



Muswell Hill Primary School

Exclusions Policy

Approved by:	Governing Body	Date: November 2019
---------------------	----------------	----------------------------

Next review due by:	November 2020 – reviewed and COVID-19 Behaviour Addendum added. Next review November 2021	
----------------------------	---	--

Contents

1. Aims
 2. Legislation and statutory guidance
 3. The decision to exclude
 4. Roles and responsibilities
 5. Considering the reinstatement of a pupil
 6. An independent review
 7. School registers
 8. Returning from a fixed-term exclusion
 9. Monitoring arrangements
 10. Links with other policies
- Appendix 1: Definitions around exclusion
- Appendix 2 : Independent review panel training
- Appendix 3: COVID-19 Addendum**
-

1. Aims

Our school aims to ensure that:

- the exclusions process is applied fairly and consistently
- the exclusions process is understood by governors, staff, parents and pupils
- pupils are safe and happy in school
- pupils do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education](#)

[\(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

3. The decision to exclude

Please see Appendix 1 for definitions around exclusion.

Schools must maintain discipline and good conduct to secure an orderly learning environment so that teaching and learning can take place. Schools will therefore need to adopt a range of strategies, including exclusion, to ensure they are providing a sound learning environment for all pupils (DFEE Social Inclusion: Pupil Support issued July 1999).

At Muswell Hill, the staff work extremely hard to ensure that a safe and stimulating environment is provided for all children. The School's Positive Behaviour Policy reflects a wide range of strategies that the school follows to foster self-esteem and respect for each other.

We strongly believe that all children need to know the boundaries of what is acceptable/unacceptable behaviour and feel secure within those boundaries. We make every effort to include all children in school life and we expect to work in partnership with parents to ensure children work in a safe learning environment.

We expect children to develop their understanding that the rights and responsibilities are equally important in order to create an environment of independent learning.

Our aim is to support the child/children who have emotional/behavioural needs and keep the exclusion levels to nil (or to a bare minimum).

We are mindful and give attention to the possibility that disruptive behaviour can be an indication of unmet needs. When we have concerns about a pupil's behaviour, the school's inclusion team (including child protection) try to identify whether there are any

causal factors and intervene early in order to reduce the need for a subsequent exclusion. Muswell Hill always gives consideration to a multi-agency assessment that goes beyond the pupil's educational needs. (A Team Around the Child meeting is held (TAC)).

If it becomes necessary to consider exclusion it is only the headteacher, or acting headteacher, who can exclude a pupil from school. A permanent exclusion will be taken only as a last resort.

Our school is also aware that off-rolling is unlawful. Ofsted defines off rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a child will be taken when:

- All other strategies of behavior management have been tried and failed with the child concerned
- There are serious concerns about the welfare and safety of others and/or the child concerned
- The quality of teaching and learning is seriously damaged because of the unacceptable/violent behaviour of the child concerned.

Children may be excluded even if other faculties have not been tried if the offence is in breach of the school's behaviour policy and:

- if allowing the pupil to remain in school would seriously harm the education welfare of the other pupils or others in school
- if it is not conducted in the 'heat of the moment' and the head teacher has considered the incident in question objectively

- if the incident involves violence and the above applies
- in response to a serious breach, or persistent breaches, of the school's behaviour policy
- the behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgment for the head teacher in accordance with the school's published behaviour policy **and will also take account of the schools COVID-19 Behaviour Addendum attached as Appendix 3.**

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the head teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;
- Allow the pupil to give their version of events;
- Consider if the pupil has special educational needs (SEN)

4. Roles and responsibilities

4.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- the reason(s) for the exclusion;
- the length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- information about parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;

- where there is a legal requirement for the governing body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first five school days of an exclusion, or until the start date of any alternative provision where this is earlier, that parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged;
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- The address at which the provision will take place;
- Any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing body and local authority

The headteacher will immediately notify the governing body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent;

- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term;
- Exclusions which would result in the pupil missing a public examination (such as a KS1 or KS2 assessment).

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will notify the governing body and LA once a term.

4.2 The governing body

Responsibilities regarding exclusions is delegated to the Curriculum and Standards Committee (Sub-group Exclusion Committee), consisting of at least 3 governors.

The Curriculum and Standards Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing body will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

4.3 Haringey LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

4.4 Parents/Carers

As previously stated in 4.1 during a period of exclusion, parents have a legal duty to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

It is also the parents'/carers' responsibility to ensure that any work that has been set for the exclusion period is completed and returned to school.

Sources of impartial information can be found at the following:

1) Link to the DfE guidance on exclusions:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

2) Link and contact information for the Coram Children's Legal Centre: www.childrenslegalcentre.com

5. Considering the reinstatement of a pupil

The Curriculum and Standards Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- the exclusion is permanent
- it is a fixed-term exclusion, which would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- it would result in a pupil missing a public examination.

If requested to do so by parents, the Curriculum and Standards Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion, would result in a pupil missing a public examination (i.e. SATs), the Curriculum and Standards Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

Muswell Hill Curriculum and Standards Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Curriculum and Standards Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the head teacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Curriculum and Standards Committee will notify, in writing, the head teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Curriculum and Standards Committee decision will also include the following:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made;
- The name and address to whom an application for a review should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion;
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Haringey LA to appoint an SEN expert to attend the review;

- Details of the role of the SEN expert and that there would be no cost to parents for this appointment;
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review;
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review;
- That, if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

6. An independent review

If parents apply for an independent review, Haringey LA will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Curriculum and Standards Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the head teacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer;
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or head teachers during this time;

- Head teachers or individuals who have been a head teacher within the last 5 years;

A person may not serve as a member of a review panel if they:

- Are a member of the Haringey LA or governing body of the excluding school;
- Are the head teacher of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Haringey LA or the governing body, of the excluding school (unless they are employed as a head teacher at another school);
- Have, or at any time have had, any connection with the Haringey LA school, governing body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality;
- Have not had the required training within the last 2 years (see Appendix 2 for what training must cover);

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing body's decision;
- Recommend that the governing body reconsiders reinstatement;
- Quash the governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

7. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the governing body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

8. Returning from a fixed-term exclusion

Muswell Hill has a clear strategy for reintegrating pupils that return to school following a fixed period exclusion, and for managing their future behaviour. (A reintegration plan and agreement is made with the HT/SLT or other staff members if appropriate, the child and the parents/carers. This is recorded or discussed verbally.

9. Monitoring arrangements

The head teacher (and SLT) monitors the number of exclusions every term and reports back to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed annually by the governing body. At every review, the policy will be shared with the governing body.

10. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: Definitions around Exclusion

Definition

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, TAD or staff training days do not count as a school day.

Internal Exclusion

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom.

An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion.

Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the inclusion support workers or assistant head etc)

Temporary / Fixed-Term exclusion

A temporary/fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time.

This should be for the shortest time necessary to ensure minimal

disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

Permanent exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

Further Definition:

Managed move (Not an exclusion)

In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parents failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and in such cases the Headteacher may assist the parents in placing the pupil in another school.

Appendix 2: Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of head teachers, governing bodies and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.

Appendix 3 – COVID-19 ADDENDUM

Behaviour Policy 2020 Covid-19 Addendum reminders:

At Muswell Hill Primary School we aim to maintain a secure, caring and stimulating environment in which children are encouraged to have respect for themselves and each other. Whilst expectations in our Behaviour Policy remain pertinent, it is necessary, in light

of the Covid-19 pandemic, to make some adjustments for the safety of all pupils and staff. It is to be used in conjunction with, and read alongside, the Behaviour Policy, Anti-Bullying Policy, E-Safety Policy. Pupils and staff should feel safe at all times within the school community and the wider life of the community. Covid-safe behaviours should be followed at all times.

The new routines, expectations for control will be taught explicitly to all pupils by school staff and the teaching of behaviour will be clearly planned. The effective teaching of behavioural norms will build a safe and calm culture in which pupils will feel secure.

Children should:

Respect the revised day to day expectations of the class pods and bubbles and wider school

- adhere to the revised rules and expectations for entering and exiting the school site
- stay in their own rooms unless directed otherwise
- only interact with others in their own bubble throughout the school day
- only use their designated entrance and exits to the school building
- stay at their own desks unless directed otherwise
- obey social distancing rules, in and out of the class bubble
- follow hygiene rules, including washing hands when asked to throughout the day

Follow expected Self-Care and Health needs

- inform an adult if they feel they have any Covid-19 symptoms
- use tissues when sneezing or coughing and dispose of in lidded bins
- only go to the toilet areas one at a time and thoroughly (at least seconds) wash their hands after use
- only use their own resource packs, not interfering or touching any other resources or equipment (School will provide)
- all items used in the class bubble should be cleaned and sanitised after use e.g.

Lunchtimes and end of school day

- only use their own water bottles and eat/drink their own food. No sharing is allowed
- do not bring any additional items into school other than lunch boxes, water bottles

Voice Control

- avoid raised voices, shouting or singing
- adults use Give Me 5 hand raised, clap if you can hear me or clapping strategy to gain attention
- avoid playing music in the classroom and if so, it needs to be calm and low. Turn the music off before addressing the class to avoid raised voices
- **singing and drama ideally outdoor with children facing back to back**
- **drama and PE, needs to remain calm without any high energy responses from the children – where possible remain outdoors**

Government Guidance on Behaviour:

Schools should consider updating their behaviour policies with any new rules/ or policies, and consider how to communicate rules/policies clearly and consistently to staff, pupils and parents, setting clear, reasonable and proportionate expectations of pupil behaviour.

Further details are available at [Behaviour and discipline in schools](#).in the guidance on [behaviour and discipline in schools](#). Schools should set out clearly at the earliest opportunity the consequences for poor behaviour and deliberately breaking the rules and

how they will enforce those rules including any sanctions. This is particularly the case when considering restrictions on movement within school and new hygiene rules. Schools will need to work with staff, pupils and parents to ensure that behaviour expectations are clearly understood, and consistently supported, taking account of individual needs and should also consider how to build new expectations into their rewards system.