

Hunmanby Primary School Exclusion of Pupils

Document Status			
Date of Next Review	February 2019	Responsibility	<i>Headteacher</i>
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Date of Policy Creation Feb 2018	Adapted school written model	Responsibility	<i>HT/GB</i>
Date of Policy Adoption by Governing Body February 26 th 2018		Signed..... Headteacher Signed..... Chair of Governors	
Method of Communication (e.g Website, Noticeboard, etc) Website / staffroom / Office .			

Hunmanby Primary School Governing Body by law has regard to the guidance issued by the Local Authority when making decisions on exclusions and administering the exclusion procedure. This means that, whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgments will need to take account of the circumstances of individual cases. (***NYCC Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units - September 2017*** [Appendix A](#))

The procedures apply to all maintained schools and all pupils in them, including any who are below or above compulsory school age. They have applied to maintained nursery schools since September 2017.

The DfE has published revised guidance on exclusions and the statutory requirements head teachers, governing bodies and other relevant professionals 'must have regard' for when excluding a child or young person from a school, Academy or pupil referral unit, either as a fixed term or permanent exclusion.

(Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion – DfE September 2017)

New sections in the Guidance

The DfE, in the September 2017 guidance, have added a parts to the Guidance:-
Para 86. Guidance to schools on marking attendance registers following exclusion

Annex B - A non-statutory guide for head teachers

Including sections on:-

Exclusion process for head teachers, academy principals and teachers in charge of pupil referral units

- Early Intervention

- You should have a system in place to ensure you are aware of a pupil showing persistent poor behaviour or not responding to low level sanctions.
- You should ask the governing board whether it has a clear process in place for considering reinstatement following an exclusion.

Taking the decision

- You must take the decision whether to exclude (you cannot delegate this).
- You must inform parents of the exclusion.
- If the exclusion is permanent or takes the pupil's total school days of exclusion over five in a term or prevents them from taking a public examination or national curriculum test, you must inform the governing board and local authority of the duration of the exclusion, or that it is permanent, and the reasons for it.
- You should ask the chair of the governing board whether there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of fixed-period exclusion.
- You should ask the chair of the governing board whether there are clear processes in place for considering exclusions.
- Where applicable, the governing board must consider whether the pupil should be reinstated and inform parents of the outcome of its consideration.
- Independent review panel

Post-exclusion action

- When removing a pupil from the school roll, you should remind the governing board that they must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended.
- If applicable, you should check that the pupil's name has been removed from the school roll at the appropriate time.

The head teacher's duty to inform the governing board and the local authority about an exclusion (DfE 4.3 Sept 2017)

- The head teacher must, without delay, notify the governing board and the local authority of:
 - any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
 - any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
 - any exclusion which would result in the pupil missing a public examination or national curriculum test.
- The head teacher must also notify the local authority and governing board once per term of any other exclusions not already notified.
- Notifications must include the reason(s) for the exclusion and the duration of any fixed-period exclusion.
- In addition, within 14 days of a request, a governing board must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, information about any exclusions within the last 12 months.
- For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

Statutory guidance to the head teacher on informing parents about an exclusion (DfE. 4.2 Sept 2017)

- For notifications under paragraph 26, although this must not delay notification, ideally, notification should be in person or by telephone in the first instance as this would give the parents an opportunity to ask any initial questions or raise concerns directly with the head teacher.
- When notifying parents about an exclusion, the head teacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements and guidance in section 5.
- For notifications under paragraphs 29 and 30, effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the excluded pupil. Where information is sent home with the pupil, the head teacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.
- When notifying parents about an exclusion, the head teacher should draw attention to relevant sources of free and impartial information. This information should include:
- The head teacher should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood.

Hunmanby Primary School in reviewing this policy has agreed to adopt the guidance materials stated herein.

February 2018.

Appendix A

NYCC Guidance on Exclusion from Maintained Schools, Academies and Pupil Referral Units September 2017

Introduction

The DfE has published revised guidance on exclusions and the statutory requirements head teachers, governing bodies and other relevant professionals 'must have regard' for when excluding a child or young person from a school, Academy or pupil referral unit, either as a fixed term or permanent exclusion. The Local Authority fully expects schools to act in accordance with this DfE guidance, particularly in reference to:

Ethos

Whilst recognising that exclusion can have its place within the continuum of consequences to challenging behaviour; it should always be seen as a serious response and, in the case of fixed term exclusion, an opportunity to organise additional interventions and provision which can then form a key part of a reintegration strategy. Any decision to exclude a pupil must be lawful, reasonable and fair and as such, schools should never undertake 'casual' or unlawful exclusions such as sending pupils home to 'cool off' for part of a day. Similarly, the threat of exclusion must never be used to influence parents to remove their child from the school.

Permanent exclusion should only be used as a last resort in response to serious 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. Only the headteacher can exclude a pupil and this must be on disciplinary grounds. The headteacher must also take account of their legal duty of care when sending a pupil home following exclusion. The Department of Education stress that permanent exclusions 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 pupils or others in the school.

Preventative approaches

Where persistent patterns of behaviour lead to repeated fixed term exclusions or the potential risk of permanent exclusion, the Local Authority would expect schools to work collaboratively, discussing the pupil's needs with their area Education Development Adviser: Social, Emotional & Mental Health (SEMH) and/or with their local Behaviour & Attendance Collaborative (secondary) or Enhanced Mainstream School (SEMH) (primary). Such collaboration should focus on exploring the range of solutions open to the school in managing the behaviour of the pupil, for example through risk assessment and individual provision mapping in order to plan school-based strategies and interventions, and/or referral for support from the Collaborative or EMS. Consideration should also be made as to whether or not use of the CAF process would be appropriate.

The Local Authority would also request that schools make contact as soon as any permanent exclusion is imminent in order to discuss the specifics of the individual case and to explore whether any alternative outcomes may be possible.

Headteachers should also be mindful that where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, whether exclusion is providing an effective sanction.

Vulnerable pupils

As previously stated, exclusion should always be regarded as a serious consequence or final resort, and this is especially pertinent when the pupil is from certain vulnerable groups, such as being a child looked after or having a disability or special educational need. In such instances it is important that the school contacts the LA and takes particular care to examine the DfE guidance, cross-referencing for that particular need as well as adhering to all statutory duties under the Equality Act (2010). Schools should also be mindful of any emerging patterns or trends for pupils from specific vulnerable groups or with other protected characteristics. It could also be helpful to discuss strategic planning with any relevant Enhanced Mainstream School (EMS) or MEA Hub School.

Procedural Fairness

The Local Authority expects schools to pay due regard to the procedural requirements and timescales outlined within the DfE guidance and summarised in the additional tables and checklists produced by NYCC (see appendices).

Body of evidence (Civil Statement of Proof)

The school needs to be clear that, on the balance of probabilities, the pupil actually did do what he or she is being accused of. It is essential that the pupil being excluded has the opportunity to provide their version of events and that this is recorded as a statement. This will also involve schools in carrying out a thorough investigation and in taking witness statements from both adults and other pupils involved or present.

A reasonable and proportionate response

Schools should ensure that any exclusion is reasonable and proportionate with regard to the incident and/or behaviour of the pupil. Again, contact with the Local Authority can act to confirm how other schools have responded to similar incidents or behaviours. Schools should also consider whether there were any causal or mitigating factors that should be taken into consideration when deciding to exclude.

Involving excluded pupils and their parents/carers

It is important that the school continues to try to engage with the excluded pupil and their family throughout the exclusion process, that they are given the opportunity to voice their perspective, invited to any meetings and know how to access additional support, such as Parent Partnership officers, to assist them through the process. This will also include, as appropriate, the right to progress to an Independent Review Panel and information on their rights regarding requesting the involvement of an SEN expert (for Permanent Exclusions).

