

WEST HAMPSTEAD PRIMARY SCHOOL

Exclusion Policy and Procedures



May 2016

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This policy is based on the guidance document from the Department for Education provides a guide to the legislation that will govern the exclusion of pupils from: maintained schools; Academy schools / Free Schools; Alternative Provision Academies / Free Schools; and pupil referral units in England from 1 September 2012.

The principal legislation to which this guidance relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

Children may be excluded even if other faculties have not been tried if the offence is in breach of the school's behaviour policy and:-

- if allowing the pupil to remain in school would seriously harm the education welfare of the other pupils or others in school.
- if it is not conducted in the 'heat of the moment' and the head teacher has considered the incident in question objectively.
- if the incident involves violence and the above applies.

Other points of interest:-

- advised not to exclude (permanently) for one off incidents.
- fixed period of exclusions limited to lunch breaks are considered to be part of the school day for the purpose of 5 day exclusions to be presented at the school's exclusion committee – logged at half day exclusions – refer to DFE guidance
- the School's Exclusion Committee should meet to consider any child who has received 5 day fixed term exclusion in any one term.
- all parent's/carers have the rights to make representations to al school Exclusion Committee meetings when considering their child's report.
- the committee should meet between 6 - 15 days on receipt of notification from the Head teacher.
- fixed Term Exclusions are extended up to 45 days in a year.
work will be set and marked for any child under fixed term exclusions, parent/carers should collect this from the class teacher.
- fifteen-day block exclusions will be addressed between the school and LA to make education arrangements and part funding from day 6 onwards.

Children should not be excluded for:

- minor incidents such as failure to bring in homework.
- poor academic performance.
- lateness or truancy.

- pregnancy.
- breaching school uniform, hairstyle or jewellery.
- punishing children for the behaviour of the parents.

HEADTEACHERS STATEMENT

Schools must maintain discipline and good conduct to secure an orderly learning environment so that teaching and learning can take place. Schools will therefore need to adopt a range of strategies, including exclusion, to ensure they are providing a sound learning environment for all pupils (DFEE Social Inclusion: Pupil Support issued July 1999).

At West Hampstead the staff have worked hard to ensure that a safe and stimulating environment is provided for all children. The School's Behaviour Policy reflects a wide range of strategies that the school follows to foster self-esteem and respect for each other.

We strongly believe that all children need to know the boundaries of what is acceptable/unacceptable behaviour and feel secure within those boundaries. We make every effort to include all children in school life and we expect to work in partnership with parents to ensure children work in a safe learning environment.

We expect children to develop their understanding that the rights and responsibilities are equally important in order to create an environment of independent learning.

Our aim is to support the child/ren who have emotional/behavioural needs and keep the exclusion level nil or to a bare minimum. In order to ensure the welfare and safety of others the decision to exclude a child is taken when:-

- all other strategies of behaviour management are tried and failed with the children concerned.
- there are serious concerns about the welfare and safety of the others and/or the child concerned.
- quality of teaching and learning is seriously damaged because of the unacceptable/violent behaviour of the child concerned.

The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the head teacher in accordance with the school's published behaviour policy.

West Hampstead principles for exclusion:

Good discipline in school is essential to ensure that all pupils can benefit from the opportunities provided by education. The Governors and head teacher will use exclusion as a sanction where it is warranted. However, permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in West Hampstead would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil will be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. West Hampstead gives particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. – refer to schools Behaviour, Equalities and SEND policies.

We are mindful and give attention to the possibility that disruptive behaviour can be an indication of unmet needs. When we have concerns about a pupil's behaviour, the schools inclusion team (including child protection) try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. West Hampstead always gives consideration to a multi-agency assessment that goes beyond the pupil's educational needs. (A Team Around the Child is held TAC).

West Hampstead have a strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour. (A reintegration plan and agreement is made with the HT/SLT and other staff member if appropriate, the child and the parent/carer. This is recorded or discussed verbally; if a plan is already in place).

We know that all children have a right to an education. At West Hampstead we take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and alternative provision must be arranged from the sixth day. Arranging alternative provision to begin as soon as possible after an exclusion is given attention and priority by the school.

Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Further information: An independent review panel does not have the power to direct a governing body 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 body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not a school recognises that a pupil has special educational needs (SEN), all parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

At West Hampstead we follow guidance that excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.