



Cheam Fields Primary School

Exclusion Policy

Date of Policy: Summer 2018

Date of Review: Summer 2020

Introduction

Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education. The school's behaviour policy outlines expectations and key strategies for promoting good behaviour.

The Government supports headteachers in using exclusion as a sanction where it is warranted. However, exclusion should 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 school would seriously harm the education or welfare of the pupil or others in the school.

This policy is implemented in line with guidance from London Borough of Sutton and the Department for Education (DfE).

Key Guidance and regulations:

- Exclusion from maintained schools, academies and pupil referral units in England - Statutory guidance for those with legal responsibilities in relation to exclusion (DfE 2017)
- Exclusions Guidance for London Borough of Sutton

Types of Exclusion

There are two types of exclusion: Fixed Period and Permanent.

Fixed period exclusions may not be for more than 45 days in any one year.

The Decision to Exclude

Exclusions will be used sparingly and only if there are serious breaches of the schools behaviour policy or civil law; or if allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil or others.

Fixed Term External and Permanent Exclusions

The Headteacher has the power to impose a fixed term or permanent exclusion from the Academy. The Headteacher will make this decision in line with this policy and taking into account all the circumstances, the evidence available and the need to balance the interests of the pupil against those of the Academy. The Headteacher will have regard to the latest statutory guidance for exclusion issued by the Department for Education.

Permanent exclusion is used as a last resort, when all other reasonable steps have been taken. The Chair of Governors will be informed of the intention to impose this sanction.

A pupil may, in extreme cases, be permanently excluded following a serious 'one off' breach of the school's behaviour policy. At Cheam Fields Primary Academy this could apply in the event of serious or threatened violence against a pupil or member of staff.

The decision to exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion. Exclusion will not be used for minor offences or as a punishment for non-attendance.

Where a pupil is excluded, steps will be taken to refer the pupil for support or to other relevant agencies.

Fixed Period exclusions may not exceed 45 days in any one year; generally at Cheam Fields Primary Academy these will be between 1-5 days in length.

Persistent poor behaviour at lunchtime may result in a fixed period exclusion which covers the lunchtime break. This is subject to the normal rights of appeal.

Procedures for Exclusion

Following the decision to exclude a pupil, the Head teacher must:

- Inform the child's parents or guardians their child has been excluded, the type and length of the exclusion and the reasons for it
- Inform the parents in writing of their right to appeal to the Governing Body and to ask for an independent review panel to meet
- Model letters are used for this purpose (example Appendix B)
- Inform the Local Authority the same day, by use of a referral form, of the exclusion followed up by more detailed information within the next four days
- Provide systems for work to be set for the child to undertake at home during a fixed exclusion
- A meeting with the child and parents will take place upon the child's return to school and a programme of support put in place to prevent a re-occurrence of unacceptable behaviour which could lead to further exclusion
- Details of procedures and timescales are given in Appendix B

Procedures for permanent exclusion: Action by the Governing Body

The Governing Body will nominate a pool of three to five governors, none of whom may be a member of staff, to serve as the Discipline Committee as the need arises. A clerk to the Discipline Committee will also be nominated. The quorum for the Committee is three members.

If the parents give notice that they wish to make representations, the governing body should arrange a meeting to discuss the exclusion as soon as is practicable according to set criteria (see table below for details).

The meeting should be arranged at a time and place convenient for the parents, within reason. All efforts should be made to provide an environment which avoids intimidation and excessive formality.

The governing body should advise parents and pupils that they may, if they wish, have someone of their own choice to accompany them and assist them at the meeting.

The meeting should serve for the purpose of enabling the parents to have their views heard and for the parents to hear the views of the school.

The decision of the meeting and the reason for the decision should be clearly communicated to the parents without delay.

Appeals

All correspondence regarding exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to Governors

Relationship to other school policies

The Exclusion Policy should be read in tandem with the school's Behaviour and Anti-bullying Policy, Attendance Policy, Inclusion Policy and the Equality Policy.

Monitoring and Review

The impact of this policy will be reviewed by the governors' Curriculum Committee.

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

The policy and procedures will be reviewed and amended in the light of such evaluation and tin consultation with representatives of all stakeholders.

Appendix A –

Internal Exclusion

Internal exclusion is a planned strategy in response to an incident involving a high level of aggression towards staff, other pupils or property in school or defiance towards a member of staff. The aim is to avoid a formal exclusion with the intention that the consequences of such behaviour are managed confidently and consistently within the school setting.

An internal exclusion will often be a *next day* response, but this is not always the case. An internal exclusion will be for the duration of a session which will include breaks or for one day and the child will work and carry out breaks in isolation with a member of staff. During this time nothing is earned including leaves. It is essential that these times are managed consistently by staff so children perceive that staff response is firm and not open for negotiation.

An internal exclusion is never a 'soft option'. It is a planned and considered intervention to avoid a formal exclusion. Incidents are recorded on Incident forms and are monitored by SMT. Evidence of regular internal exclusions will prompt further dialogue with parents/carers and may lead to a formal exclusion, the seriousness of which will be apparent to all concerned with the process having been clearly logged over time.

Our aim is to reduce formal exclusions by ensuring more effective response to inappropriate behaviour in school. Internal exclusion is an integral part of this process and for this reason must be implemented.

Appendix B

Model exclusion letter 1

From the head teacher notifying the parent, of a fixed period exclusion of 5 school days or fewer in one term and where a public examination is not missed

Dear

I regret to inform you of my decision to exclude **[name of child]** for a fixed period of **[insert number of days]** days, in the first instance. This means that **[name of child]** will not be allowed in this school for this period. The exclusion begins on **[insert date]** and ends on **[insert date]**.

I realise that this exclusion may be upsetting for you and your family, but the decision to exclude **[name of child]** has not been taken lightly. **[name of child]** has been excluded for a fixed period following **his/her [detail reason]**.

We will set work for **[insert name]**, to be completed during the period of exclusion as specified in the previous paragraph. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have a duty to ensure that your child is not found in a public place during this exclusion, i.e. **[enter dates from and too]** unless there is reasonable justification for this. I must warn you that you may be prosecuted or receive a penalty notice from the local authority, if your child is found in a public place during normal school hours, on the specified dates, without reasonable justification.

You have the right to make representations to the Governing Body. If you wish to make representations please contact **[Enter Name of contact/clerk and contact details i.e. telephone and email]** as soon as possible. Whilst the Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's record.

If you think this exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Education Needs and Disability),

<https://www.gov.uk/courts-tribunals/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. Making a claim would not affect your right to make representations to the Governing Body.

You also have the right to see and have a copy of **[name of child]** school record. Owing to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[name of child]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to contact Helen Gasparelli, Inclusion Manager, Cognus, on behalf of the London Borough of Sutton who can provide advice regarding this exclusion. She can be contacted on 07534 525213 or exclusions@cognus.org.uk.

If your child has a Special Education Need and/or Disability then you may wish to seek additional advice from Karen Shaw, Head of Service, Cognus on 07534 525579 or exclusions@cognus.org.uk.

Listed below are other organisations that you may find helpful for advice, support and information:-

Coram Children's Legal Centre, which is an independent national advice centre that offers information and support on state education, including on exclusion from school at www.childrenslegalcentre.com

ACE education runs a limited advise line service and can be contacted on 0300 0115142 Monday to Wednesday from 10am to 1pm. Information can be found on www.ace-ed.org.uk

DfE statutory guidance on exclusions
www.gov.uk/government/publications/school-exclusion

[Additional sources detailed below that the school may consider including is relevant to child's circumstance, delete if not relevant]

The National Autistic Society (Schools Exclusion Service (England) can be contacted on 0808 800 4002 or www.autism.org.uk/services/helplines/school-exclusions.aspx

Independent Parental Special Education Advice www.ipsea.org.uk

Sutton Information and Advice Service, provides confidential, impartial information, advice and support to parents/carers, children and young people with special educational needs (SEND). They can be contacted on 020 8770 4541 or spps@cognus.org.uk

Merton & Sutton Traveler Education Service 020 8648 3267

[insert child's name] exclusion ends on **[insert date]** and we would like you to attend a reintegration meeting on **[insert date]**. The purpose of this meeting is to facilitate reintegration and prevent further exclusions.

Yours sincerely

[Headteacher name]
Headteacher

[Name]

Head teacher

Model Permanent Exclusion letter
From the head teacher notifying the parent, Permanent Exclusion

Dear

I regret to inform you of my decision to permanently exclude **(child)** with effect from **(date)**. This means that **(child)** will not be allowed in this school unless **she/he** is reinstated by the Governing Body. Alternative arrangements for **(child)** education will be made.

I realise that this exclusion may be upsetting for you and your family, but the decision to exclude **(child)** has not been taken lightly. **(Child)** has been excluded permanently following **his/her [detail reason]**.

As this is a permanent exclusion, the Governing Body must meet to consider it. At the hearing you may make representations to them. The Governing Body has the power to reinstate your child immediately from a specified date if they disagree with my decision. They also have the power to uphold the exclusion.

The latest date on which the Governing Body can meet is **[enter date]**. If you wish to make representations to them please contact, **[enter contact name contact/clerk]**, on **[telephone number]** or **[email]** as soon as possible. If you wish to be accompanied by a friend or representative, then you may and should inform the Clerk in advance. **[name of child]** is also able to attend and participate in the meeting if you feel it is appropriate for **him/her** to do so.

You will, whether you choose to make representations or not, be notified by the **[Enter Name of contact/clerk]** of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[Enter Name of contact/clerk]** if it would be helpful for you to have an interpreter present at the meeting.

If you think this exclusion has occurred as a result of discrimination then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), <https://www.gov.uk/courts-tribunals/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. Making a claim would not affect your right to make representations to the Governing Body.

You also have the right to see and have a copy of **[name of child]** school record. Owing to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[name of child]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

We will set work for **[name of child]** to be completed during the first five school days of this exclusion. Please ensure that work set by the school is completed and returned to us promptly for marking. You have a duty to ensure that your child is not found in a public place during the first five school days of this exclusion, i.e. **[enter dates from and too]** unless there is reasonable justification for this. I must warn you that you may be prosecuted or receive a penalty notice from the local authority, if your child is found in a public place during normal school hours, on the specified dates, without reasonable justification.

From the sixth school day of the exclusion onwards, i.e. from **[enter 6th day date]** the London Borough of Sutton will make the necessary arrangements to offer you suitable full-time education. This will usually take place at The Limes College, who will shortly be in contact with you to make admission arrangements.

Helen Gasparelli, Inclusion Manager, Cognus, on behalf of the London Borough of Sutton will arrange this and can provide advice regarding this exclusion. She can be contacted on 07534 525213 or exclusions@cognus.org.uk.

If your child has a Special Education Need and/or Disability then you may wish to seek additional advice from Karen Shaw, Head of Service, Cognus on 07534 525579 or exclusions@cognus.org.uk.

Listed below are other organisations that you may find helpful for advice, support and information:-

Coram Children's Legal Centre, which is an independent national advice centre that offers information and support on state education, including on exclusion from school at www.childrenslegalcentre.com

ACE education runs a limited advice line service and can be contacted on 03000 115 142 Monday to Wednesday from 10am to 1pm. Information can be found on www.ace-ed.org.uk

DfE statutory guidance on exclusions
www.gov.uk/government/publications/school-exclusion

[Additional sources detailed below that the school may consider including is relevant to child's circumstance, delete if not relevant]

The National Autistic Society (Schools Exclusion Service (England) can be contacted on 0808 800 4002 or www.autism.org.uk/services/helplines/school-exclusions.aspx

Independent Parental Special Education Advice www.ipsea.org.uk

Sutton Information and Advice Service, provides confidential, impartial information, advice and support to parents/carers, children and young people with special educational needs (SEND). They can be contacted on 020 8770 4541 or spps@cognus.org.uk

Merton & Sutton Traveler Education Service 020 8648 3267

Yours sincerely

[Headteacher name]
Headteacher