



EXCLUSION POLICY

Exclusion Policy for St Mary's C.E. School

Agreed by Governing Body:
Reviewed and Updated:
Reviewed by:
Next review:

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Ben Egan / Ruth Knight
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Exclusion Policy

St Mary's CE Primary School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

The Governing Body recognises that no one should receive less favourable treatment than another on the grounds of gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at St Mary's school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some rare situations, exclusion may be necessary, if all other strategies have been exhausted.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct, including the Behaviour and Discipline Policy and the Anti-Bullying Policy.

Any exclusion will be at the decision of the Headteacher and can only be made in relation to disciplinary issues. All exclusions, even for short periods of time, must be formally recorded. The Government supports headteachers in using exclusion as a sanction where it is warranted.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Behaviour outside school

Pupils' behaviour outside school on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school.

Pupils with special educational needs and disabled pupils

The school must take account of any special educational needs when considering whether or not to exclude a pupil.

We have a legal duty under the Equalities Act 2010 not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. An exclusion of a disabled pupil for a reason related to their disability can only be justified if there is a 'material' and 'substantial' reason for it. Maintaining order and discipline in the school may be a material and substantial reason. However, it may not be possible to justify the less favourable treatment if there are reasonable adjustments that should have been made but were not. Reasonable adjustments could include developing strategies to prevent or manage the pupil's behaviour; drawing on external advice on effective approaches with a pupil and staff training. If reasonable steps could have been taken but were not, it may not be possible to justify the pupil's exclusion. If reasonable steps were taken, but the incident still happened, then the school is likely to be able to justify the exclusion.

Temporary exclusion

A temporary exclusion should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences. Temporary exclusion may be used in response to a major disciplinary offence, such as a serious or persistent breach of school rules and policies. In such cases the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These strategies are outlined in the Behaviour and Discipline Policy. A decision to exclude a pupil is seen as a last resort and can only be made by the Headteacher.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

Permanent exclusion

A permanent exclusion is an extremely serious decision and can only be made by the Headteacher. The Headteacher will consult with the Deputy Headteachers and Chair of the Governing Body before enforcing it.

Reasons for a permanent exclusion:

A single serious breach or persistent breaches of the school's rules or policies; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort.

The Headteacher's decision to exclude

If the Headteacher decides to exclude a pupil he/she will:

- notify parents without delay, and by the end of the afternoon session at the latest
- ensure that there is sufficient recorded evidence to support the decision
- when establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof, ie. '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'.
- explain the decision to the pupil;
- send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion (see below "When notifying parents about an exclusion");
- the length of the exclusion and any terms or conditions agreed for the pupil's return;
- in cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- plan how to address the pupil's needs and integration back into their class on his/her return and how the school will support the integration and manage future behaviour;
- plan a meeting with parents and pupil on his/her return.
- enable and encourage the excluded pupil to participate at all stages of the exclusion process, taking into account their age and understanding.

The Headteacher must, without delay, notify the Governing Body and the local authority of:

- a permanent exclusion (including where a temporary exclusion is made permanent); and if the pupil lives outside the LA in which the school is situated, the Headteacher must also advise the pupil's 'home authority' of the exclusion without delay.
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions the Headteacher must notify the local authority and Governing Body once a term.

Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

When notifying parents about an exclusion

In the letter to parents, the Headteacher should:

- draw attention to relevant sources of free and impartial information. This information should include:
 - a link to the statutory guidance on exclusions:

- a link to the Coram Children’s Legal Centre: www.childrenslegalcentre.com 08088 020008; and
 - where considered relevant by the Headteacher, links to local services, such as Traveller Education Services or the local parent partnership (www.parentpartnership.org.uk).
- inform them that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that 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.
 - include in the letter information about the parents’ right to make representations about the exclusion to the Governing Body and how the pupil may be involved in this;

The Headteacher should ensure that information provided to parents is clear and easily understood. Where the parents’ first language is not English, consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents’ right to make representations to the Governing Body have been understood.

The role of the Governing Body in an exclusion (see Appendix A for summary flow chart)

The Governing Body, or a designated subcommittee, must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

If requested to do so by the parents, the governing body must also consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for a governing body, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the Governing Body and must be made aware of this right.

The following parties must be invited to a meeting of the Governing Body and allowed to make representations:

- parents;
- the Headteacher; and
- a representative of the local authority

The Governing Body must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Governing Body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Education for excluded pupils

Arrangements must be made by the school for work to be set and marked for temporary exclusions up to five school days.

For a temporary exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

For permanent exclusions, the local authority (that the pupil lives in) must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

In addition, where a pupil has a statement of SEN/ EHCP, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

Marking attendance registers following exclusion

When a pupil is excluded temporarily, he/she should be marked as absent using code E. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used.

The Headteacher must remove a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governing Body's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- the parents have stated in writing that they will not be applying for an independent review panel.

Managed move

Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

Removal from the school for other reasons

The Headteacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the

health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

Procedure for appeal

Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask the local authority for this decision to be reviewed by an independent review panel.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel is set up by the LA and does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not a school recognises that a pupil has special educational needs (SEN), all parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

For more information see

<http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>

Appendix A: summary of the Governing Body’s duties to review the Headteacher’s exclusion decision

