



Marriott Primary

Achieving Together

EXCLUSION POLICY 2021-22

Adopted	7th December 2021
Signed (Chair of Governors)	Steve Wilson
Reviewed (Due November 2022)	
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1. Aims

Marriott Primary School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

Equal Opportunities

The Governing Body recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at Marriott Primary school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

Partnership with Parents

Parents working in partnership with the school to consistently reinforce the school's expectations are an important factor in every child's success. At Marriott, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Behaviour Policy
- Anti-Bullying Policy

Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use behaviour data to assess patterns of challenging behaviour in pupils. Where patterns emerge we will systematically intervene, drawing up an action plan with the child, parent and teacher. The Behaviour Lead has overall responsibility for sharing data with class teachers and analysing the data. It is class teacher's, parent's and the child's responsibility to ensure the action plan is followed.

No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England. It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998 In addition, the policy is based on:
- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

The policy outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes

3. Reasons for exclusion:

- Serious breach of the school's rules or policies;
- Serious risk of harm to the education or welfare of the pupil or others in the school.

This can either be a very serious incident or the repetition of serious incidents.

Any exclusion will be at the decision of the Headteacher(s) and in their absence the Deputy Head, usually in consultation with other members of the senior leadership team (particularly if they were involved in investigating the incident). The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases.

4. Types of Exclusion

Internal Exclusion from Classroom

Internal exclusion is when a pupil is removed from his/her classroom and spends a set period of time in another space in school. Only the Head, Deputy Head, Assistant Head and the SENCO can decide if this sanction is appropriate. This should be used where a pupil's behaviour is escalating and more serious measures need to be taken in order to avoid an external /fixed-term exclusion. This must only be used for children in Key Stage 2.

Children will be accompanied at all times by a member of staff, complete work set by the class teacher, receive regular breaks and lunchtime.

Temporary / Fixed-Term Exclusion

A temporary / fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy. Only the Headteacher(s) and the Deputy can decide on a temporary/fixed-term exclusion.

Permanent Exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders, Chair of the Governing Body and the local authority SEMH team before a decision is reached.

Decision to Exclude

A decision to exclude a pupil, either internally, for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some serious situations, exclusion may be necessary, if all other strategies have been exhausted.

The decision to exclude will usually follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence.

Exclusion may be the result of persistently poor behaviour or a serious single incident.

Persistent or cumulative problems

Internal and temporary/fixed-term exclusion may be used in response to a persistent poor behaviour which breaches school rules and policies. In the most serious cases where the problem persists and there is no improvement a permanent exclusion may be necessary. These would be imposed only when the school had already offered and implemented a range of support and management strategies. These could be joint action plans with parents, child and school, SENCO, behaviour intervention with the SEMH team, target setting, home/school communication book etc.

The length of an exclusion will depend upon a number of factors, such as the severity of the incident, SEND needs, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

Single incident

Internal and temporary/fixed-term exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In the most serious cases a permanent exclusion may be necessary.

In such cases the Headteacher or a designated senior leader will investigate the incident and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

The Governing Body will be informed of all exclusions on a termly basis; and additional consultation may also take place about key incidents with the Chair of Governors.

Work Set

When a pupil is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over.

If a child is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning.

A pupil can be excluded for up to 10 continuous days on a fixed term basis. On the 6 continuous day, the school is responsible for providing education for the pupil.

Lunch-time Exclusions

Pupils whose lunchtime behaviour is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day.

Behaviour outside school

Pupils' behaviour outside school **on school business** e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally this includes any serious breach of policy which could 'bring the school into disrepute'.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

5. Roles and Responsibilities

The decision to exclude

If the Headteacher decides to exclude a pupil he/she will immediately provide the following information, in writing, to the parents/carers of an excluded child:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend The head teacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 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 a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this. If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:
 - The start date for any provision of full-time education that has been arranged
 - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
 - The address at which the provision will take place
 - Any information required by the pupil to identify the person they should report to on the first day Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent, informing the governing board and local authority

Pupils with special educational needs and disabled pupils

Throughout the process of considering exclusion, the school must at all times take into account any special educational needs the child may have and whether they have the ability to understand the consequences of their actions. The Headteacher should ensure that reasonable steps, in line with the DDA have been taken by the school to respond to a pupil's disability so that the pupil is not be treated less favourably for reasons related to their disability. Any investigation into the pupil's actions should be considered against their SEND needs and the provision that has been put in place by the school.

6. Informing Chair of Governors and LCC

The headteacher will ensure that:

- Appropriate paperwork is completed and returned to LCC. A permanent exclusion, including when a fixed-period exclusion is made permanent.
- A copy submitted to the Chair of Governors with the length of the exclusion and any terms or conditions agreed for the pupil's return
- Exclusions which would result in the pupil missing a public examination must be reported to the Governing Body

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the head teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

7. The Governing Body - Responsibilities

Responsibilities regarding exclusions is delegated to an exclusion panel, consisting of at least 3 governors from Marriott Primary School. The panel has a duty to consider the reinstatement of an excluded pupil (see section 6). The school may call upon governors from link schools if needed.

Considering the reinstatement of a pupil

The exclusion panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term 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 a pupil missing a public examination

If requested to do so by parents, the exclusion panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the exclusion panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

In reaching a decision, the exclusion panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the head teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs

from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The exclusion panel will notify, in writing, the head teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the exclusion panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made. The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

8. An independent review by LCC

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Marriott's Exclusion Panel, of its decision to not reinstate a pupil.

A panel of no less than 3 members will be constituted with representatives from each of the categories below. The panel may consist of:

- A member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or head teachers during this time
- Serving head teachers or individuals who have been a head teacher within the last 5 years A person may not serve as a member of a review panel if they:
- Are a member of the governing board of the excluding school
- Are the head teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the governing board, of the excluding school (unless they are employed as a head teacher at another school)
- Have, or at any time have had, any connection with the school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. School Registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

10. Re-integration

After fixed term exclusion the pupil and parent will be requested to attend a reintegration meeting with a senior member of staff. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will be also be discussed. The meeting will be recorded on a Parent Meeting Form, stored in the Headteacher's office.

Appendix A

Information for the School when considering Exclusion

Informing Parents Of Exclusion

- Notify parents/carers immediately- ideally by telephone
- Letter within 1 school day specifying:
- Precise period of fixed period exclusion or effective date of permanent exclusion
- If permanent, that it is permanent
- Reasons for the exclusion
- Parents right to make representations to the governing body
- Parents right to see and have a copy of child's school record upon written request
- Date and time when pupil should return from fixed period exclusion
- Any relevant previous history
- Arrangements for continuing education, including the marking and setting of work
- Latest date by which governing body must meet
- Person whom the parent should contact if they wish to make representations (usually the clerk to the governors)

Grounds for Exclusion

- Carrying, threatening to use and or using an offensive weapon (including fireworks)
 - Bringing the school into disrepute through inappropriate or dangerous behaviour or seriously endangering the safety of others
 - Attempted arson on school grounds, destruction or serious damage of school property or buildings
 - Persistent refusal to co-operate with school staff, verbal aggression towards staff, pupils or other members of the school community
 - Repeated threats and highly offensive and abusive language towards school staff, pupils or other members of the school community
 - Bullying, racial, sexual or other harassment of staff, pupils or other members of the school community
1. Repeated bullying, racial, sexual or other harassment of staff, pupils or other members of the school community