

# BENWICK PRIMARY SCHOOL



## Exclusions Policy

**School Name: Benwick Primary School**

**Date Agreed: 15.12.21**

**Next Review: Dec 22**

**Date shared with staff: 17.12.21**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

**Signed:**

**Chair of Governors**

## **Introduction**

At Benwick Primary School, we believe that it is essential for everybody to create a caring, supportive and positive ethos and environment for all. As a school all staff are STEPS trained, as we believe in a therapeutic approach to managing behaviour as detailed in our Behaviour and Discipline policy. Our school will only exclude as a last resort, where a pupil has exercised extreme danger or violence, seriously and repeatedly disrupts the learning of others, presents a serious challenge to authority, or has engaged in serious, persistent bullying. The school will follow the most recent Local Authority guidance on exclusions.

## **Key points for exclusions**

- Only the head teacher can exclude a pupil.
- Fixed period exclusions can be for half a day or more, on 1 or more occasion with a maximum of 45 days in a school year.
- If behaviour is an issue at lunchtime then pupils can be excluded from the site during this period.
- The behaviour of pupils outside of the school can be considered grounds for exclusion with reference to the school behaviour policy.
- If pupils are excluded and sent home for poor behaviour, it will be marked on the register as an "E".
- Suitable work to do at home will be provided for a child who has been excluded for up to 5 days.
- If a pupil is fixed term excluded for more than 5 days the Head Teacher is responsible for their full time education from the 6th consecutive day.
- Excluded pupils will be encouraged to participate in all stages of the exclusion process, where appropriate, taking into account their age and understanding.
- The decision to exclude a pupil permanently should only be taken in response to serious or persistent breaches of the school's behaviour policy and/or allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- Parents have the right to dispute the decision to exclude.
- Where an excluded pupil is of compulsory school age the head teacher will notify the parents in writing that for the first five days of an exclusion the parent is legally required to ensure that their child is not present in a public place during school hours without reasonable justification and that the parent may be prosecuted or given a fixed penalty notice if they fail to do so.
- For pupils in Primary Schools who are permanently excluded the Local Authority becomes responsible for the full time education from the 6th day.
- For Children In Care the Local Authority becomes responsible for the full time education from day 1.

## **Exclusion of Vulnerable Pupils**

The Head teacher will, as far as possible, avoid excluding permanently any pupil with an EHCP or a Looked after Child. If the head teacher is considering the permanent exclusion of a pupil in these categories they will discuss it with the local authority, highlighting their concerns about the placement of the pupil in the school and the possible need for additional support or an alternative placement.

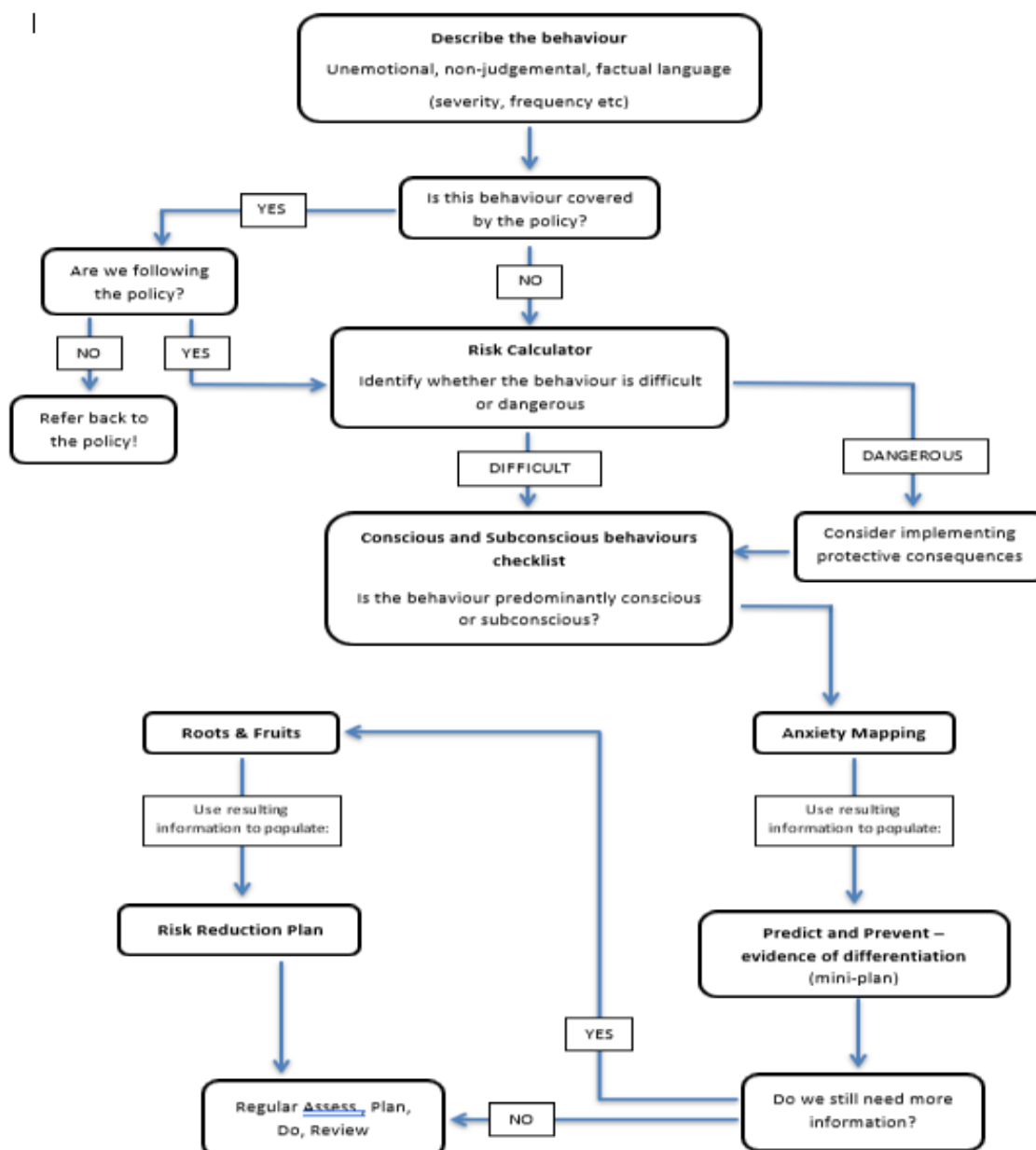
## **The School Considers the following before making an exclusion:**

- Whether support has been put in place, such as the appropriate interventions (using the LA intervention checklist) Pastoral Support Plan (using the Exclusion Guidance document from the LA) and/or Early Help Assessments (EHA) to enable a range of strategies and support to be implemented.
- Their statutory duties in relation to special educational needs (SEN) and the

Equality Act 2010 when administering the exclusion process, including having regard to the SEND Code of Practice (2015)

- Any contributing factors that are identified after an incident of poor behaviour has occurred e.g. bereavement, mental health issues or bullying
- The school's assessments to identify and address underlying causes of disruptive behaviour
- Whether exclusion is providing an effective sanction where a pupil has received multiple exclusions
- Consideration of what extra support might be needed to identify and address the needs of pupils with SEN; eligible for Free School Meals; looked after children and pupils from minority ethnic groups.

The head teacher will, as far as possible, avoid excluding permanently any pupil with SEND, an EHCP or a Looked after Child. If the head teacher is considering the permanent exclusion of a pupil in one of these categories, they will discuss it with the local authority, highlighting their concerns about the placement of the pupil in the school and the possible need for additional support or an alternative placement.



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## Duty of the Head Teacher

The responsibility of the Head Teacher is clearly outlined in the DfE Exclusion Guidance 2017. Head Teachers must be able to demonstrate that any exclusion has been clearly thought through and is used as a last resort. The Head Teacher's checklist (see LA Exclusion Guidance document) should help with ensuring that exclusions have been carefully considered.

Once the head teacher makes the decision to exclude the pupil, the parent will be informed as soon as possible. This will be followed up with a letter.

The head teacher will then notify the governing body and the local authority if:

- it is a permanent exclusion (including any decision to make a fixed term exclusion permanent);
- an exclusion for more than five school days (or more than ten lunchtimes) in any one term;
- any exclusion which results in the pupil missing a National Curriculum Test (SATs)

For all other exclusions the head teacher will notify the local authority once a term.

The head teacher will decide if a reintegration meeting is necessary following the period of exclusion. If it is, we will make reasonable efforts to arrange the meeting for a time that is convenient for parents and give notice of the time, date and location. The pupil would normally attend for at least part of the interview, depending on their age and understanding.

### **Parents – Challenging Exclusions**

The letter sent to parents following the exclusion will notify them what to do if they disagree with the decision. Parents can ask the school's governing body to overturn the exclusion if either:

- the pupil has been excluded for more than 5 days
- the exclusion means they'll miss a national curriculum test

The parents will be invited to a meeting with the a panel of 3 school governors within 15 school days. Where exclusion would result in a pupil missing a public examination or National Curriculum Test, there is a further requirement for a governing board. It must, so far as is reasonably practicable consider the exclusion before the date of the examination or test. If this is not practical, the chair of governors may consider a pupil's reinstatement alone. If the governors don't overturn the exclusion, parents can ask for an independent review by an independent review panel. The governors will tell you how to do this.

If the exclusion is for 5 days or fewer, Parents can still ask the governing body to hear their views but the governors can't overturn the head teacher's decision.

## The Duty of the Governing Body

### Annex A – A summary of the governing body's duties to review the head teacher's exclusion decision

