



Hindhayes Infant School
Exclusion Of Pupils Policy
January 2023

At Hindhayes, we believe success is based on the partnerships between pupils, staff and the parent community. We endeavour to enrich and develop each child to be a successful individual that will become an active community citizen of the future.

Approved on: _____
Signed: _____
Role: _____

This policy will describe the exclusion process in order to establish a fair and consistent approach in line with legislation and statutory guidance and our inclusive ethos.

This policy is based on statutory guidance from the Department For Education: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.](#)

Rational

We seek to ensure that all of our children learn and thrive in an environment completely free from the fear of intimidation by others. The values that underpin Hindhayes Curriculum of Hope are key to our school and include compassion and a Curriculum For Life promotes honesty, respect, kindness and tolerance.

As a school, we feel that it is important to promote a caring and supportive environment to enable all members of the school to feel secure, respected and therefore encourage good behaviour in others. We believe that fostering high standards of behaviour is an integral aspect of the life of our school community. All children will, at some point, make a wrong choices but it is our intention that through this policy, our pupils can be given clear support and guidelines to enable them to learn for the future after any mistakes have been made.

Aims

We aim to:

- Create a culture of exceptionally good behaviour: for learning, for community and for life which values compassion, kindness, care and empathy
- Ensure that everyone is treated fairly, shown respect and positive relationships are formed
- Help learners take emerging control over their behaviour and be increasingly responsible for the impact of their words and actions
- Have clear expectations and strategies and apply the exclusions process fairly and consistently
- Support pupils, parents, staff and governors to understand the exclusion process
- Enable all pupils to learn in a safe and happy school

This policy is written in conjunction with the school's Relationship Policy.

A relational approach:

Hindhayes Infant School aims to employ a variety of classroom strategies to enable the pupils feel safe, secure and ready to learn. We know that a relational approach which is underpinned by positive relationships help us to build a child's self-esteem and self-worth. We recognise that all behaviour is a language and that for some children the way they behave is not a choice it is helping the child to have their unmet needs met. We also recognise that children with SEND are more likely to have related behavioural difficulties and that some children will need to be taught about boundaries as they may not have experienced these within their home. We know that children will learn more from consequences than they will from punishment and that we must connect with a child before we try to correct their behaviours. Our trauma informed approach enables us to recognise that for our most vulnerable children there may be circumstances that are making them sensitive to situations. We advocate the use of emotional coaching and encourage children to use their brilliant brains and move forward from raging in their dinosaur brain. Just one reliable, emotionally available adult who is consistent and steady in the school community can make all the difference and so we tune in to coach a child through their most challenging times. For more information view the school's Relationship Policy to find out more about agreed strategies and restorative consequences.

Discouraging Unacceptable Behaviour and Restorative Justice

It is important to remember before we resort to any sanctions, that we ensure a child who has misbehaved in some way is given the opportunity to make amends and experience forgiveness. This process should be:

- 1) Understanding what was wrong
- 2) Understanding the feelings of others
- 3) Feeling sorry
- 4) Problem solving to put it right
- 5) Learning for the future

For serious incidents/persistent misbehaviour

Incidents of this type of behaviour will be recorded on an agreed ABCCR form.

A – Antecedent (What was happening before?)

B – Behaviour (What behaviour was displayed?)

C – Consequences (What happened as a result?)

C – Communication (What was the child trying to tell us?)

R – Repairing Relationships

These forms are shared with SLT, SENDCo, Learning Mentor, PFSA and external agencies where needed. In instances where behaviour is serious, senior staff / parents are immediately involved. This includes behaviour such as:

- Child on Child abuse, physical, verbal, racist or sexual
- Defiance or persistent disruptive behaviour
- Damaging school or others' property
- Assaulting a member of staff – physical, verbal, racist or sexual
- Leaving the schools grounds without permission
- Behaviour which causes an accident /Health and Safety issue

At this stage the parents will be contacted as a suspension or an exclusion may be necessary. Children may be excluded from planned visits due to their behaviour.

Suspension and Exclusion Arrangements

Our suspension and exclusion arrangements are conducted in full accordance with the Equality Act 2010 and the Children and Families Act 2014.

If the Head Teacher is satisfied that a pupil has committed a disciplinary offence, and the pupil is being removed from the school site for that reason, the formal suspension and exclusion process comes into operation.

Only the Head Teacher (or in the absence the acting Head teacher) can suspend or exclude a pupil and the decision should always be made after careful consideration of all the relevant facts, information and circumstances, including if the pupil has special educational needs and or disabilities. The ABCCR form holds much of this information. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“the practice of removing a pupil from the school roll without a formal, permanent exclusion or y encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than on the best interests of the pupil”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe environment. A decision to exclude will be taken only:

In response to serious or persistent behaviour incidents

If allowing the pupil to remain in school would seriously harm the education or welfare of others.

The Suspension and Exclusion Process

The child is removed from any areas where they could harm themselves or others.

No decision will be made until the Head Teacher has spoken to the child or asked another senior lead such as Deputy Head, Learning Mentor or PFSA to do this

If the decision is to suspend or exclude, the Head Teacher will contact the child's parents or guardians without delay, to give a brief explanation of the difficulties and notify that they must collect their child from school at a fixed time or immediately. The length of the intended suspension or exclusion is clearly stated verbally to the parents or guardians.

On behalf of the Head Teacher, the School Office will prepare and send, without delay, the formal suspension or exclusion letter to parents or guardians.

The Head Teachers will, without delay, inform the school's Governing Body of:

- Any exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or exclusion which would result in the pupil being suspended or excluded for a total of more than 5 school days in a term
- Any suspension or exclusion which would result in the pupil missing a National Curriculum Test.

For the purposes of exclusion, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

If the child has a social worker or is a child looked after, the Head Teacher will, without delay, inform the pupil's social worker or the Virtual School Head as appropriate.

The Head Teacher will, without delay, inform the local authority of any suspension or exclusion regardless of the length or the pupil's 'home authority' if they live outside the local authority.

The school has a duty to provide education during the first 5 days of a suspension. Work will be prepared and either sent home by the class teachers or provided remotely.

Where a child has been given a suspension of a duration of six days or longer, the Local Authority has a duty to arrange suitable full-time educational provision from and including the sixth day of exclusion. This will happen in consultation with Support Services.

Parents will be informed of:

- The start date and session timings for any provision of full-time education
- The address at which the provision will take place

Reintegration

On a child's return to school the Headteacher (or in their absence the acting Head Teacher or Learning Mentor) will meet with the child and the parents/guardians to discuss the design of the reintegration strategy to offer the child a fresh start and to establish the need for appropriate and acceptable behaviour.

A child will not be prevented from returning to a classroom if parents are unable or unwilling to attend a reintegration meeting.

Where necessary, the school will work with relevant staff and multi-agency organisations, such as teachers, mentors, social workers, educational psychologists to identify if the child has any SEND and/or health needs.

The reintegration strategy may include Learning Mentor, PFSA support or a Pastoral Support Plan (PSP) A PSP is for children who are at risk of further suspensions or permanent exclusions.

Responsibilities of the Governing Body

The governing body will monitor the number of suspensions and exclusions and the number of cancellations once per term.

The governing body will establish an Exclusions Panel to consider the reinstatement of an excluded child within 15 school days of receiving the notice of the exclusion from the headteacher 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 the child missing a public examination.

If requested to do so by parents, the Exclusions 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 days but less than 15, in a single term.

The exclusions panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Exclusions Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 be recorded on the pupil's educational record.

The Exclusions Panel will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Permanent Exclusion

Where an exclusion is permanent, the Exclusion Panel 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 review should be submitted
- That any application should set out the grounds on which it is begun 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 SEND, parents have a right to require the school 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 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.

That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (SEND), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

An independent review

If parents apply for an independent review, the school 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 Exclusion Panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 3 members will come from the headteacher category.

- A lay member to chair 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 headteachers during this time.
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a part of the panel if they:

- Are a member of governing board of the excluding school
- Are an employee of the school or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the school, governing body, 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

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.

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 of 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 (educated 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.