



# **Exclusions Statement**

**'In these stone horizons sing'**  
**(Gwyneth Lewis, Welsh poet)**



## **Introduction**

Children come to school to learn and teachers come to teach. Maybury Primary School is strongly committed to ensuring this is a reality by encouraging good, positive and caring behaviour and by promoting self-discipline and regard for rules and authority. We strive to nurture and develop a strong sense of community in which each individual is valued and respected, and in turn takes responsibility for their action

We fully recognise that \*parents are our partners in the education process and we strive to involve them in the life of our school community. We sincerely believe that a strong home-school partnership works to build positive behaviours in children and to diminish the likelihood of inappropriate behaviours. By working side by side with parents we believe our schools can create the culture necessary for every child to achieve their full potential.

The Governing Body of Maybury Primary School has determined that exclusion, in appropriate circumstances, is a sanction that may be used to promote good behaviour and discipline and also to secure a safe and orderly environment for the whole of the school community. (See school's Behaviour Policy)

Maybury Primary School will follow the most up to date DfE Guidance (Published June 2012, Updated September 2017) when deciding:

- Whether to exclude a pupil
- Whether to uphold an exclusion
- Whether to direct re-instatement
- Whether to recommend or direct that the governing body considers the exclusion again

(DfE Guidance published 2012; Updated September 2017; last updated April 2022)

Maybury Primary School will fulfil their duties under the Equality Act (2010) and the SEN Code of Practice having due regard of the need to eliminate discrimination and promote equality.

## **Types of Exclusion**

There are two types of exclusion – fixed period and permanent

### **Fixed Term**

A fixed period exclusion is when a child is temporarily removed from school. They can only be removed for up to 45 days in one school year, even if they have changed schools. A pupil is entitled to return to school once the period of exclusion has ended. On return to school parents are expected to attend with the excluded pupil for a ***reintegration interview***.

A pupil may be excluded over the lunch break for a fixed number of days. Each lunch-time exclusion is equivalent to a half day fixed period exclusion. Arrangements will be made to provide a lunch if the child is eligible for free school meals. If a parent refuses to collect (or arrange to have collected) his or her child, the school will have due regard for the pupil's safety in deciding what action to take.

### **Permanent Exclusion**

This is where the intention is that the pupil should not be allowed to return to the school. This decision will be taken:

- In response to a serious breach / persistent breaches of a schools Behaviour Policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

This will usually be when a range of strategies have been tried without success; however, there will be exceptional circumstances where, in the Headteacher's judgement, it might be appropriate to permanently exclude a child for a serious breach (one-off or first offence.)

### **Unofficial exclusions**

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons.

### **Notifying parents**

Whenever the Headteacher excludes a pupil they will, without delay, notify parents of the period of the exclusion and the reasons for it.

The school will then provide parents with the following information in writing:

- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the exclusion to the governing body and how such representations should be made
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- That for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
- How they can access free and impartial information
- Details of any re-integration meeting (for fixed-term exclusions)

### **The decision to exclude**

Only the Headteacher can exclude a pupil. The Headteacher may consult others, but not anyone who may later have a role in the review of the decision.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in school or the pupil concerned.

The decision on whether to exclude is for the Headteacher to take. Where practical a thorough investigation should be carried out and the pupil should be encouraged to 'present their case' before taking the decision to exclude.

Whilst exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after the incident of poor behaviour has occurred.

### **Fixed Term or Permanent**

In some cases investigation may not be immediately possible, if for example, the case is complex, and a number of witnesses are involved.

In this case the Headteacher may issue fixed term exclusion for a short period (up to 5 days)

- To allow an investigation to take place
- To give the opportunity for a reasoned response

In this case the letter informing of the fixed term exclusion should clearly state that the reason for the fixed term exclusion ***is 'to allow investigation into an incident.'*** The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. It should be noted that a fixed term exclusion cannot be extended or converted into a permanent exclusion.

Once the investigation is complete, a further letter should be sent containing one of the following:

- Notification for the pupil to return to school
- Issue a further fixed term exclusion
- Issue a permanent exclusion

## **Responsibilities of the Headteacher**

- To ensure fairness and openness in the handling of exclusions, the Headteacher will follow the procedures set out in the most up to date DfE Exclusion Guidance
- The Headteacher will inform the Chair of the Local Governing Body of all exclusions and will inform the LA of any permanent exclusions
- Pupils who have been permanently excluded will not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached
- The Headteacher will ensure that the school maintains and retains records relating to both fixed term and permanent exclusions
- It is good practice to ensure that the Head of the Primary PRU is made aware of any pupils who are at risk of permanent exclusion or indeed have incurred a number of fixed term exclusions

## **Education provision for excluded pupils**

It is the school's responsibility to ensure that work is set and marked during a period of exclusion. Where a pupil is given a fixed period exclusion of six school days or longer, the school must provide full time educational provision from and including the sixth day of exclusion.

During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that he/she is not present in a public place during normal school hours without reasonable justification. Parents may face prosecution if their child is found in a public place during these hours.

From the sixth day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full time education is provided. The school must ensure that the LA is notified on day one of any permanent exclusion.

## **Governing Body Meetings**

The Local Governing Body, by law, review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. This function will be undertaken by at least 3 members of the Local Governing Body who have no connection with the pupil or incident which would affect their ability to act impartially. Where an even number of governors are considering the case, the Chair has the casting vote. A clerk will be appointed to handle the administrative arrangements.

If a meeting is to be held, the Headteacher should prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties at least five days in advance of the meeting. The Local Governing Body's role is to review exclusions imposed by the Headteacher. The Local Governing Body can:

- Uphold an exclusion, or
- Direct reinstatement immediately or by a particular date.

The local Governing Body cannot extend the period of a fixed term exclusion or substitute with a permanent exclusion.

## **When a meeting should take place**

Governors from the Local Governing Body have a duty to meet within 15 school days and consider each exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term

- It would result in the pupil missing a public examination or national curriculum test

If requested to do so by the parents, the Local Governing Body must meet and consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than 5 school days, but not more than 15, in a single term.

In the case of one or more fixed term exclusions totalling 5 days or less in a school term, the agreed members of the Local Governing Body must consider any written representations from the parent. They cannot direct reinstatement in this case.

In all exclusion cases, the Local Governing Body will comply with the statutory time limits, but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

### **Prior to the meeting**

The Local Governing Body will invite the parent, and Headteacher to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or representative at their request.

- A parent may invite an LA Representative to attend the meeting as an observer but representations can only be made by the LA with the consent of the Academy's Local Governing Body.
- The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

### **The Committee will consider:**

- Any representations made by the parent, the pupil and the LA
- Whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State's *Guidance on Exclusion*
- On the balance of probabilities, has the pupil done what they are accused of
- If there has been a serious breach of the School's Discipline Policy. (Other policies may be relevant and should be taken into account if considered pertinent)
- Whether allowing the pupil to return to school would harm the education/welfare of themselves or other member of the school community

and, in most cases,

That a wide range of possible strategies to improve a pupil's behaviour have been tried and failed (eg Behaviour Support Plan).

### **Governors will have particular regard to:**

- The needs of children with Special Educational Needs and those with disabilities
- The needs of Looked After Children.

### **Local Governing Body's Decision**

- The Local Governing Body must inform the parent, Headteacher and the LA of their decision, in writing, within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they will also inform the pupil's 'home' LA.
- A note of the Local Governing Body's views on the exclusion will be placed on the pupil's school record with copies of relevant papers.
- If the Committee directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil.

## **Discrimination and complaints**

If you feel that the exclusion has not been handled correctly or that the school's actions were discriminatory then you should complain via the HET Academy Trust Complaints Procedure (see website)

**\*Any reference to parents in this documents includes all those with parental responsibility**

*Everyone at Maybury will teach our children to learn and empower them to broaden their horizons*