



ST MICHAEL'S  
C of E PRIMARY  
HIGHGATE

# Exclusion Policy

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*To nurture and inspire our children to develop a love of learning in a supportive Christian community and become the best they can be*



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## **Rationale**

St Michael's C of E Primary is an inclusive school, committed in policy and practice to our school Christian values and ethos. Exclusions are used sparingly and only as part of an overall behaviour strategy which seeks to develop a culture of inclusion, ownership of and responsibility for one's own behaviour. The school seeks to avoid all exclusions. These take place only for very serious incidents or when all other strategies have been tried and have failed over time.

This policy is specifically on exclusion and should be read in conjunction with our Behaviour and Inclusion Policy.

Any decision to exclude a pupil will be taken only as a last resort or if remaining in school would be seriously detrimental to the education or welfare of the child or others in school. Only the Headteacher, or acting Headteacher, can exclude a pupil from school. Before making a decision on whether to exclude a pupil, the school will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Serious misbehaviour which may result in exclusion:

- Persistent refusal to carry out reasonable instructions issued by the school staff.
- Serious physical assault of children or staff.
- Persistent verbal abuse directed at children or school staff (this includes cyber bullying).
- Serious or persistent theft.
- Wilful possession or misuse of drugs or other illegal/dangerous substances.
- Seriously inappropriate behaviour of a sexual nature.
- Serious or persistent racial abuse.
- Serious or persistent vandalism on the school site.

Other circumstances may arise when the Headteacher decides it would be appropriate to exclude a child. In all cases, the parents/carers of any excluded child will be fully informed of the reason(s) for exclusion.

### **Types of Exclusion**

#### **A. Fixed Period Exclusion**

Fixed Period Exclusions are limited to a maximum of 45 school days in any one year. The length of the exclusion will be determined by the Headteacher depending upon the severity of the offence. The first exclusion will usually last between half of one day up to 5 days.

In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

#### **Procedure for Fixed Period Exclusion**

1. On the day of the incident, the child's parents/carers will be informed of the exclusion, its length and the specific reason for it. This will be communicated by letter and, if possible, by talking to the parents/carers. Parents/carers will also be informed in writing that they have rights to make representations to the governing body and Haringey Education Local Authority
2. The Head teacher will inform the school's governing body and the Local Authority immediately where the total exclusions in the current term for that pupil will exceed 5 days, or where a public examination or national curriculum test will be missed. All shorter exclusions will be reported to the school governing body and L.A once per term.

If the total exclusions in the current term for that pupil exceed 15 days, the school's governing body will convene an exclusions committee to consider the reinstatement of the excluded pupil within 15 days of receiving the notification. Parents/Carers, and an Local Authority representative will be invited to make representations at the meeting.



3. The Headteacher will make arrangements for the excluded child to receive schoolwork to do at home until he/she returns to school.

### **B. Permanent Exclusion**

1. On the day of the exclusion, the child's parents/carers will be informed of the exclusion the fact that it is permanent and the specific reason for it. This will be communicated by letter and, if possible, by talking to the parents/carers. Parents/carers will be informed in writing that they have rights to make representations to the governing body and Haringey Education Local Authority.
2. The Headteacher will notify, in writing, the Local Authority and the school's Governing Body immediately.
3. The school's governing body will convene an exclusions committee to consider the reinstatement of the excluded pupil within 15 days of receiving the notification. Parents/Carers, and an L.A representative will be invited to make representations at the meeting.
4. The child remains on the school's register until the appeals procedure is completed, or until the parents/carers confirm that they accept the exclusion and intend to make other arrangements.
5. The Headteacher will arrange for work to be set and monitored during the period of appeal.

### **Re-integration meeting**

Re-integration meetings will take place if a child has fixed-term exclusion for two or more days. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Additional support around behaviour will also be discussed.

### **Managed move**

In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent's failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and in such cases the Headteacher may assist the parents in placing the pupil in another school.

### **The Governing Board**

Responsibilities regarding exclusions are delegated to a panel of the Governing Board. Panels will typically be constituted using members of AET Governing Boards or Advisory Boards, assuming no conflicts of interest which would affect the impartiality of the member. Where necessary, the Chair of Governors may approve the use of other appropriate resources, such as a former governor or governor of another local school. Boards should be chaired by a board member with the requisite skills and training to chair an exclusion panel. The exclusion panel chair would normally be a member of the Local Governing Body, a Trust officer, or the Chair of Governors. The Chair may be held in reserve for appeals or panels following an Independent Review Panel sending the decision on exclusion back to the Local Governing Board. Any board members who are independent of or from outside the Trust should sign agreement to the Nolan Principles in order to serve as a panel member. The Head of Schools' Governance should be consulted where there are any questions about the constitution of a particular panel.

The panels have a duty to consider the reinstatement of an excluded pupil.

- A. The governing board has a duty to consider the reinstatement of an excluded pupil .Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.
- B. For a fixed-period exclusion of more than 5 school days, the academy will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion. Provision does not have to be arranged for

pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **Local Authority**

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

### **School registers**

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

- a) 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
- b) 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.

### **Procedure for appeal.**

If parents wish to appeal the decision to exclude, the matter will be referred to the Governing Body and handled through the school appeal process.

These procedures are a simplified summary of the procedures outlined in the DfE exclusion guidance document.

This policy should be read in conjunction with DfE Exclusion guidance, this can be found at:

<https://www.gov.uk/school-discipline-exclusions/exclusions>

Related school policies (which can be found on the school website):

- Behaviour policy
- Equalities policy
- Anti-bullying policy
- SEN Policy

### **Appendix 1: Independent review panel training**

1.1 It must be ensured that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- A. The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making;
- B. The need for the panel to observe procedural fairness and the rules of natural justice;
- C. The role of the chair and the clerk of a review panel;
- D. The duties of Headteachers, governing boards and the panel under the Equality Act 2010;
- E. The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

### **Appendix 2: COVID-19 Addendum**

Pursuant to guidance issued by the DfE on 28 August 2020, there are temporary changes to the school exclusion process due to coronavirus (COVID-19) that require different arrangements for exclusions that occur **after 24 September:**

#### Timescales for Governing Board and Independent Review meetings

For exclusions occurring between 25 September 2020 and 24 March 2021 (inclusive of those dates), meetings of governing boards or independent

review panels should be held within the normal timescales set forth above in [Section 6](#) and via remote access if:

- it is not reasonably practicable to meet in person due to coronavirus (COVID-19)
- the other conditions for a remote access meeting (delineated above) are met

However, if the deadlines are missed because of coronavirus, the meeting must be held as soon as it becomes either reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

### **Remote access**

When governing boards or independent review panels (IRPs) have to meet to consider an exclusion, they can do so via telephone or video-conference software ('remote access') as long as:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus (COVID-19)
- the governing board (or arranging authority, if the meeting is an IRP) is satisfied that:
  - all the participants agree to the use of remote access
  - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
  - all the participants will be able to put across their point of view or fulfil their function
  - the meeting can be held fairly and transparently via remote access
  - It is the responsibility of the school governing board (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions stated above.

When determining if it's practicable to meet in person the governing board or arranging authority should assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place

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- the needs of the intended participants (as far as this is possible)
- the latest public health guidance (including the [guidance for full opening of schools](#))

#### Timescale for Requesting Independent Review

The deadline for applications for an independent review in relation to exclusions occurring between 25 September 2020 and 24 March 2021 will be **25 school days** from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.