

PERRYFIELDS PRIMARY PRU



EXCLUSIONS POLICY

Review Date	Developed and Reviewed Date	Reviewer (Who?)	Approved By Name and Date
December 2022	22.11.22	SLT Education Sub Committee	Management Committee 13.12.22
December 2023			
December 2024			

Minutes Reference	
Signature of Chair	

Statement of intent

At Perryfields Primary PRU, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that fixed term or permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour and Relationships Policy. Fixed term or permanent exclusion of a pupil may also be required in instances where allowing them to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, Management Committee and LA when responding to pupil exclusions and suspensions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

A **“fixed term exclusion or suspension”** is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A fixed term exclusion does not have to be for a continuous period.

A **“permanent exclusion”** is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour and Relationships Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour and Relationships Policy
- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Mental Health and Wellbeing Policy
- Child Protection and Safeguarding Policy

2. Roles and responsibilities

The Management Committee is responsible for:

- Providing information to the Secretary of State and LA about any exclusions (or suspensions) within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is excluded/suspended, where required.
- Considering parents' representations about exclusions/suspensions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion/suspension would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded/suspended pupil, including the circumstances in which they were excluded/suspended, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion/suspension.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- Where appropriate, informing parents of where to apply for an independent review panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.
- Using data to evaluate the school's practices regarding intervention and exclusion/suspension.

The clerk to the exclusions review panel is responsible for:

- Informing the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

The headteacher is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions/suspensions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion/suspension.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion/suspension process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of multi-agency assessments for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions/suspensions as sanctions, e.g. home circumstances and the pupil's individual needs.
- Considering what extra support may be needed to identify and address the needs of individual pupils.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded/suspended on disciplinary grounds.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude/suspend a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion/suspension.
- Making the decision to exclude/suspend based on the evidence available at the time.
- Notifying a pupil's parents without delay where the decision is taken to exclude/suspend the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.

- Inform the pupil's social worker in the case of Child Welfare needs or the Virtual School in the case of CLA pupils.
- Notifying the Management Committee once per term of any exclusions/suspensions in the headteacher's report.
- Organising suitable work for excluded/suspended pupils.

3. Grounds for suspension or exclusion

The school will only exclude/suspend a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour and Relationships Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or possession
- Theft
- Arson
- Persistent unacceptable behaviour which, despite sanctions is not improving.

Pupils can be excluded on a fixed-period basis, i.e. for up to 45 school days within a year and known also as a suspension, or permanently excluded. Similarly, pupils can be permanently excluded following a fixed term exclusion/suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to an exclusion/suspension, depending on what the circumstances warrant.

4. Exclusion Procedure

Perryfields Primary PRU has adopted the Worcestershire LA Guidelines regarding managing exclusions/suspensions.