

External Exclusion Policy

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1. Introduction

This policy deals with the policy and practice which informs the School's use of external exclusion. It is underpinned by the shared commitment of all members of the School community to achieve two important aims:

- The first is to ensure the safety and well-being of all members of the school community and to maintain an appropriate educational environment in which all can learn and flourish
- The second is to realise the aim of reducing the need to use external exclusion as a sanction

The school follows the statutory guidance from the Department of Education, 'Exclusion from maintained schools, academies and pupil referral units in England' September 2017.

2. Reasons for Exclusion

- ❖ A decision to exclude a pupil permanently should be taken only:
 - In response to serious breaches of the school's behaviour policy; and
 - If allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school
- ❖ Pupils could be excluded for the following reasons:
 - Physical assault against a pupil
 - Physical assault against an adult
 - Persistent verbal abuse/threatening behaviour against a pupil
 - Verbal abuse/threatening behaviour against an adult
 - Proven persistent bullying
 - Sexual misconduct
 - Drug and alcohol abuse
 - Wilful and severe damage
 - Theft
 - Persistent and disruptive behaviour
 - Serious safeguarding concerns for other pupils
 - Arson
- ❖ This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.
- ❖ A decision to externally exclude a pupil for a fixed period should be taken only:
 - In a response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered appropriate. Individual fixed period exclusions should be for the shortest time necessary, bearing in

mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards.

- ❖ Only the Headteacher (or, in the absence of the Headteacher, the Assistant Headteacher) can exclude a pupil.
- ❖ A decision to exclude a child permanently is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities (i.e. that the incident is more likely to have happened than not). It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.
- ❖ There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another pupil or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal drug or
 - Carrying an offensive weapon
- ❖ For behaviour outside school, but not in school business, a Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole.

3. Definition of External Exclusion

- ❖ Exclusion means that the pupil cannot be in or near the school grounds for the period of the time stated in the exclusion letter. During this period, if the pupil is seen in a public place during school hours the parent (s)/carer (s) may be subject to a fixed-penalty notice.
- ❖ The pupil may also be removed from the public place by the police and taken to designated premises.
- ❖ There are two types of external exclusion from school, fixed-term exclusion and permanent exclusion.
- ❖ Alternatives to external exclusion
 - In school measures - parental engagement, additional supervision, change of set or class, internal exclusion
 - Temporary or part-time placement in a Pupil Referral Unit

- Consideration of assessment of special educational needs
- Allocation of a key worker
- Referral for specific support

4. Fixed Term Exclusion

- ❖ This means that the pupil has been excluded from school for a fixed period of time. A pupil cannot be given fixed-term exclusions which total more than 45 days in one school year.
- ❖ The parent (s) carer(s) should receive a letter from the school within one school day stating:
 - The reason for the exclusion
 - The total number of days of the exclusion
 - The date of the re-integration meeting
- ❖ It is important for the parent(s)/carers(s) and pupil to attend the re-integration meeting as this will give them both an opportunity to discuss the incident and highlight any concerns they may have.

5. Permanent Exclusion

- ❖ When all other reasonable steps have been taken and it's our judgement that allowing the child to remain in school would be seriously detrimental to the welfare of others, then a pupil may be permanently excluded.
- ❖ If the decision is made to exclude, we will inform the pupil's parents immediately. We will explain:
 - Why the pupil has been excluded
 - The steps that have been taken to try to avoid it
 - Arrangements to allow the pupil to continue their education during the exclusion period.

6. Standard of Proof

- ❖ When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. This means that the Headteacher should accept that something has happened if it is more likely that it happened than it did not happen.
- ❖ Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Headteacher to make a judgement on the balance of probabilities on whether to exclude the pupil.

7. Exclusion – Role of Headteacher

- ❖ In every instance where a pupil is sent home for disciplinary reasons, the Headteacher must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They should ensure that:
 - They are meeting their legal duty of care towards pupils and that parents are formally notified of the exclusion
 - Child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets
 - Work is sent home or alternative provision is arranged

8. Exclusion Governors' Disciplinary Committee (GDC)

Should it be necessary, the Governors' Disciplinary Committee will be called. All governors will be contacted and the first three who are available will be asked to attend.

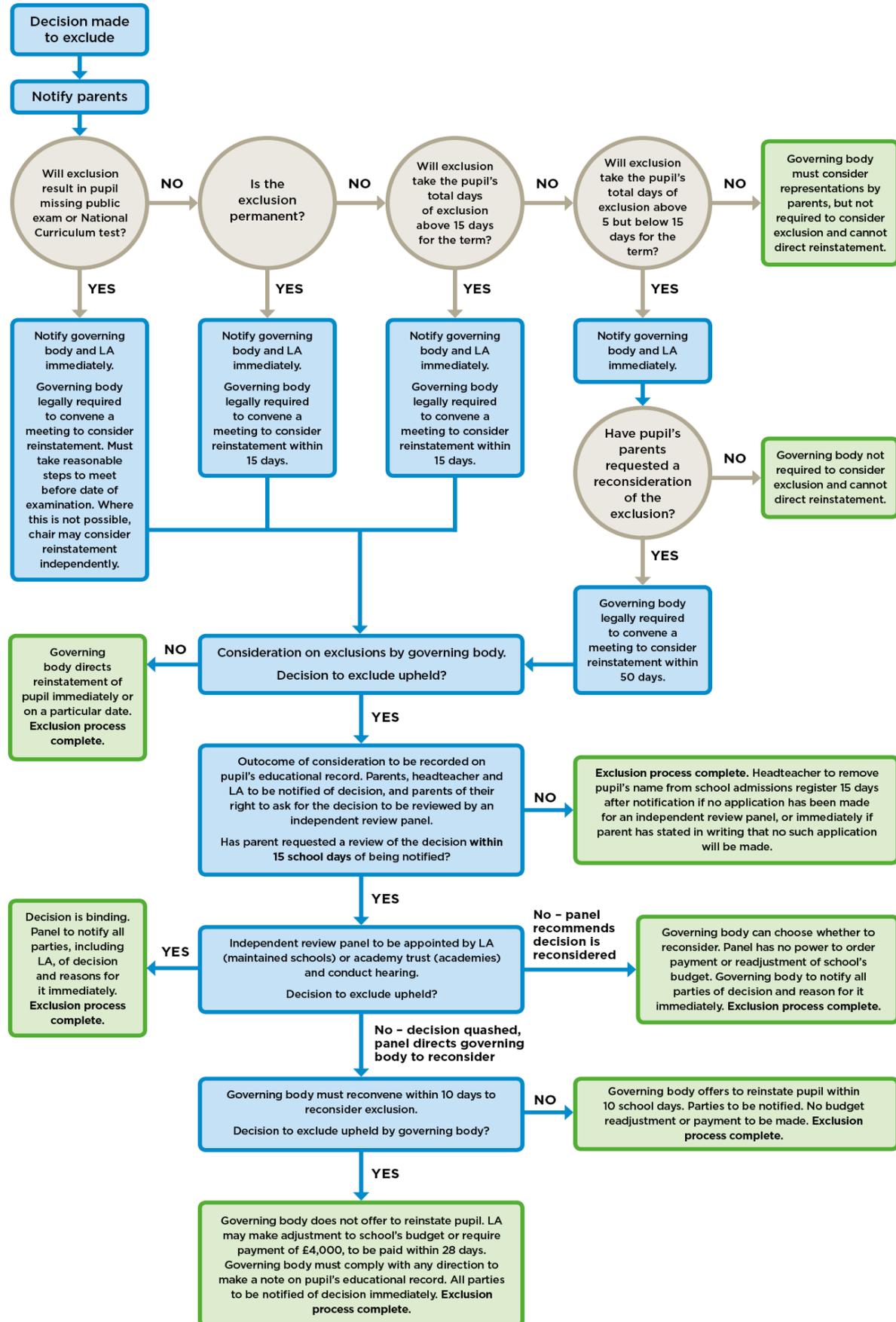
- ❖ This should take place within 15 days of the permanent exclusion. For permanent exclusions the Local Authority's Exclusion Officer would normally attend the GDC to provide procedural advice. Any alternatives that have been put in place or that may still be available at this late stage should be discussed in order to ensure every option has been considered to prevent a permanent exclusion.
- ❖ At the meeting the GDC may consider more than one exclusion so long as it complies with the statutory time limits relating to each one.
- ❖ The Headteacher should attend the meeting to clarify points and answer any questions relating to the incident or events leading to the exclusion.
- ❖ The Headteacher can withdraw the permanent exclusion where an alternative strategy can be agreed upon.
- ❖ Possible outcomes of the GDC is that Governors can:
 - Uphold the permanent exclusion
 - Overturn the permanent exclusion and reinstate the child
 - If the Governors uphold the permanent exclusion then the parents/carers have the right to appeal to the Independent review Panel (to be appointed by the Local Authority (L.A)).

9. Independent Review Panel

The Independent review panel can:

- ❖ Uphold the decision to exclude and the exclusion process is complete.
- ❖ **Recommend** the Governing Body to reconsider the decision. The Governing Body can choose to reconsider or not and must inform all parties of its decision.
- ❖ Quash the decision by the Governing Body and **direct** it to reconsider. The Governing Body must reconvene within 10 days to reconsider exclusion. After this the Governing Body can offer to reinstate the pupil within 10 days or uphold the exclusion, which then becomes permanent.

10. Appendix - Flow Chart of External Exclusion Process



Newnham Junior School

This document was approved and adopted by the governing body

Date

13th October 2021

Name of the Chair of Governors

Tanya Huehns

Signature of the Chair of Governors

Date	Status	Comments
11 th October 2017	New Policy	
5 th February 2018	Updated	Policy wording and title amended to 'External Exclusion Policy'. Role of Headteacher wording added to point 7.
9 th October 2019	No Changes	
14 th October 2021	No changes.	Reviewed and ratified at FGB 13/10/21