# NEWTOWN PRIMARY SCHOOL
# EXCLUSIONS POLICY

STOUR VALE ACADEMY TRUST

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## Exclusions: Good Practice Guide

There are three types of exclusion that Newtown Primary School can use as a sanction:

1. Lunchtime Suspensions
2. Suspensions
3. Permanent Exclsuions

## Lunchtime Suspensions

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions 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 suspensions are not affected by the new regulations on providing pupils with education from the sixth day of their suspensions. Taking into account the child's age and vulnerability, the Head Teacher should ensure that a parent/carer has been contacted and is available to collect the pupil during the lunchtime suspension. Free School meal entitlement must be honoured.

A Lunchtime suspension for an indefinite period, like any other suspension, 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.

## Suspensions

A decision to suspend 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 suspensions 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 suspensions for a maximum of 45 days in one academic year. When a pupil is given a suspension 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 suspension.

NB When a pupil receives three suspensions 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 suspensions 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 suspension. 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 suspension:

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| Continued disruptions in lessons and School | 1-3 days |
| Defiance | 1-3 days |
| Verbal abuse to staff, pupils, others | 1 day |
| Racial abuse to staff, pupils, others | 1 day |
| Bullying – physical, verbal | 1+ day |
| Physical abuse to staff, pupils, other | 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/deliberate coughing | 1-3 days |
| Persistent defiance of social distancing rules | 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 Head Teacher (or Acting Head Teacher).

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

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| 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 school days or more | Parents have the right to put case to Governors – they are able to remove the suspension. from the pupils' school record if appropriate. |
| Suspensions 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 Head Teacher (or Deputy Head Teacher if Head Teacher is not on site). 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 suspension 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 suspension. 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 Head Teacher 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 I 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 Head Teacher makes their decision.

Once the Head Teacher has 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 Teachers 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 I 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 Head Teacher 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.

## Returning after a Suspension

## Reintegration Strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

## Reintegration Meeting

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

## Remote Access to Meetings

Parents, can request that a governing board meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the academy trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

# Appendix A

**Decision:**
Headteacher, or acting headteacher takes the decision to suspend a pupil for a fixed period.

**Contact parent:**
The headteacher 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 suspensions** | **Suspension during morning session** | **Suspension during afternoon session** |
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| Pupils who are disruptive during the lunchtime may be suspended just for the duration of the lunchtime. Lunchtime suspensions will count as half a day for statistical purpose and for parents to make representation but are not counted in the school's 6th day duty to provide full-time education. | The suspension takes effect from the afternoon session; notice must be given to the parent before the start of the afternoon session. | If the suspension takes effect from the next school day. Notice to the parent must be given before the start of that school day.<br><br>If the suspension takes place from that afternoon, the notice must be given at the end of the afternoon session. |

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

- The precise period and the reasons of the suspension;
- 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 suspended for more than 15 days in any one term. Pupils can be suspended for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

**Educational provision during the suspension:**
The school has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the suspension.
Where a Looked After Child is suspended provision should be in place from the 1st day of suspension.
Schools in the former BIP still receiving additional funding should make provision from the first day of suspension.

**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 suspension 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 suspension).
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 suspension
Secondary: School must offer a virtual/telephone reintegration interview for a suspension 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.