



Lymington Junior School Exclusion Policy

Rational

At Lymington Junior School we seek to avoid exclusions. These take place only for very serious incidents or when other strategies have been tried and have failed over time. A period spent out of school is designed to give the excluded pupil time to reflect away from the school environment. It also enables those pupils that remain in the classroom to learn free from the unsettling behaviour of their excluded colleague.

Aims

- Exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which may lead to exclusion.
- Staff will identify pupils whose behaviour place them at risk of exclusion, and seek additional provision to meet their individual needs, which could include working in partnership with other agencies.
- Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline.

Reasons for Exclusion

A pupil may also be excluded for inappropriate behaviour in school, on school trips etc or whilst in the immediate vicinity of the school, or on a journey to or from school. Reasons for the exclusion may include aspects of the following, this is not however a definitive list:

- Violence towards an adult or child
- Swearing at an adult
- Racist verbal abuse
- Sustained bullying (see Bullying Policy)
- Frequent high level disruption to lessons
- Frequent high levels of non-compliance
- Frequent high levels of disrespect to all adults who work in school

The majority of exclusions will be for between 1 to 5 days as a temporary measure to provide an opportunity of reflection for the child concerned. Any decision to exclude a child **permanently** is a serious one. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and would normally be used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher'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 (schools now have a power to screen and search pupils for weapons.)

The School will consider whether or not to inform the police where a criminal offence may have taken place. They should also consider whether or not to inform other agencies such as Youth Offending Teams or social workers.

Procedure

If exclusion becomes necessary, children will be provided with work to complete in the first five days of exclusion (unless attending alternative provision) and be informed of:

- the reason for the action
- the length of the exclusion
- that representation can be made to the governing body about the exclusion
- the way in which that representation can be made
- the reintegration interview.

A parent's failure to attend the reintegration interview will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority. Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them.

Sixth Day

The exclusion law that came into force in September 2007 states that schools are obliged to provide 'suitable, full-time education' from the sixth school day of fixed-term exclusion. Likewise, from the sixth day of a permanent exclusion, local authorities must arrange education which fits the same criteria. This education must equate to 25 hours of education a week in some supervised form.

Permanent Exclusion

From September 2012 the process for challenging a school's decision to permanently exclude a pupil has changed. The old system of independent appeal panels has been replaced by independent review panels.

Where requested by a parent, an SEN expert needs to be appointed by the local authority or academy trust to advise the independent review panel.

The independent review panel can uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider is limited to circumstances where a panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.

Where a governing body decides not to offer to reinstate a pupil following a direction from a panel to reconsider its decision, the panel is expected to require an adjustment to a schools budget or payment of £4000 towards the cost of alternative provision.

Where a parent alleges discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, they are able to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Governing Bodies Responsibilities

Governing bodies perform the key role of determining whether an excluded pupil should be reinstated. This involves reviewing the decision of the headteacher and considering the outcome of any independent review panel hearing. They will be provided with records giving details of incidents leading up to the permanent exclusion, which have occurred over a period of days/weeks/months, actions taken and parental involvement.

Local authorities

- Where requested by a parent, local authorities need to arrange an independent review panel to consider the decision of a governing body to uphold a permanent exclusion.
- Panel members need to be trained in how to perform their role.
- Local authorities also need to appoint a special educational needs expert to advise the panel, where requested by a parent.
- Local authorities need to oversee adjustments to a school's budget or payments by a school, where a school does not offer reinstatement following a direction by a panel to reconsider its decision to permanently exclude a pupil.

Review & Evaluation

This policy is reviewed by the Resources committee every two years. If however additional guidance is produced for schools within that time frame this policy will be amended.

Policy adopted: February 2018