

# BY BROOK VALLEY CE PRIMARY SCHOOL

## Exclusion of pupils policy



Roots to grow, wings to fly  
"They will soar on wings like eagles" Isaiah 40:31

Registered Address: By Brook Valley Academy Trust, The Street, Yatton Keynell, Wiltshire,  
SN14 7BA  
Registered in England and Wales  
Company Registration No. 8020467

## Exclusion of Pupils Policy

### Equality Impact Assessment (EIA) Part 1: EIA Screening

<b>Policies, Procedures or Practices</b>	Exclusion of Pupils	<b>Date</b>	May 2022
EIA CARRIED OUT BY:	F&E	EIA APPROVED BY:	FGB May 2022

Groups that may be affected:

Are there any concerns that the policy could have a different impact on any of the following groups? (please tick the relevant boxes)	Existing or potential adverse impact	Existing or potential for positive impact
Age (young people, the elderly: issues surrounding protection and welfare, recruitment, training, pay, promotion)		
Disability (physical and mental disability, learning difficulties; issues surrounding access to buildings, curriculum and communication).		Additional support provided to children with specific needs
Gender Reassignment (transsexual)		
Marriage and civil partnership		
Pregnancy and maternity		
Racial Groups (consider: language, culture, ethnicity including gypsy/traveller groups and asylum seekers)	Potential disadvantage for traveller groups	
Religion or belief (practices of worship, religious or cultural observance, including non-belief)		
Gender (male, female)		
Sexual orientation (gay, lesbian, bisexual; actual or perceived)		
Any adverse impacts are explored in a Full Impact Assessment		



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Date: May 2022

Review Date: May 2023

#### Our Vision

*Roots to grow, wings to fly*

*"They will soar on wings like eagles." Isaiah 40:31*

At By Brook Valley we are committed to creating a positive, safe and caring Christian environment, where all members of the school and wider community will be respected and valued.

We support one another to put down strong roots within our distinctively Christian culture, growing from our core values of hope, honesty, forgiveness and friendship. In this way, we will each be the very best we can be.

This policy should be read and understood from this perspective.

**This policy has been written in line with the DfE Statutory guidance for those with legal responsibilities in relation to exclusion September 2017 and should be read in conjunction with this.**

#### Rationale

This policy 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 the following aims:

1. To ensure the safety and well-being of all members of the school community and maintain an appropriate education environment in which we can all learn and succeed.
2. To aim to reduce the need to use exclusion as a sanction.

#### Introduction

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

1. In response to a serious breach of the School's Behaviour Policy

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

Exclusion is an extreme sanction and this must be on disciplinary grounds. It will only be administered by the Headteacher or, if the Head is absent, by the Deputy Head.

The Head teacher will take into account their legal duty of care when sending a pupil home following an exclusion.

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 School's Behaviour Management Policy:

- Verbal abuse to pupils, staff or others
- Physical abuse to/attacks on staff
- Physical abuse to / attacks on pupils
- Indecent behaviour
- Deliberate damage to property
- Misuse (in the reasonable opinion of the Headteacher) of drugs and/or other substances
- Theft
- Serious actual or threatened violence against another pupil or member of staff
- Sexual abuse or assault
- Possessing and/or supplying drugs and/or other substances
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which the school sanctions and other interventions have not been successful in modifying the pupil's behaviour (e.g. persistent bullying, racism )

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

The behaviour of a pupil outside school can be considered grounds for an exclusion.

### **Exclusion of pupils with disproportionately high rates of exclusion (DfE guidance section 3: 21 – 22)**

The Head teacher will consider early intervention to identify and address the needs of pupils from this group in order to reduce their risk of exclusion. The school will seek support from education services, other professionals and/or engaging with members of the pupil's family

### **Exclusion of pupils with Education, Health and Care plans (EHC plans) and looked after children (DfE guidance 2017 section 3: 23-25)**

The head teacher and governing board must comply with the statutory duties in relation to SEN when administering the exclusion process. This includes having regards to the SEND Code of Practice.

The head teacher will, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.

The school will engage proactively with parents in supporting pupils with additional needs.

Where the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it will, in partnership with others, consider what additional support or alternative placement may be required.

### **The Head teacher's duty to inform parties about an exclusion**

Whenever the head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reason(s) for it. The parent will be asked to collect their child immediately. A letter is sent, in the post, giving details of the exclusion. Parents have the right to make representation to the governors and details of how to do this will be included in the letter. *(DfE guidance September 2017 4.1 & 4.2)*

The head teacher must, without delay, notify the governing board and the local authority *(DfE guidance September 2017 4.3)*

### **Fixed Term Exclusion Procedure**

Most exclusions are of a fixed term nature and are short in duration (1-3 days). The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in a single academic school year. A fixed- period exclusion does not have to be for a continuous period. A fixed- term exclusion can also be for just parts of a school day. For example, if a pupil's behaviour at lunchtime, they may be excluded from the school premises for the duration of the lunchtime period. *(DfE guidance 2017 Annex B – A non- statutory guide for head teachers)*

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve the Head teacher and/ or the Deputy Head teacher and other staff where appropriate.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceeds five days, a Pastoral Support Plan will be drawn up. This needs to be agreed between the school, pupil and parents.

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 the day time supervision is their responsibility as parents/guardians.

### **Permanent Exclusions**

The decision to exclude a pupil permanently is a serious one. A decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and

- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school

This would include persistent and defiant misbehaviour including bullying (including racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.

Permanent exclusion 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 implemented without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.

1. 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:
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug and/or other substance
  - Carrying an offensive weapon (Prevention of Crime Act 1953 – “any article made or adapted for causing injury to a person; or intended by the person having it with him for such use by him”).
  - Arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline, safety and well-being of the school.

2. We believe that God's grace and forgiveness are infinite, and (add) in line with our Christian culture and ethos in the right to make a fresh start (*delete*) the school will support the pupil and his/her family in applying for a place in another school through the Fair Access Protocol.

### **General Factors the school considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed term the Head will:

- Ensure appropriate investigations are carried out
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy and Single Equalities Policy.
- Allow the pupil to give his/her version of events
- Check whether the incident may have been provoked eg by bullying, racial or sexual harassment.

If the Head is satisfied that on balance of probabilities the pupil did what he/she is alleged to have done, exclusion will be the outcome.

### **The role of the Governing body.**

**The Governing body will take into account their duties outlined in the following sections of the *DfE guidance 2017*:**

**4.3** The head teacher's duty to inform the governing board and the local authority about an exclusion

**5.** The governing board's and local authority's duties to arrange education for excluded pupils

**6.1** The governing board's duty to consider an exclusion

**6.3** The governing board's duty to notify people after it's consideration of reinstatement

**7** The governing board's duty to remove a permanently excluded pupil's name from the school register

**8.** The academy trust's duty to arrange an independent review panel

**9.** The duties of independent review panel members, the clerk and the SEN expert in the conduct of an independent review panel

**10.** The governing board's duty to reconsider reinstatement following a review

**12.** Statutory guidance to the head teacher, governing board and independent review panel members on police involvement and parallel criminal proceedings

The Governing board will also refer to ***Annex A from the DfE guidance 2017 – A summary of the governing board's duties to review the head teacher's exclusion decision***

## **Monitoring**

The Foundation and Ethos Governors committee will monitor this policy annually through reviewing the number of exclusions and checking that the policy and procedures have been accurately followed when exclusion has been deemed necessary.

Owner	
Governing Committee	Foundation & Ethos
Statutory Policy	Yes (behaviour)
Approved on	May 2022
Date of next review	May 2023
Adoption by Academy Board required	Yes
Date adopted by Academy Board	May 2022

