



# Maple Tree Primary

Shaping Minds. Building Futures

## Exclusion Policy

**Maple Tree Primary School is a KS2 School for pupils who, for a variety of reasons, are unable to be educated within a mainstream school. Our vision is to develop well rounded, confident, and responsible individuals who aspire to achieve their full potential. We will do this by providing a welcoming, happy, safe, and supportive learning environment in which everyone is equal, and all achievements are celebrated.**

# Contents

1. What Legislation does this Policy relate to?
2. Introduction
3. Aim
4. Objectives
5. Implementation
6. When does Tolerance End?
7. Procedures for Suspension/Exclusion  
(Permanent and Fixed Term)
8. Permanent Exclusion
9. Exercise of Discretion
10. Alternatives to Suspension/Exclusion
11. Our Attitude to Exclusion
12. Right to Appeal

# 1. What Legislation does this Policy relate to?

The principal legislation to which this policy 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; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.
- SEND Code of Practice 2014
- The Equality Act 2010
- DfE's latest guidance 'Exclusion from maintained school, academies and pupil referral units in England' which was effective from 1st September 2017 (updated April 2022).

## 2. Introduction

Maple Tree Primary School is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its pupils, staff, community, and visitors to the school.

This policy supports Maple Tree Primary School's ethos to strive to provide a nurturing, structured person-centred learning environment in which all pupils can develop academically, socially, and emotionally, to their full potential, and in which pupils and staff feel safe, secure, and valued.

The policy recognises that it is the SLT's duty:

- to ensure the safety and well-being of the whole school community
- to maintain an appropriate educational environment in which all can learn and achieve
- to promote good behaviour and discipline on the part of the school's pupils.

The policy recognises that to meet these responsibilities the Teacher in Charge may have to exclude/suspend pupils, whether for a fixed term or on a permanent basis and seeks to clarify the circumstances under which this might take place and the procedures to be followed.

Exclusion/suspension will be used when there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude/suspend a pupil either permanently or for a fixed period the Teacher in Charge will ensure appropriate investigations have been carried out, considering all the evidence available.

## 3. Aim

This policy aims to ensure that the exclusion/suspension of pupils operates in a fair and reasonable manner. We have an overall aim of reducing the need to use exclusion as a sanction.

## 4. Objectives

The objectives of this policy are:

- To ensure a shared understanding of the exclusion/suspension process
- To identify the circumstances under which a pupil may be excluded/suspended
- To identify the circumstances under which a pupil will not be excluded/suspended
- To ensure a consistent approach to the exclusion/suspension of pupils.

## 5. Implementation

Exclusion/suspension is an extreme sanction and is only used by the Teacher in Charge (or, in the absence of the Teacher in Charge, the Deputy/Senior teacher who is acting in that role).

A decision to exclude/suspend a pupil will only be taken:

- In response to a serious breach or breaches of the school's Positive Behaviour policy if allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the school.

The decision to exclude/suspend a pupil, whether for a fixed term or permanent, is a serious one.

The decision to exclude on a permanent basis is extremely serious and should normally be the final step in the process when the use of a range of alternative strategies has proved unsuccessful.

In excluding a pupil permanently, the school is acknowledging that it has exhausted all available strategies for dealing with that young person. Hence it should normally be only used as a last resort.

There are, however, circumstances where a pupil may be permanently excluded for a first or one-off offence. These include:

- Where actual or threatened violence against another pupil or member of staff has been committed.
- Sexual misconduct.

- Supplying an illegal drug. (This should take account of how far the pupil might have been vulnerable to pressure and/or bullying from peers and/or others. However, where drugs have been supplied for profit or repeated use has taken place on the premises then this constitutes both a serious breach of school rules and a danger to other pupils and as such justifies a permanent exclusion).
- Carrying an offensive weapon.

The decision to exclude/suspend either permanently or for a fixed term should be based upon:

- A consideration of all the relevant facts and such evidence as may be available to support the allegations made, considering the school's positive behaviour and equal opportunities policies.
- A review of the pupil's version of events.
- Checking whether the incident may have been provoked, for example by racial or sexual harassment.
- A consultation with any other relevant parties.

A pupil should not be excluded/suspended for:

- Minor incidents
- Poor academic performance
- Lateness or truancy
- As a result of the behaviour of their parents, for example because of parental abuse or violence against members of the school community.

A pupil may be excluded/suspended for behaviour outside school if there is a clear link between the misconduct in question and the promotion of good behaviour and discipline in the part of the schools' pupils.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school. The first is a final, formal step in a concerted process for dealing with disciplinary issues following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour e.g., repeated bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises.

## 6. When does Tolerance End?

There is no easy answer to this question. Each situation must be assessed on its own circumstances: each pupil's individual reactions and needs must be taken fully into account.

We have never adopted 'standard procedures' for all pupils in these situations. We do not generalise where our pupils are concerned. Where we have concerns about the behaviour, or risk of exclusion/suspension of a pupil we will consider that additional support or alternative placement may be required. This will involve assessing the suitability of our provision against a child's SEND. We will consider requesting an annual review or interim/emergency review.

There are circumstances, however, in which the only decision left to us (and sometimes the best course of action in the situation we face) is to decide to exclude/suspend the pupil.

## 7. Procedures for Exclusion/Suspension (Permanent and Fixed Term)

- There must be full consultation and full investigation of any precipitating circumstances. This process will include senior staff, together with any other staff member involved and any other child involved.
- Our usual recording procedures must be followed. The proper documenting of event, decisions and action are essential.
- Precipitous action should be avoided whenever possible. Exclusions should follow proper consultation and communication with parents/carers, the Local/placing Authority and any other referring or supportive agencies.
- Whenever possible agreement should be reached in consultation with these people, about the exclusion decision. Local Authorities can only provide alternative arrangements (and/or secure alternative school placements) if they are given adequate notice of exclusion proceedings.
- Proper written follow up (reports etc.) should be sent to all parties if an exclusion is permanent, it may be helpful to other agencies for us to liaise with them regarding choice of placement etc. If

## Maple Tree Primary School: Exclusion Policy

the exclusion is fixed term, it is essential that appropriate levelled schoolwork is sent home for the young person to complete during the exclusion period.

- Further meetings for consultation, planning and decision making may need to be arranged.
- The school-based decision about exclusion will ultimately rest with the Teacher in Charge in consultation with other senior staff. The opinions of other members of staff involved with the child (i.e., teachers and teaching assistants) must be considered.
- In cases of alleged sexual/physical/drug abuse the Designated Safeguarding Lead (DSL) will make the initial assessment and then communicate with appropriate outside agencies.
- Sometimes exclusion/suspension has, unavoidably, to be arranged urgently. Even then proper arrangements must be made. Parents/carers and Local/placing Authorities must be informed, and appropriate travel provision made.
- A planned reintegration meeting should take place following any fixed term suspension. This will involve teaching staff, a member of SLT, the young person, parents/carers and any other agency representative deemed appropriate.

## 8. Permanent Exclusion

The decision to exclude a pupil permanently is a very serious one. There are two main types of situations in which permanent exclusion may be considered.

- The first is a final, formal step in a concerted process for dealing with disciplinary issues following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour e.g., repeated bullying (which could include racist or homophobic bullying) or repeated possession and or use of an illegal drug on school premises or health and safety breaches.
- The second is where there are exceptional circumstances, and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another student or a member of staff

- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon.

The school will consider police involvement for any of the above offences.

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

## 9. Exercise of Discretion

In reaching a decision, the Teacher in Charge and SLT will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion or suspension is the most appropriate sanction, the Teacher in Charge will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Positive Behaviour policy and the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations at a SMT exclusion appeals hearing/meeting when it meets to consider the Teacher in Charge's decision to exclude.

## 10. Alternatives to Exclusion

Behaviour Outside School – Pupil behaviour outside school on school "business" for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the school's Positive Behaviour Policy.

Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If pupil behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Teacher in Charge may decide to exclude/suspend.

Drug Related Exclusions – In deciding on whether to exclude for a drug-related offence the Teacher in Charge will have regard to the school's policy on drugs and will also seek advice from the LA's Drugs Education Advisor.

## 11. Our Attitude to Exclusion

We are a school which caters for children who have a range of complex needs that may include social, emotional, and mental health needs and autism or behaviours associated with autism.

We accept that many of our pupils have particular behavioural difficulties.

We accept our coping capacity and skills in management has to be sufficient to cope with most challenging behaviours we encounter.

We have many skills and resources which enable us to manage and support students who exhibit periods of provocation and difficult behaviours.

The notion of acceptance, effective management and intervention are central to our philosophy.

We have always taken the stance that the pupils we accept remain with us. Their acceptance is not conditional upon 'good behaviour'. Their challenging behaviours are part of the presenting problems, which have caused their referral. We work with these behaviours in a reparative sense.

Many of our pupils have been excluded from mainstream schooling as a consequence of troublesome behaviour. This makes us very cautious about following a similar course of action. This pattern, for the child's sake, has to be stopped.

We are not intimidated by troublesome behaviour. Pupils are not allowed to turn away from the consequences of their actions, from their growth towards personal responsibility by getting themselves excluded.

We work with these challenging behaviours wherever possible and to the extremes of our professional tolerance. This is the nature of our educational resilience as experienced practitioners. It is part of our professional obligation in working with our pupils with complex needs.

Exclusion, therefore, is rarely used in our school and should always be considered as a last resort.

We expect to use the above procedures very infrequently. It is, however, a response which we reserve the right to use in certain circumstances. It will always be used in a constructive spirit with careful attention paid to striking a

balance between the needs of the pupil concerned, their family, the school, our staff, and our remaining pupils.

## 12. Right to Appeal

You will get a letter from the school telling you about the reasons for exclusion and the period of exclusion.

Should you disagree with the exclusion you can ask the Head of Education/Proprietor to hear your views if the exclusion is less than days in duration or to overturn the exclusion if either:

- your child has been excluded for more than 5 days
- the exclusion means they will miss a public exam or national curriculum test

If the exclusion is for 5 days or fewer, you can still ask the Head of Education/proprietor to hear your views, but they cannot overturn the Teacher in Charge's decision.

In all cases parents/carers have the right to appeal and express their views of a fixed or permanent exclusion issued by the school.

Parents/carers can contact the Head of School to discuss the matter informally, equally they may contact and speak to the Head of Education.