



**Policy 'owned' by:** Governors' School Improvement, Monitoring, Curriculum and Ethos Committee (SIMCE)  
**Reviewed** Autumn 2022 – following DfE Guidance Sept 2022  
**Next Review:** Autumn 2024

# 'Learn to love and love to learn; in God's love each one will shine'.

## St. Andrew's Church of England (VC) Primary School Exclusions Policy

**Our School Vision** is led by the example of St Andrew; "Come, follow me," Jesus said, "and I will send you out to fish for people." (**Matthew 4: 19**)

**Learn to Love-** As Jesus showed Andrew how to be the very best of men, so we guide and support our children to become the best that they can be. We teach our children to care and have respect for themselves and others, physically, morally and culturally. Our curriculum is built around the fish symbol to show that the love of God and Jesus is at the very heart of all that we do.

**Love to learn-** Just as Jesus immediately saw the character and depth of Andrew at that first meeting on the shores of the Sea of Galilee calling him to be his disciple, so we see and encourage the strengths and interests of all our children. We help them become lifelong learners, encouraging and developing their sense of enquiry and aspiration.

**In God's love each one will shine-** Following Jesus' command; "Come, follow me," Jesus said, "and I will send you out to fish for people." (**Matthew 4: 19**) St Andrew brought people to meet, to love and to learn from Jesus. In a similar way we help our children to follow Christian values, to receive the love of God, and to shine that love to others in His grace.

### 1. Purpose and Aims

Our vision is realised through this policy by affirming and valuing every member of our school community. The purpose of this policy is to clarify the procedures when excluding a child from school and to ensure that the exclusion processes are applied fairly and consistently.

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

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

### A note on off-rolling

Our school is 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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

## 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](#). (Updated 2022) and should be read and followed in conjunction with this guidance.

Herts County Council have an Exclusion Guidance Supplement, issued in September 2017, which gives all the details of procedures that must be followed when an exclusion occurs.

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- 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. Definitions

**Suspension** – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

**Permanent exclusion** – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

**Off-site direction** – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

**Parent** – any person who has parental responsibility and any person who has care of the child.

**Managed move** – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## 4. Linked School Policies

Please read the following in conjunction with the following School Policies:

- Child Protection and Safeguarding Policies
- Online Safety Policy
- Behaviour Policy
- Anti-Bullying Policy
- Policy for Looked After Children
- Children Missing from Education
- The SEN policy and procedures.
- Home-School Agreement

## **5. Preliminary Steps:**

- Staff at St Andrews School place great emphasis on the social and emotional well-being of children and are committed to a therapeutic approach to learning, in line with the STEPS approach that has been adopted within Hertfordshire. All staff have been STEPS trained and the principles of STEPS are embedded within our school culture. We do, however, recognise that all children are unique individuals and that the same approach will not be effective for all children. Care is taken to support each child with positive strategies that are be-spoke and appropriate to their needs. Where necessary, strategies such as Roots and Fruits assessments, anxiety mapping, and Risk Reduction Plans are put into place to support our children
- For behaviour which is not respectful, safe or is preventing the learning, either of the individual or the learning of other pupils, we employ a number of consequences. We employ these consequence appropriately to each individual situation and child. The school may not necessarily follow these steps in a sequential manner depending upon the nature of the incident(s). We may also seek outside specialist support to help deal with behavioural issues at any point if the school feels it is appropriate to do so (e.g Attendance Improvement Officers, Educational Psychologists, Behaviour Support Team, Family Support Worker, Advisory Teachers, Social services and Health Services where appropriate, HFL, and St Albans Diocese Education Department).
- Our Behaviour and Anti-Bullying Policies clearly outline the consequences we take, which are intended to support and guide the pupil to help them develop more pro-social behaviours.
- At this stage the child is receiving a great deal of support, however this should not interfere with the schools decision to exclude a child if the child's behaviour is unacceptable.
- All evidence relating to a possible exclusion is recorded objectively and dated as appropriate. The school records any incident of unacceptable behaviour through CPOMS. Parents are informed as soon as possible of any behavioural incidents involving their child. Every effort is made to ensure that positive resolutions are agreed, reducing the risk of further incidents or exclusion

## **6. The headteacher's powers to use exclusion and suspension**

- For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy.
- A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

- When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
- The headteacher should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance
- The headteacher should use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are **examples** of the types of circumstances that may warrant a suspension or permanent exclusion;
  - Physical assault against a pupil
  - Physical assault against an adult
  - Verbal abuse or threatening behaviour against a pupil
  - Verbal abuse or threatening behaviour against an adult
  - Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
  - Bullying
  - Racist abuse
  - Abuse against sexual orientation or gender reassignment
  - Abuse relating to disability
- A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered. Children who are entitled to free school meals will be provided with sandwiches if this is the wish of the parents

## 7. Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The 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 such as staff or pupils in the school.

For any permanent exclusion, the headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

**The law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion.** In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

## **8. Cancelling exclusions**

The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

## **9. Process**

### **9.1 Informing parents**

Whenever the headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. This would usually be in person or by telephone.

They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- That for the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- The school will provide appropriate work for the child to undertake during the period of exclusion. This must be brought into the school on the day of re-integration.
- Information about parents’ right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- Parents will be informed of the date and time of the re- integration meeting and it will be requested for parents/carers to be present.

If alternative provision is being arranged, the following information will be included, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

It is important that during a suspension, pupils still receive their education. The school will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

For a suspension of more than five school days, the governing board (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

(Exemplar letters can be found <https://thegrid.org.uk/admissions-attendance-travel-to-school/exclusions> )

## **9.2: Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion;
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

## **9.3: Informing the local authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension. There is a notification form - <https://thegrid.org.uk/admissions-attendance-travel-to-school/exclusions>.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

#### **9.4: Informing the pupil's social worker and/or virtual school head (VSH)**

Particular care must be exercised when pupils have Special Educational Needs or are Looked After Children (LAC). With all children, but for these children in particular, exclusion will be considered to be a last resort and final action

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

#### **10. Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)**

- If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.
- Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to [Keeping Children Safe in Education](#)
- Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

- Section 5 of [Keeping Children Safe in Education](#) sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: “When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis.” As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in [Keeping Children Safe in Education](#).

## 11. Reintegration after a suspension or off-site direction

- The School will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction
- The school will design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.
- The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil’s return to school.
- During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil’s parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
- Where necessary, the schools will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.
- A part-time timetable should not be used to manage a pupil’s behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.
- The school can consider a range of measures to enable the pupil’s successful reintegration which can include, but are not limited to:
  - Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
  - Daily contact with a designated pastoral professional in-school;
  - Use of a report card with personalised targets leading to personalised rewards;
  - Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
  - Planned pastoral interventions;
  - 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.

## 12. Roles and Responsibilities:

**12.1: The Headteacher** will be responsible for ensuring that this policy is implemented and for reporting to Governors on its impact.

He or she will:

- inform the pupil's parent of the period of any exclusion or suspension, or of a permanent exclusion
- give the reasons for the exclusion
- advise the parent that they may make representations about the exclusion to the **Governing Body's Discipline Committee**
- advise the parent how his or her representations may be made
- notify both the local education authority and the **Governing Body's Discipline Committee** of the details of the exclusion, including the reasons for it,
  - in the case of a suspension of more than five days
  - or which brings the days the pupil has been excluded in one term to more than five;
  - If the suspension results in a pupil missing a public examination
- meet with the parents on the child's return to school to plan and implement smooth reintegration.

**12.2: The Governing Body** will establish a **Governing Body Discipline Committee** of three members and appoint a clerk to the committee. The Headteacher may not be a member. The role of the committee is to review the Headteacher's exclusion decisions and to decide whether or not to reinstate excluded pupils. **The whole Governing Body should never discuss cases or named individuals as this could prejudice decision-making by the committee.**

**See Appendix 1 for A summary of the governing board's duties to review the headteacher's exclusion decision**

The committee will follow the guidelines from the Local Authority (LA) in order to fulfil their role. The LA is required to collect exclusion data from each school and forward it to the DfES where it forms one of the performance indicators for the school. The committee will have regard to any guidance given by the Secretary of State.

For permanent exclusions and suspensions of more than 15 school days in any one term, the committee will meet no earlier than the sixth school day and no later than the 15th school day after receiving notice of the exclusion.

For fixed-period exclusions of more than five school days in any one term up to and including 15 school days, the committee will meet no earlier than the sixth school day and no later than the 50th school day after receiving notice of the exclusion.

If the **Governing Body's Discipline Committee** decide that a pupil should be reinstated they will give the appropriate direction to the Headteacher (who is under a duty to comply with it) and inform the parent and LA of their decision.

If they decide that a pupil should not be reinstated, they will inform the parent, the Headteacher and the LA of their decision. In the case of a permanent exclusion they will notify the parent in writing of their decision and the reasons for it. The letter will advise the parent of his or her right to appeal against their decision, whom they should contact to lodge an appeal, the final date for this, and that the notice of appeal should set out the grounds of appeal.

### 12.3 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

### **13. Monitoring and analysing suspensions and exclusions data**

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

**Policy 'owned' by:** Governors' School Improvement, Monitoring, Curriculum and Ethos Committee (SIMCE)

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## A summary of the governing board's duties to review the headteacher's exclusion decision

Conditions of exclusion      Governing board duties

