Dormers Wells Junior School Exclusions Policy 2017 - 2019

Rationale
This policy is to be read alongside Dormers Wells Junior School Behaviour Policy; it deals with the policy and practice which informs the School’s use of exclusion. It is underpinned by the shared commitment of all members of the School community to achieve very important aims:

- 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 achieve

Introduction
Exclusion is an extreme sanction and is only administered by the Head Teacher (or, in the absence of the Head, the member of the Senior Leadership Team who is acting in that role). In deciding whether to exclude or, whether serious breaches in behaviour could be dealt with in another way, the School is mindful of the guidance issued by Ealing Council and by the Department for Education (DFE) which was updated in July 2017.

The decision to exclude a pupil could be taken in the following circumstances;

- In response to a serious breach of the School’s Behaviour Policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil, staff or others in the school

Exclusion, whether fixed term or permanent may be used for any of the following; all of which constitute examples of unacceptable conduct and are infringements of the Behaviour Policy:

- 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 or physical abuse of other pupils or school staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm
- Carrying or use of a knife or other object used as a weapon
- Indecent behaviour

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

There are three types of exclusion the school may use:

- Fixed term – This is a temporary exclusion of between 1 and 5 school days in length. No pupil may be excluded for more than a total of 45 school days in any one academic year
- Lunchtime – This is a form of fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes
- Permanent – The pupil will not return to the school

INFORMAL or UNOFFICIAL exclusions, such as sending pupils home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers. These will not occur at Dormers Wells Junior School.

Any exclusion of a pupil, even for short periods of time, will be formally recorded and reported to appropriate authorities.
Exclusion procedure

A decision to exclude should not be taken in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil themselves. Before reaching a decision as to whether to exclude the Head Teacher will:

- investigate the incident and make a decision on the best sanction and support for all pupils and staff taking in to consideration the aims outlined in the rationale above
- liaise with the Ealing Exclusions Team and Behaviour Support Service for advice, if felt appropriate
- consider all the evidence available to support the allegations, taking into account the school’s behaviour and equal opportunities policies, and where applicable the Equality Act 2010 as amended
- be satisfied that, *on the balance of probabilities, the pupil did what he/she is alleged to have done
- allow and encourage the pupil to give their version of events
- check whether an incident may have been provoked, for example by bullying (including homophobic bullying) or by racial/sexual harassment
- consider whether the proposed sanction is proportionate in itself and in light of the treatment of any others involved in the incident
- consider all the evidence available to support the allegations, taking into account the school policies
- consult others if necessary (being careful not to involve anyone who may later take part in the statutory review of their decision e.g. a member of the Governors Review Meeting)
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned
- witness statements must be dated and should be signed, wherever possible
- be satisfied that the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of their legal duties

*The standard of proof to be applied is the balance of probabilities, i.e. is it more probable than not that the pupil did what he or she is alleged to have done. The 2012 guidance removes the need for there to be more convincing evidence the more serious the allegation. (Note: Head Teacher checklist – Appendix A)

- Having made a decision to exclude a pupil, the Headteacher will officially inform the Ealing Exclusions Team within one school day using Form EXP. If the pupil lives outside Ealing LA, the Headteacher will also advise the pupil’s ‘home’ LA of the exclusion so that they can make arrangements for the pupil’s full time education from the 6th school day of the exclusion
- The Governors will review promptly all permanent exclusions from the 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
- The Governors will review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations
- Following the decision to make a fixed or permanent exclusion, parents will be contacted immediately, where possible. A letter will be sent to the parents giving details of the exclusion. It will state reasons for the exclusion, the start date and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter
- A return to School / re-integration meeting will be held following the expiry of the fixed term exclusion. This will involve the Head Teacher and other appropriate members of staff
- During the course of any fixed term exclusion the parents must ensure that the pupil is not present in a public place during school hours without reasonable justification. Parents can be prosecuted if they fail to do this. The pupil may also be removed from the public place by the police and taken to designated premises. If the LA is advised that a parent has failed to comply with supervision requirements during the...
Dormers Wells Junior School Exclusions Policy 2017 - 2019

first 5 school days of a permanent exclusion, the School Attendance Service will take further action if, after enquiries / evidence gathering, the relevant officer decides that there are sufficient grounds on which to proceed

- The pupil’s teachers will provide work which must be completed while the child is at home and returned promptly for marking and assessment
- Where a pupil is given a fixed-term exclusion of six school days or longer, the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion
- The LA is statutorily responsible for ensuring that full-time provision is made for all permanently excluded Ealing resident pupils from the 6th school day of the exclusion

All exclusion cases will be treated in the strictest confidence, only those who need to know the details will be informed of them.

The Headteacher may choose to withdraw the exclusion at any time prior to it being reviewed by the governors.

Where a parent does not speak or have a good understanding of English, the school will make every attempt to arrange for correspondence and documentation to be translated. If required, the school will arrange for an interpreter to be present at any meetings with the parent about the exclusion, including the Governors Review Meeting.

**Fixed Term Exclusion**

A decision to exclude a pupil for a fixed term will be taken, on a balance of probabilities, in response to breaches of the School's Behaviour Policy.

Fixed term exclusions are limited to a total of 45 days in any one academic year for an individual pupil – not in any one particular establishment. For this reason when administering new admissions for pupils changing schools mid-year, the school will be particularly vigilant about obtaining accurate information on any previous fixed period exclusions in that academic year from the parents / guardians and schools. This is also to ensure appropriate support and provision can be planned in.

In exceptional cases, usually where further evidence has come to light, a fixed-term exclusion [given ‘pending further investigation’] may be extended, or converted to a permanent exclusion. If this situation arises, a second letter will be sent to the parents explaining the reasons for the extension/change.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period, this is a fixed-term exclusion counted as one half of a school day (1 session).

**Permanent Exclusion**

A decision to exclude a child permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities.

It would usually be the 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 could include persistent and defiant misbehaviour including bullying (including racist or homophobic bullying) – see Behaviour Policy.

There could, however, be exceptional circumstances where, in the Headteacher's / teacher in charge’s judgment, 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 (see Behaviour Policy. Note: Schools have a power to screen and search pupils
In these exceptional circumstances, the Head Teacher will consider whether or not to inform the police where a criminal offence may have taken place. They will also consider whether or not to inform other agencies, such as social workers. The School may also organise a Team Around a Child (TAC) Professionals meeting to discuss the next steps to best support the child’s needs.

If the Headteacher 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.

Signed Headteacher:

Signed Chair of Governors:

Date:
### Appendix A

#### Head teacher’s exclusion checklist

<table>
<thead>
<tr>
<th>Pupil’s Name:</th>
<th>Pupil’s Class:</th>
<th>D.O.B.:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

On the balance of probabilities, did the pupil do it?

Does the incident represent a serious breach of the school behaviour policy / the final straw incident in a series of persistent breaches of the behaviour policy?

Does the pupil’s presence seriously harm the education/welfare of pupils/others?

Is exclusion the appropriate response?

**Factors to Consider**

- Decision to exclude not taken in the heat of the moment
- A thorough investigation has been carried out
- Evidence has been considered in the light of policies and discrimination
- The pupil’s views have been encouraged, heard and recorded
- Mitigating circumstances and provocation (bullying etc.) have been considered
- Appropriate wider consultation has been considered

Has there been involvement from specialist teachers (SENDIS) or (primary schools only) Primary Behaviour Service or an Educational Psychologist?

Has a pastoral support programme been tried?

Have alternatives to exclusion been considered (e.g. restorative justice, mediation, internal exclusion, school to school managed move)?

### Special Considerations

**Does this pupil have a statement of special educational needs (SEN)?**

If so:

- Have you contacted the special needs officer?
- Has an emergency annual review been called?

**Is this pupil currently a child in the care of the Local Authority?**

If so:

- Have you contacted the Head of the Virtual School and Social Worker?

**Is this pupil subject to Child Protection procedures or a Child In Need?**

If so:

- Have you spoken to the Social Worker?

**Is there a CAF for this pupil?**

If so:

- Have you spoken to the CAF co-ordinator?

Has issues of SEN, disability, race and care been fully considered?

*See separate check list for considerations around the exclusion of children with SEN/disability*
Appendix B
Head teacher’s checklist for pupils with SEN / disability

<table>
<thead>
<tr>
<th>Pupil’s Name:</th>
<th>Pupil’s Class:</th>
<th>D.O.B.:</th>
<th>Yes</th>
<th>No</th>
</tr>
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<tbody>
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<td></td>
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</table>

**Does the pupil have a Statement of Special Educational Needs?**
- Has the Special Needs Officer been contacted?
- Has an emergency annual review been called?
Not all pupils with statements of special educational needs will have a disability but there is a significant overlap.

**Is this pupil school action or school action plus?**
- Has extra assistance from the LA been explored?

**Does the pupil have a disability?**
For example, do they have a mental or physical impairment which has a substantial, adverse effect on their ability to carry out normal day to day activities?
In law “substantial” means more that minor or trivial
In law “long term” means at least a year
Not all pupils with a disability will have a statement of special educational needs, but many will.
“Disability” includes physical disabilities, speech and language needs, memory and ability to concentrate, perception of the risk of danger when these are adverse, long term and substantial

**Has the pupil been treated less favourably?**
**Would a pupil without a disability have been dealt with in the same way?**
You will need to consider:
- What is less favourable treatment?
- What is the reason for less favourable treatment?
- Is the reason directly related to their disability?
- Can less favourable treatment be justified?
- Is the justification material and substantial?
Have reasonable adjustments been made for this pupil?
You will need to consider:
• Would failure to make reasonable adjustments place the pupil at a substantial disadvantage?
• Could the need to make reasonable adjustments have been anticipated?
• Has the school reviewed policies, practices and procedures (continuing responsibility)?
• Does reasonable adjustment involve removal/alteration of physical features?
• Does reasonable adjustment involve provision of auxiliary aids/services (SEN framework)?

Have relevant factors been explored and balanced?
- Need to maintain standards?
- Financial resources available?
- Cost of taking particular step?
- Extent to which it is practical to take particular step?
- Extent to which auxiliary aid/services will be provided under SEN framework?
- Health and safety requirements?
- Interests of other pupils/prospective pupils?
- Could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)?
- Can actions or omissions be materially and substantially justified?