

Exclusions Policy

Byker Primary School



Approved by:	Governing Body
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Review frequency:	Annually
Next Review Date:	October 2026

1 Scope

This policy follows guidance and advise from Access and Inclusion.

2 Purpose

Byker Primary School has a set of general rules which are designed in order that the school may be a safe, happy and caring place where members of the school community show consideration, concern and respect for each other. These rules are found in the schools Behaviour Policy. All learners are expected to comply with the schools Behaviour Policy. This policy is written using the guidance of Exclusion from maintained schools, academies and pupil referral units in England (DfE 00184-2017).

3 General Rewards and Sanction

The school encourages the establishment of good teacher/learner relationships and support for the schools values through a system of recognitions and rewards which are designed to promote a calm, disciplined learning environment. Where a learner's behaviour falls below the standard expected and/or a learner fails to comply with the schools Behaviour Policy, an appropriate sanction will be applied

4 Sanctions for breaches of Discipline

The teacher is responsible in the first instance for dealing with minor infringements, such as casual rudeness in class, disruption to the learning of others, movement and transition behaviour around the building eg running down corridors, screaming. This is dealt with through the schools traffic light behaviour system. The learner may be brought back at break time and/or lunch break or another time during the academy day to complete adult supported reflections so children learn from and adapt behaviours moving forward.

The Headteacher may issue an exclusion (internal, permanent or suspension) for a learner, for very serious indiscipline, or for less serious offences where behaviour issues have been repeated. The nature of the exclusion will be determined by the circumstances of the learner concerned. If a suspension is ineffective, the school may decide to permanently exclude the learner after following inclusive practice to ensure all needs are reviewed, supported and intensive support work is carried out to alter behaviour impact.

Exclusion types

- Suspension is where a learner is excluded for a fixed number of days and must return to the academy once the exclusion has ended. A decision to exclude for a fixed period should be taken only in response to breaches of the trust's behaviour policy, where these are not serious enough to warrant permanent exclusion and lesser sanctions are considered inappropriate. Following a suspension a reintegration meeting will take place. These meetings will have a positive tone and will identify and record any support needs or tailored intervention required. The learner will have a voice in these meetings, considering the age and their understanding.

- Permanent exclusion means a learner cannot return to the academy they are excluded from unless the academy governing body, or an Independent Appeal Panel, overturns the Head of School's decision. The decision to exclude permanently is a serious one. It is an acknowledgement by the academy that it has exhausted all available strategies for dealing with the learner and should normally be used as a last resort.

Suspensions are limited to a cumulative total of 45 days in any one academic year (lunchtime exclusions count as half days). This total applies to the child and not to the academy they attend. Therefore, if a learner changes academy during an academic year, any previous exclusions in that academic year count towards the limit of 45 days.

Informing of an exclusion

The Head Teacher of School or Senior Leader will notify parents/carers without delay on the day the decision is made to exclude their child, ideally by phone. A letter must follow confirming the details of the exclusion and how parents can have their say to the school. It is also the duty of the Head Teacher to inform the Social worker, relevant Local Authority department without delay if a Looked After Child is subject to a suspension or permanent exclusion. The VSH must be notified in writing so as any safeguarding needs can be quickly arranged. Where relevant the Social worker and VSH must continue to be notified of relevant decisions throughout the exclusion process and must also be given the opportunity to be involved in the reintegration and/or review meeting.

Rights of appeal

The Governing Body must consider any views you wish to put about the exclusion.

You can put your views:

- In a written statement for all exclusions and/or

- In person, for permanent exclusions and fixed period exclusions totaling more than 5 days in a term. You can take a friend or legal representative with you, someone whose advice you would find helpful or who can speak on your behalf. Excluded children under the age of 18 should be allowed and encouraged to attend the meeting.

Details of how you can have your say to the Governors will be sent to you in the exclusion notification letter.

Role of the governing body

The Governing Body has a committee whose role is to consider exclusions imposed by the Head Teacher. It has at least three members and a Governance Professional to organise its meetings. The Headteacher cannot be a member. The committee must decide "on the balance of probabilities" whether your child has done what has been alleged and whether the Head teachers decision to exclude was justified based on the evidence. The committee must send you written confirmation of its decision within one trust day of its meeting. A note will be placed on your child's academy file together with copies of relevant papers.

5 Serious Offences

A 'Serious Offence' refers to a breach of school rules that may result in exclusion.

Some examples of such behaviour include:

- Drug abuse
- Supply/possession/use of controlled drugs and solvents or their paraphernalia or substances intended to resemble them, or alcohol or tobacco
- Alcohol abuse
- Theft
- Bullying, including e-Bullying
- Physical assault/ threatening behaviour towards pupils or adults in setting
- Fighting
- Sexual harassment
- Racist abuse
- Inappropriate and/or sexual misconduct including sexualized behaviours towards others
- Damage to property and learning resources
- Persistent disruptive behaviour
- Parental or learner behaviour which, in the Head's reasonable opinion, leads the Head to believe that removal of the learner from the school is in the best interests of the school or the learner
- Bringing the school into disrepute

The above is not an exhaustive list and there may be other situations where the Head teacher makes the judgment that exclusion is an appropriate sanction.

A learner may also be required to leave if, after all appropriate consultation, the Head teacher is satisfied that it is not in the best interests of the learner, or of the school, that they remain at the school.

The school will make reasonable adjustments for managing behaviour which is related to a learner's disability. Where exclusion needs to be considered, the school will ensure that a disabled learner is able to present their case fully where their disability might hinder this.

N.B. A deliberate act of assault on a member of staff or another student will result in an automatic fixed term exclusion.

Behaviour outside of school

Learners' behaviour outside school on school "business" - for example academy trips and journeys away academy sports fixtures or a work experience placement - is subject to schools policies including the schools Behaviour Policy.

Inappropriate behaviour in these circumstances, including incidents where it is considered that the school has been brought into disrepute, will be dealt with as if it had taken place in school and in accordance with school policies, and this policy, where the circumstances warrant it.

6 Malicious Allegations against Staff

A learner who is found to have made malicious allegations against a member of trust staff will be managed in accordance with this policy which may result in permanent exclusion from the school.

Principle to act

The schools procedure is based on the principle to act fairly.

The rules are therefore concerned with the manner in which a decision is taken. The overarching principle is a duty to act fairly. Whilst the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:

- A fair and thorough investigation should take place

- Learners must be informed of the allegation and the evidence relied upon
- Learners must be given a fair opportunity to exculpate themselves
- An appeal of the Head's decision should be offered.

Investigation

The Governing Body will ensure that a fair and thorough investigation will be held into the allegations against an individual learner and/or the reasons why exclusion has been sort.

The investigation will, when appropriate, be carried out by the Governing Body or by a member of the senior site team. The Governing Body can appropriately appoint the designated member of staff to carry out the investigation.

Before a decision to exclude can be fairly taken it is essential to establish the facts. If exclusion is being considered then statements should be taken from all learners and staff who were involved in or witnessed the incident

What are my responsibilities as a parent or carer during exclusions?

If your child is of compulsory school age, for the first 5 days of any exclusion:

- You have a legal duty to ensure that your child is not present in a public place during academy hours unless you can prove reasonable justification for this. You may be prosecuted or given a fixed penalty notice if you do not comply with this duty.
- School will set work for your child to do. It is your responsibility to ensure this is completed and returned to the academy for marking.

7 Policy Links

This policy should be read in conjunction with the following school policies/guidance:

- Attendance;
- Anti-bullying;
- Positive Handling;
- Safeguarding Children;
- Teaching and Learning.
- Behaviour and Discipline in schools, DFE 2014 guidance
- Complaint Policy.
- Equality and Diversity Policy

Exclusion Process

Head teacher decides to exclude pupil

Inform parent; Local Authority; Governing Body; Social Worker; Virtual School **without delay** ideally in person or by telephone, followed by a letter. Notice **must** be in writing and state all the required facts underlined in part 3 of the guidance.

It is the responsibility of the excluding school to provide the pupil with education from day 1—5 following the exclusion.

Governing Body and the LA **must** be informed **within one day** (and the 'home' LA if different).

Excluding School paperwork must be forwarded to the Local Authority by the end of the 3rd school day. The Local Authority have a statutory responsibility provide excluded pupils with education from the 6th day.

Provision **must** be made by the LA from the 6th school day following the exclusion.

On receiving notice of the exclusion, the governing body **must** convene a meeting between the 6th and the 15th school day of receiving notice of the exclusion. The governing body **must** invite the parent, the Headteacher, and an LA Officer and other partner agencies where appropriate.

Written evidence and information (Including any information relating to the young person) should be circulated at least five school days in advance of the governing body meeting. Which allows parents, the LA and appropriate agencies to review docs.

The Governing body may ask the LA officer for advice but must take its decision asking the other parties to leave the room, only the clerk may stay whilst they are decision making.

If the parent does not request an Independent Review within 15 days of being notified of the decision the pupil can then be removed from roll.