Wincle CE Primary School

*Wincle School provides an enriching and outstanding rural education. We nurture the whole individual: body, mind and soul, inspiring rounded, happy, courageous children **who shine in all that they say and do.** Our children exhibit a passion for learning, a confident faith, a loving concern for community and an inclusive respect for all.*

Shine Like Stars' Philippians 2:15

Exclusions Policy	
Date updated:	**Brief summary of changes:**
October 2026	Policy reviewed with no changes

We believe that all pupils are deserving of an education and that it is our job to overcome any barriers to this. We will work with external professionals to nurture and support pupils and ensure that they can attend school. Families will also be supported as we believe they play an important role in supporting their child's education. Where we feel that being educated in school is not possible, this policy will be adhered to with respect and compassion.

This policy should be read in conjunction with the School Behaviour Policy and Code and the Attendance Policy.

Aims

- To ensure that all pupils and staff feel safe in school.
- To support the teaching and learning of all pupils within the school.
- To ensure that all pupils and staff have access to a pleasant and disruption free environment.
- To ensure that all pupils are actively encouraged to behave in a manner that is acceptable, responsible and respectful.
- To ensure that all parents, staff, governors and pupils understand the Behaviour Code, rewards and consequences.
- The school aims to achieve 100% attendance.

Role of the Headteacher

- To ensure that the Behaviour Code is implemented in a positive manner and that rewards are available to staff to distribute.
-To ensure that all parties are kept fully informed of the intention to exclude and that all written documentation is complete and available
- Aim to ensure that pupils are supported to remain in school in future, and that School Focus Plans are implemented and maintained.
- To ensure that relevant outside bodies (Educational Psychology Service, Cheshire East Autism Team, Child and Adolescent Mental Health Service etc) are involved as appropriate.
- To review the Behaviour Code and Exclusion Policy on an annual basis with all staff.

The school believes that children have the right to learn and teachers have the right to teach.

To these ends, the school has an accepted Behaviour Policy and Code which is built on rewards and praise. At times however, some children's behaviour gives cause for concern. Teachers will contact parents to ascertain if there are reasons for a decline/ change in behaviour. The school will work with parents to help improve a child's behaviour. If needs be, a School Focus Plan will be drawn up in consultation with the child, parents and if necessary any relevant outside agencies.

If a child's behaviour does not improve, an internal exclusion may result, and in extreme circumstances a fixed term exclusion may be imposed. The school recognises the impact on a young person's education of an exclusion as well as the negative effect on their attainment and life chances and an exclusion is always a last resort.

There may be occasions when extreme behaviour e.g assault against an adult or child means a child is excluded immediately. (See Behaviour Policy).

Only the Headteacher can exclude a child or in her absence, the next most senior member of staff.

The school does not exclude a child lightly and all possible actions will have been taken to avoid this. In the end the school has to balance the needs of the individual against the needs of the whole school and the resources available to it. The school works hard to manage behaviour and to help children who display emotional or behavioural difficulties.

The school follows Local Authority and Government Guidance

Exclusion Procedures

The government supports Head Teachers in using exclusion as a sanction where it is warranted. Exclusions can be:

- lunchtime
- fixed-term – from one session (half day) to 90 sessions (45 days) in one academic year
- permanent

Wherever possible, a school should consider alternatives to exclusion.

Permanent exclusion should be used as a last resort and only be taken:
- in response to a serious breach, or persistent breaches of the school's behaviour policy
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Only the Head Teacher of a school can exclude a pupil and this must be on disciplinary grounds. This decision must be lawful, rational, reasonable, fair and proportionate.

'Informal' or 'unofficial' exclusions are unlawful even where the child's parent/s or carer/s agree. All exclusions must be formally recorded.

A Head Teacher can withdraw an exclusion at any time before it has been reviewed by the governors.

The Head Teacher's powers to exclude:

In exceptional circumstances, where further information has come to light a fixed term exclusion may be extended or converted into a permanent exclusion. In this case the initial fixed term letter should state this possibility.

If a pupil is regularly receiving exclusions which are having no effect or if they are nearing the maximum 45 days limit the head teacher should consider other alternative sanctions and / or additional support / advice.

Lunchtime exclusions are counted as one session (half a day) and are used to determine whether a governing body meeting is triggered. These should only be used for a short period and have a start and finish date. If a pupil is in receipt of free school meals schools must make alternative arrangements to enable this.

Pupils can be excluded for behaviour outside of the school in accordance with the schools' behaviour policy.

When reaching the decision to exclude, a Head Teacher must apply the civil standard of proof i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

Head Teachers must be mindful of their obligations under the Equality Act 2010 to not discriminate, harass or victimise pupils from groups with protected characteristics i.e. because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- because of pregnancy / maternity
- because of gender reassignment

For disabled pupils, this includes a duty to make reasonable adjustments to policies and practices. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

It is unlawful to exclude or increase the length of an exclusion for a non -disciplinary offence. A school cannot exclude a pupil:

- because they have additional needs or a disability the school feels it is unable to meet
- for low academic attainment / ability
- the action of a pupil's parent
- pupil failing to agree to or meet certain conditions before they are reinstated

Alternatives to exclusion:

A pupil can move to a new school through a managed move or managed transfer. These can only be arranged with the agreement of the parent and the pupil. The threat of exclusion must never be used to influence parents to accept this or to remove their child from the school and seek a place at another school.

A managed move is where a pupil will have a trial placement at another school. If this fails he / she will return to their home school. A managed transfer is a one way move at the point of exclusion and in Cheshire East will involve support from the local authority and the Pupil Referral Unit. (See separate protocols/guidance)

Maintained schools have the power to direct a pupil off site for education which supports the improvement of their behaviour (Section 29A of the Education Act 2002). If a school decides to use this power they must inform the parent/s or carer/s at least 2 days before the start of the placement with the following information:

- the address of the placement
- who the pupil should report to on the first day and the start and finish times
- the number of days for which the requirement is imposed
- the reasons for and the objectives of imposing this requirement

These placements must be reviewed at least every 30 days. They cannot continue beyond the end of the school year in which the placement commenced.

Establishing the facts:

Investigations into an incident / s may involve a number of staff; however, the decision on whether to exclude is for a Head Teacher to take. Pupils should be given the opportunity to present their case before the decision to exclude. In the case of a possible permanent exclusion, a head teacher may decide in the first instance to issue a fixed term exclusion whilst investigating the incident.

A full investigation should take place to establish the facts in relation to the incident leading to the exclusion and should take into account:

 any witness statements
 the pupils own statement
 any other relevant evidence to determine on the balance of probabilities it is more likely or not that a fact is true.

A Head Teacher should consider if there were any contributing factors affecting the pupil at the time of the incident. These would include personal and home circumstances.

Head Teachers must take account of their legal duty of care when sending a pupil home following an exclusion.

Guidance is clear that early intervention should be used to address underlying causes of poor behaviour. This may include:
-an assessment of any special educational need or disability the pupil may have
-an assessment of whether appropriate support is in place
-The use of an Early Help Plan / multi agency assessment

Children with SEND and Children Looked After:

These are children who because of their additional needs/circumstances are particularly vulnerable to the impacts of exclusion.

Head Teachers should, as far as possible, avoid permanently excluding a child with a statement of Special Educational Needs and/or Disabilities. Head Teachers and governors must be mindful of their statutory duties in relation to children with special educational needs. Where a school has concerns about a pupil with SEND, they should, in the first place, consult the relevant Local Authority Assessment & Monitoring Officer who will advise on the suitability of support for the pupil's SEND and / or consider what additional support or alternatives may be required.

Head Teachers should not exclude a cared for child without firstly consulting with the virtual school for Children Looked After. Contact details can be found on their website: www.cheshireeastvirtualschool.com.

The procedure for excluding a pupil:

Once the decision to exclude has been made by the Head Teacher 'they must, without delays, notify parents/carers of the period of the exclusion and the reasons for it.' This may be by phone or face to face.

For a permanent exclusion, the Head Teacher should meet with the parent / carer and the pupil and explain the reasons for his / her decision. They must also, without delay, provide the following information in writing (by delivering the letter directly to the parents, leaving it at or posting it to their last known address). It must include
 the reason for the exclusion
 the period of the fixed term exclusion or if permanent the fact that it is a permanent exclusion
 the parent / carers right to make representation to the governing body and how the pupil may be involved in this
 how those representations can be made
 where there is a legal requirement for the governing body to consider the exclusion that the parents / carers have a right to attend and can bring a friend / advocate or legal representative (at their own expense)
 the legal responsibilities for parents for any exclusion between one and 10 sessions i.e. that parents / carers are legally required to ensure their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if

they fail to do so.

- the right on written request to see a copy of the child's record
- For all exclusions over 5 days what alternative education will be in place from the sixth day and where that will be held.

If the above information is not available to include in the exclusion letter, it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is where provision is arranged before the sixth day of an exclusion.

Guidance notes it is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full time education from the sixth day of an exclusion, there is obvious benefit in starting this provision as soon as possible.

Where it is not possible, or appropriate to do this, schools are responsible for setting work from the first day of any exclusion. Work should be relevant and accessible for the pupil to complete at home.

Sample letters for fixed and permanent exclusions are available on the exclusions page on the Cheshire East Chess website

Administrative procedures following a fixed term exclusion:

- Record the exclusion on SIMS
- Convene a meeting of the Committee of the Governing Body should the parent wish to make representation.
- Report to the governing body termly
- Email a copy of any exclusion letters of 6 days or more to exclusionsce@cheshireeast,gov.uk
- If a pupil has 30 days fixed term exclusion in any one academic year the school should inform the exclusions service at exclusionsce@cheshireeast.gov.uk

Administrative procedures following a permanent exclusion

- Record the exclusion on SIMS
- Within I day the Head Teacher must write to the parent,
- Inform the Clerk to the Committee of the Governing Body that a meeting will be required
- Advise the LA within one school day, with a copy of the letter issued to the parent and submit a completed BSP 1 form attaching all appropriate paperwork to exclusionsce@cheshireeast.gov.uk

Schools are advised at all times to use the guidance issued by the Department for Education entitled 'Exclusion from maintained schools, Academies and pupil referral units in England 2012' together with the sample letters on the intranet.

Appendix – Example of Letter to Parent/Care of a fixed term exclusion

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Friday 22nd November 2024

Dear _____ ,

I am writing to inform you that I have had to make the decision to issue a fixed term suspension to _____.

The term of the suspension is one day – _____.
_____ is being issued this fixed term suspension as today, at approximately 9:30am, he _____.

This involved the following:

Work for _____ to complete on _____has been sent home with him in part and the rest will be emailed out to yourself.

You are entitled to appeal this decision to the Governing Body – please let me know if you wish to do so and I will send you the relevant information about the process.

I will need to inform the Local Authority about the fixed term suspension and it will stay on _____ record.

Best wishes,

Sarah Smith

Headteacher