SENDIASS@cambridgeshire.gov.uk
Telephone: 01223 699214

Further links

GOV.UK guidance on school discipline and exclusions
Department for Education guidance on school and college behaviour and attendance