



# **Moat Farm Junior School**

## **Exclusions Policy**

**2023 - 2024**

## **Exclusions: Good Practice Guide**

There are three types of exclusion that Moat Farm Junior School can use as a sanction:

### **1. Lunchtime Exclusions (Suspensions)**

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as one half of a school day for statistical purposes and to trigger Governor meetings, so that parents can make representations if required. These exclusions are not affected by the new regulations on providing pupils with education from the sixth day of their exclusions. Taking into account the child's age and vulnerability, the Heads of School should ensure that a parent / carer has been contacted and is available to collect the pupil during the lunchtime exclusion. Free School Meal entitlement must be honoured.

A lunchtime exclusion for an indefinite period, like any other exclusion, would not be lawful. The guidance suggests that this strategy should not be used for long periods of time e.g. for not longer than a week.

### **2. Fixed Term Exclusions (suspensions)**

A decision to exclude a pupil for a fixed period should be taken, on the balance of probabilities, only in response to breaches of the school's behaviour policy where these are not serious enough to warrant permanent exclusion. 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 following an exclusion. Ofsted inspection evidence suggests that 1-3 days are often long enough to have the desired effect without adverse educational consequences.

A school can do fixed term exclusions for a maximum of 45 days in one academic year. When a pupil is given a fixed period exclusion for six school days or longer, the school has a duty to arrange suitable full-time education provision from and including the sixth school day of the exclusion.

NB: When a pupil receives three fixed term exclusions in one term this should trigger a CAF (Common Assessment Framework), which could then lead to a TAC (Team Around the Child) meeting.

When a pupil has received fifteen days exclusions in one term, this should then be presented to the Governors for them to review the case. Both of these measures are used as a strategy to prevent a permanent exclusion.

Full time education must be provided from the first day for Children in Care" (i.e. "Looked After Children").

Primary Schools must arrange reintegration meetings for all pupils following a fixed term exclusion. Return to school cannot be delayed if a parent is unable or unwilling to take part in this meeting via telephone.

Examples of behaviour types that warrant a fixed term exclusion:

Continued disruptions in lessons & school	1 - 3 Days
Defiance	1 - 3 Days
Verbal abuse to staff, pupils and others	1 Day
Racial abuse to staff, pupils and others	1 Day
Bullying – physical / verbal	1+ Day
Physical abuse to staff, pupils and others	1+ Day
Sexually inappropriate behaviour	To be determined
Theft	1 - 3 Days
Vandalism	1 - 3 Days
Extortion	1 - 3 Days
Threatening behaviour	1 - 3 Days
Setting off Fire Alarm	1 - 3 Days
Spitting	1-3 Days

This table is a guide only and draws on current practices in Sandwell Primary Schools. The number of days given to the pupil is at the discretion of the Heads of School (or Acting Head Teacher).

The days illustrated above are a guideline only and longer exclusions (including permanent exclusions) may be implemented depending on the severity of the offence. Guidance in relation to representation from parents / carers:

<b>3.</b>	If total is 5 school days or less	Governors do not have to meet but it is good practice to do so.
	If total is 5 -112 school days or more	Parents have the right to put case to Governors - they are able to remove the fixed term exclusion from the pupil's school record if appropriate.
	Exclusions that total 15 school days or more in one term.	Governors should review the pupil's case.

**Permanent Exclusion**

The decision to permanently exclude can only be made by the Heads of School. 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 pupil or other in the school.

The decision to exclude a pupil permanently is a serious one and should only be taken when all the facts and evidence are clear. In some circumstances it will be necessary to put a fixed term exclusion in place pending the outcome of an investigation. This should be as short as possible and work should be sent home by school in the first instance. Full time education should be provided from the sixth day of any fixed term exclusion. However, full time education must be provided from the first day for "Children in Care" (i.e. "Looked after Children"). In such cases, letters sent to parents / carers need to indicate that a permanent exclusion might be the outcome of these investigations.

There will be exceptional circumstances that the Heads of School will decide to permanently exclude a pupil for a "one off" incident. These could be:

- 1) Serious actual or threatened violence against another pupil or member of staff:
- 2) Sexual assault / abuse:
- 3) Supplying an illegal drug:
- 4) Carrying an offensive weapon

When a pupil is involved in a criminal activity the school should consider whether or not to inform the police. The outcome of the police investigation does not have to have reached its conclusion before the Heads of School make their decision. (See Improving Behaviour & Attendance: Guidance on Exclusion for Schools & PRUs: September 2008 - Part 6 - Police involvement and parallel criminal proceedings).

Once the Heads of School have made the decision to permanently exclude a pupil, they need to contact the Local Authority to advise them in order for the statutory Day 6 education provision to be made by the Authority (Day 1 for "Children in Care").

Head of School should carefully follow the procedures set out in law, which are designed to ensure fairness and openness in the dealing of permanent exclusions.

Correspondence to the parents / carers must clearly indicate the following:

- Reason for the permanent exclusion and effect from what date
- The parent's right to make representations about the exclusion to the governing body and how the pupil may be involved in this.
- The contact details if they wish to make such representation (this is normally the Clerk to the Governors)
- The school days on which the parent is required to ensure that their child is not present in a public place during school hours without justification and that the parent may be prosecuted, or may be given a fixed penalty notice, if they do not do so.
- The arrangements that have been made enabling the pupil to continue with his / her education. (Day 6 provision)
- The latest date by which the governing body must meet to consider the exclusion. (15 school days from date of the permanent exclusion letter).
- The parent's right to see and have a copy of their child's records upon written request to the school.
- The name and telephone number of an officer from the Local Authority who can provide advice as well as the contact details for ACE (Advisory Centre for Education)

Within one school day the Heads of School must inform the governing body and the Local Authority of **permanent exclusions**. If the pupil lives outside the local authority where the school is located then the "home" local authority need to be advised in order from them to provide the statutory Day 6 provision.

The Clerk to the Governors is responsible for arranging the meeting of the Discipline Committee meeting, ensuring that there are three or five Governors available. The Clerk will need to minute the meeting. The statutory guidance is that this meeting must take place within 15 school days from the date of the permanent exclusion.

The school need to collate all the relevant paperwork and to ensure that the family receives this paperwork at least five days prior to the governors meeting. The Governors as well as the Local Authority representative will also need copies of the paperwork provided again at least five days prior to the Governors meeting.

Once the Governing Body have heard the case then the clerk to the Governors will inform the family of the decision within one working day, clearly stating in the letter that the family have the right to appeal against this decision before an Independent Appeal Panel. In the appeal letter, the contact details to whom the request for the appeal must be made to should be clearly identified as well as the date by which the letter needs to be received by (the family have 15 school days in which to appeal). On receipt of a letter requesting an appeal, the Local Authority has 15 school days in which to hear this appeal.

### **Reintegration interview:**

The Heads of School or a senior member of staff should arrange and conduct a reintegration interview with a parent and the pupil at the end of the exclusion at a date and time convenient for the parent either virtually or through a telephone call.

The notice for a reintegration interview must be given no later than 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

If the parent fails to take part in the virtual/telephone meeting, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

Primary: School **must** offer a reintegration interview after any exclusion.

### **Cancelling Exclusions**

The Heads of School can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Heads of School must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation.
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- Parents should be offered the opportunity to meet the Heads of School to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded
- without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation
- will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.



**Decision:** Head teacher, acting head teacher, or teacher in charge of a PRU takes the decision to exclude a pupil for a fixed period.

**Contact parent:** The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child's welfare must always be the prime consideration.

**Lunchtime exclusion:**  
Pupils who are disruptive during the lunchtime may be excluded just for the duration of the lunchtime. Lunchtime exclusion will count as half a day for statistical purpose and for parents to make representation but are not counted in the school's 6<sup>th</sup> day duty to provide full-time education.

**Exclusion during morning session:**  
The exclusion takes effect from the afternoon session; notice must be given to the parent before the start of the afternoon session.

**Exclusion during afternoon session:**  
- If the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.  
- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon session

**Written notice:** The head teacher must give a written notice to the parents informing them of:

- the precise period and the reasons of the exclusion;
- the parent's duties during the first five days;
- the parents right to make representation to the Governing body and how the pupil may be involved in this;
- The person the parent should contact if they wish to make such representation;
- The arrangement made by the school to set and mark work for the pupil during the initial 5 days of the exclusion;
- if relevant, the school day on which the pupil will be provided with full-time education; and
- if relevant details of a reintegration interview.

The head must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Pupils can be excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

**Educational provision during the exclusion:**

- The school has a duty to arrange suitable full-time educational provision from and including the 6<sup>th</sup> consecutive day of the exclusion.
- Where a Looked After Child is excluded, provision should be in place from the 1<sup>st</sup> day of exclusion.
- Schools in the former BIP still receiving additional funding should make provision from the first day of exclusion.

**Reintegration interview:**

The head teacher or a senior member of staff should arrange and conduct a reintegration interview with a parent and the pupil at the end of the exclusion at a date and time convenient for the parent on the school premises.

The notice for a reintegration interview must be given no later than 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

If the parent fails to attend, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

**Primary:** School **must** offer a **virtual/telephone** reintegration interview after any exclusion

**Secondary:** School **must** offer a **virtual/telephone** reintegration interview for an exclusion of 6 or more school days.

If the school or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with the school or LA in attempting to improve the child's behaviour, the school or LA may consider applying to the Magistrate's Court to compel the parent to comply with certain requirements. See related guidance.

This policy adheres to the principles under data protection law. For further information please review the school's data protection policy published on the school's website



## Appendix 1