



Whinstone Primary School

Procedure for Exclusions

Last revised: September 2019

1. Rationale

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

- a. 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 succeed;
- b. The second is to realise the aim of reducing the need to use exclusion as a sanction.

2. Introduction

The decision to exclude a pupil will be taken in the following circumstances:-

- a. In response to a serious breach of the school's behaviour policy;
- b. If allowing the pupil to remain at school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Head Teacher (or, in the absence of the Head Teacher, the Deputy Head Teacher who is acting in that role).

Exclusion, whether fixed term or permanent, may be used for any of the following circumstances, all of which constitute examples of unacceptable conduct, and are infringements of the schools behaviour policy:

- Defiance of school rules
- Repeated disruption of learning
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Persistent use of foul language
- Wilful damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Bringing illegal drugs and or drug paraphernalia onto site
- Supplying an illegal drug (on or off site)
- Carrying an offensive weapon
- Arson
- Bringing the school into disrepute

This is not an exhaustive list and there may be other situations where the Head Teacher makes the judgment that exclusion is an appropriate sanction.

3. Exclusion Procedure

- a. Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- b. The DfE's regulations allow the Head Teacher to exclude a pupil for one or more fixed periods not exceeding 45 teaching days in any one academic year.
- c. The Local Governing Body has established arrangements to review promptly all permanent exclusions from our school and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination (e.g. KS2 SATs).

- d. The Local Governing Body has established arrangements to review fixed term exclusions which would lead to a pupil being excluded for between 6 and 14 days in a school term, where a parent has expressed a wish to make representations.
- e. Following exclusion, parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Local Governing Body as directed in the letter.
- f. A Return from Exclusion meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team, and due to the seriousness of exclusion a representative of the Local Governing Body may be present.
- g. During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- h. In deciding if an exclusion is appropriate the Head Teacher will need to take into account any conflict between the decision to exclude and other school policies such as the SEN, Anti-Bullying and Equality policies, where appropriate. This does not mean, for example, that a child with an Education Health and Care Plan cannot be excluded from Whinstone Primary School but rather that the Statement would need to be taken into account as a mitigating factor when making the decision whether or not to exclude.

4. Permanent Exclusion

- a. The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.
- b. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which includes racist or homophobic bullying), persistent and serious disruption of teaching and learning across the school or repeated possession and/or use of an illegal drug on school premises.
- c. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

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| <ul style="list-style-type: none"> • Serious actual or threatened violence against another pupil or a member of staff. • Sexual abuse or assault. | <ul style="list-style-type: none"> • Possession, use or supplying of an illegal drug • Carrying an offensive weapon. • Arson. |
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The school will consider police involvement for any of the above offences.

- d. Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."
- e. Please note: any person found in possession of an illegal weapon (e.g. knife) must be reported to the Police.
- f. The Head Teacher and authorised staff have the statutory power to search pupils without consent when they have reasonable grounds for suspecting that serious harm will be caused to a person if the search is not conducted immediately. This extends to instances where a member of staff has lawful control or charge of a pupil.
- g. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.
- h. General factors the school considers before making a decision to exclude:
- i. Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Head Teacher will:

- Ensure appropriate investigations have been carried out.
 - Consider all the evidence available to support the allegations taking into any appropriate school policies.
 - Allow the pupil to give her/his version of events.
 - Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.
- j. If the Head Teacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

5. Exercise of Discretion

- a. In reaching a decision, the Head Teacher will always look at each case on its own merits. While it is important to ensure that decisions are both fair and consistent it is also true that the circumstances of each case will be different and therefore it will inevitably be the case that pupils will receive different sanctions and differing exclusions for what may seem to be similar offences.
- b. In considering whether permanent exclusion is the most appropriate sanction, the Head Teacher will consider:
- i. The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's behaviour policy and
 - ii. The effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.
- c. In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Review Panel, when it meets to consider the Head Teacher's decision to exclude. This Panel will require the Head Teacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

6. Alternatives to Exclusion

Whinstone Primary School will work closely with Vision Academy Learning Trust and Stockton LA schools to undertake a managed move where such a course of action would be of benefit to the pupil.

7. Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

8. Behaviour Outside

- a. Pupils' behaviour outside Whinstone Primary School that are on school business, for example trips and journeys, away or a work experience placement, will be subject to the school's behaviour policy. Behaviour and conduct in these circumstances will be dealt with as if it had taken place in the school.
- b. For behaviour outside Whinstone Primary School that is not deemed to be school business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of our school or on a journey to and from our school is poor and meets the school criteria for exclusion, then the Head Teacher may decide to exclude.