

Version	Date	Updated by
1.0	27-03-24	Cate Tumman

Exclusions policy

To be read in conjunction with:

- Positive Behaviour Policy
- Equality Policy

Introduction

Silver Linings school takes a positive approach to encouraging good behaviour, and takes full consideration to the needs and challenges presented by the diverse cohort of the school community, however we also recognise that discipline in the school is essential to ensure that all children can benefit from the opportunities provided by education. It is important to say that the exclusion of a child, either for a fixed period or permanently, from Silver Linings School will only be used as a last resort. The school recognises that it is responsible for communicating to a child, staff and parents, its' expectations for standards of behaviour. The school has a range of policies and procedures in place to promote good behaviour and appropriate conduct and strives to foster good parental engagement.

Our Local Authority (LA) has an expectation that schools will have employed a range of measures to prevent the need for exclusion. In addition Silver Linings school Ethos of "BELONG" and therapeutic model of PACE encourage that no exclusion will be initiated without first exhausting other strategies or in the case of a serious incident, a thorough investigation. Whilst exclusion may still be an appropriate sanction, the head teacher should investigate whether any contributing factors may have led to the incident of poor behavior e.g. child has suffered bereavement, has mental health issues or has been subject to bullying. With this in mind, Silver Linings School has encouraged a range of strategies to be employed within the school and the full range of strategies can be found detailed in the schools Positive Behaviour Policy.

Within the school environment there are a range of resources available that can assist in the assessment and management of behavioural issues some of which are listed below:

- ❖ Individual risk assessments (as necessary)

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- ❖ Individual My plans (reviewed termly)
- ❖ 5 point scale
- ❖ Team Around the Child
- ❖ Strategy meetings
- ❖ Therapeutic support manager input

N.B In this policy the word ‘Term’ pays reference to three terms in one year (Autumn, Spring or Summer)

Reasons for Exclusion

- ❖ A serious risk of harm to the education or welfare of the child or others in the school.
- ❖ Serious damage to school property
- ❖ Persistent bullying
- ❖ Arson
- ❖ Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the child’s behaviour.

Occasionally unacceptable behaviour may prove to be persistent and this is where a Fixed Term Exclusion may be actioned.

Children with Special Educational Needs and Disabled children

The school must take account of any special educational needs when considering whether or not to exclude a child. We have a duty under the Equality Act 2010 not to discriminate against disabled children by excluding them from school for behaviour related to their disability. Head teachers and the proprietors must take into account their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEN Code of Practice and a Duty of Care.

The Head teacher will take reasonable steps to ensure that the school responds to a child’s disability so that the child is not treated less favorably, this includes a duty to make reasonable adjustments to policies and practices.

Reasonable steps could include:

- ❖ Differentiation in the school’s behaviour policy
- ❖ Developing strategies to prevent the child’s behaviour
- ❖ Requesting external support for the child
- ❖ Staff training

Silver Linings School recognises that it should engage proactively with parents in supporting the behaviour of its children with additional needs and is aware that whether or not a school recognises that a child has SEN, all parents have a right to request the presence of an SEN expert if their case is to be

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reviewed by an independent panel.

If the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs such as a child with an EHC plan or a looked after child, it is aware that it should consider what additional support may be required. Where a child has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

Fixed Term (temporary) Exclusions

A fixed term exclusion will be for the shortest time necessary. An exclusion for a period of time from half a day to 5 days for persistent or cumulative problems will be imposed only when the school has offered and implemented a range of support and management strategies. Examples of some of the strategies used are:

- ❖ Discussion with the child
- ❖ Review of individual strategies (5 point scale)
- ❖ Support from the schools staff
- ❖ Discussions with parents
- ❖ Sanctions (consequences) in school (see the Positive Behaviour Policy for details)
- ❖ Checking on any possible provocation
- ❖ Internal exclusions

It is important to note that exclusion will not be used for minor incidents such as academic performance or lateness.

A fixed term exclusion may be used in response to a serious breach of school rules or policies. In such a case, the head teacher will investigate the incident thoroughly and consider all the evidence to support the allegation, taking account of all the school policies. The child will be encouraged to give their version of events and the head teacher will check whether the incident may have been provoked e.g. by bullying or racial harassment.

For the first 5 days of a fixed-term exclusion, the school must send homework for the child and arrange to have this homework marked. For fixed-term exclusions of more than 5 days, the school is responsible for arranging suitable alternative full-time education from the 6th day until the end of the exclusion.

The school is also aware of its duty to provide a strategy for reintegrating a child that returns to school following fixed term exclusion, and for managing their future behaviour. If a child has received numerous exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the school has a duty to consider whether exclusion is considered to be an effective sanction.

Procedure for Making a Fixed Term Exclusion

- ❖ Head teacher takes the decision to exclude a child for a fixed period.
- ❖ Contact the parent/carer ideally by telephone to arrange the collection and supervision of the

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child. The child's welfare must **ALWAYS** be the prime consideration.

- ❖ The Head teacher must give written notice to the parents informing them of:
 - The precise period and the reasons for the exclusion
 - The parents' duties during the first 5 days
 - The parents right to make a representation to the school Proprietors
 - The person the parent should contact if they wish to make such representations
 - The arrangement to set and mark work for the child during the initial 5 day period.
 - If relevant the school day on which they will be provided with full time education.
 - Details of the reintegration meeting.

A model letter for this process can be found in Appendix 1.

The Head teacher must inform the chair of proprietors if a child is excluded for more than 15 days in any one term.

Children can be excluded for 1 or more fixed periods, up to a maximum of 45 school days in any one school year. A fixed period exclusion does not have to be for a continuous period. A fixed period may be extended to or converted to a permanent exclusion in exceptional cases, usually where further evidence has been uncovered.

The school has a duty to arrange full time education from and including day 6 of the exclusion (see model letter in Appendix 2) and has a duty to provide full time education for a looked after child from day 1.

When returning back to school a meeting will be arranged with the Head teacher or a senior member of staff and the parent and child on the school premises. If the parent fails to attend, the school must keep a record of the failure as this could be taken into account at court in deciding whether to impose a parenting order.

Parents have the right to make a representation to the school proprietor for any fixed term exclusion.

The school is also aware that sending children home from school during lunchtime will also be considered a temporary exclusion. Informal exclusions such as sending a child home to "cool off" are unlawful, regardless of whether they occur with the agreement of parents. Any exclusion of a child must be formally recorded (DoE 2012).

The procedure for this is the same as above and there is a model letter to parents in Appendix 2.

Permanent Exclusions

The school considers permanent exclusion to be a very serious step and the head teacher will need to investigate the incident thoroughly before this decision is made. As with fixed term exclusion, permanent exclusion will follow a range of strategies set out by the school and detailed in the Positive Behaviour Policy and will be seen as a last resort, or it will be in response to a very serious breach to school rules

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and policies such as:

- ❖ Serious actual violence against another child or a member of staff.
- ❖ Carrying an offensive weapon with intent
- ❖ Persistent bullying continued following support (including additional agency support)
- ❖ Racial harassment-persistent

Procedure for Making a Permanent Exclusion

- ❖ Head teacher takes the decision to exclude a child permanently
- ❖ Contact the parent/carer immediately ideally by telephone.
- ❖ The head teacher must give written notice to the parents informing them of specific information (see LA template letter in appendix 3)
- ❖ The Head teacher must inform the proprietor and LA within 1 day
- ❖ The school has a duty to arrange full time education from and including day 6 of the exclusion.
- ❖ The school has a duty to provide full time education for a looked after child from day 1.
- ❖ On receiving notice of the exclusion, the proprietor must convene a meeting within 15 school days to review the exclusion and to consider reinstatement. They must invite the parent, the head teacher and a LA. Papers including written statements must be circulated at least 5 days before the meeting.
- ❖ The proprietor may ask for advice from the LA , but must make the decision alone, asking other parties to withdraw. Any admin may remain.
- ❖ The Proprietor must inform the parent, Head teacher and LA of their decision in writing within 1 day of the hearing stating reasons.
- ❖ LA to contact parent within 3 working days indicating the latest date by which a review can be lodged.
- ❖ The child to be removed from the register only when the review process is complete.
- ❖ Where parents dispute the decision of a proprietor not to reinstate an excluded child, they can ask for this decision to be reviewed by an independent review panel.

Contact details: Head Teacher Julia Whitesides 07396738201 julia@silverliningsed.co.uk

Chair of Proprietors Cate Tumman office@silverliningsed.co.uk

N.B Independent panels would consist of consultant and educational professional not employed by Silver Linings School.

Behaviour Outside School

Childs' behaviour outside school on school trips or at sports fixtures etc , is subject to the school's positive behaviour policy. Poor behaviour in such circumstances will be dealt with as if it has taken place in school.

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In line with Silver Linings school ethos behaviour outside school, not on school business, will not be deemed as excludable, however will be reviewed to support the individual involved and ensure that the behaviours do not repeat within school.

Marking Attendance Registers Following Exclusion

When a child is excluded, he/she should be marked absent using Code E. Where alternative provision is made, and children attend it, they will be marked using either code B (education off site)

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Appendix 1

Model Letter 1

FROM HEADTEACHER

Fixed period exclusion of less than 6 days in one term

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[period of exclusion]**. This means that **[he/she]** will not be allowed in school for this period.

The exclusion begins on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[Reason for Exclusion]**.

[Use this paragraph only where there is consideration of permanent exclusion]

In view of the nature of the incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently.

[Use this paragraph for child's of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Name of child]** during the **[..... days]** of the exclusion **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to present your case about this decision to exclude **[Name of child]** to the school's proprietor. If you wish to do so please contact **[Name of Contact]** on/at **[Contact Details-Address, Phone Number, email]** as soon as possible. Whilst the proprietor has no power to direct reinstatement, they must consider any existing evidence presented by yourself and may place a copy of their findings on your child's school record.

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You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First- tier Tribunal (Special Educational Needs and Disability), Mowden Hall, Staindrop Road, Darlington, DL3 9BG (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>)

or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to present your case to the proprietor. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the child was excluded.

You also have the right to see and have a copy of [**Name of Child**]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [**Name of Child**]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to get further advice from the local authority [suspensions-parent-booklet.pdf](https://www.nottinghamcity.gov.uk/suspensions-parent-booklet.pdf) ([nottinghamcity.gov.uk](https://www.nottinghamcity.gov.uk))

You may also find it useful to contact: Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at www.childrenslegalcentre.com 08088 020 008

[**Name of Child**]'s exclusion expires on [**Date**] and we expect [**Name of Child**] to be back in school on [**Date**] at [**Time**].

Yours sincerely

[**Name**]

Headteacher

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Appendix 2

Model Letter 2

FROM HEADTEACHER

Fixed term exclusion of 6-15 days

Or where cumulative exclusions in the same term fall within this range

Dear **[Parents Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[period of exclusion]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion begins on **[date]** and ends on **[date]**. Your child should return to school on **[date]**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[Reason for Exclusion]**.

[Use this paragraph only where there is consideration of permanent exclusion]

In view of the nature of the incident, I feel that it is necessary to conduct further investigation before deciding whether it is appropriate to exclude **[Child's Name]** permanently.

[Use this paragraph for childs of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on **[specify dates]**. It will be for you to show that there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification.

We will set work for **[Name of Child]** during the **[first 5]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

[Delete the following paragraph if this exclusion is less than 6 days]

From the **[6th school day of the child's exclusion [specify date]]** until the expiry of his exclusion we will provide suitable full-time education. On **[date]** he should attend **[give name and address of the alternative provider if not the home school]** at **[specify the time – this may not be identical to the start time of the home school]** and report to **[staff member's name]**. (If applicable – say something about transport arrangements from home to the alternative provider). If not known, say the arrangements for suitable full time education will be notified by a further letter.

You have the right to request a meeting with **[proprietors]** to whom representations and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the **[proprietors]** must meet if you request it to do so. The latest date by which the **[proprietors]** must

meet, if you request a meeting is [insert date – no later than 50 school days after the date on which the proprietors were notified of this exclusion]. If you do wish to challenge the decision to exclude before the [proprietors] and wish to be accompanied by a friend or representative please contact [Name of Contact] on/at [Contact Details – Address, Phone Number, email], as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform [contact] if it would be helpful for you to have an interpreter present at the meeting.

**

You should also be aware that if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability), Mowden Hall, Staindrop Road, Darlington, DL3 9BG. (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>) or the County Court in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the child was excluded. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see and have a copy of [Name of Child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [Name of Child]'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to get further advice from the local authority [suspensions-parent-booklet.pdf](#) (nottinghamcity.gov.uk)

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[Name of Child]'s exclusion expires on [Date] and we expect [Name of Child] to be back in school on [Date] at [Time].

Yours sincerely

[Name]
Head teacher

Model Letter 3

FROM HEADTEACHER

For Permanent Exclusion

Dear [Parent's Name]

I regret to inform you of my decision to exclude [Child's Name] permanently with effect from [Date]. This means that [he/she] will not be allowed in this school unless [he/she] is reinstated by the school's [Proprietors].

I realise that this exclusion may well be upsetting for you and your family but the decision to exclude [Child's Name] has not been taken lightly. [Child's Name] has been excluded permanently because [Reason for Exclusion – also include any relevant previous history here].

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, that is on [specify precise dates] unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [child's name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [child's name] and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date] the local authority [give the name of the authority] will provide suitable full-time education. [set out the arrangements if known at time of writing, if not known say that arrangements will be notified shortly by a further letter or by phone].

[Add this paragraph where a child lives in a local authority other than the excluding school's local authority]

I have also today informed [name of officer] at [name of local authority] of your child's exclusion and they will be in touch with you about arrangements for his/her education from the sixth school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the proprietor must meet to consider it. The meeting must consist of the full proprietor board and one independent representative. At the meeting you may make representations if you wish and ask them to reinstate your child in school. The [proprietor] committee have the power to reinstate your child immediately or from a specified date; or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an independent review panel. The latest date on which the [proprietor] must meet is [dateno later than 15 school days after the date on which the proprietor were notified of this exclusion]. If you wish to make representations to the [proprietor] and wish to be accompanied by a friend or representative please contact [Name of Contact] on/at [Contact Details – Address, Phone Number, email], as soon as possible. You will, whether you chose to make representations or not, be notified of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend or take part in the meeting. Also, please inform [contact] if it would be helpful for

you to have an interpreter present at the meeting.

**

You should also be aware that, if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability), Mowden Hall, Staindrop Road, Darlington, DL3 9BG. (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>) or the County Court in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the child was excluded. Making a claim would not affect your right to make representations to the **[proprietor]**

You also have the right to see and have a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

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Yours sincerely

[Name]
Headteacher