



St. Catherine's Catholic Primary School

'Live, Love and Learn Together'

DRAFT: Exclusion Policy

Reviewed and adopted by the governing body

Next review:

1. Rationale

This policy deals with the policy and practice which informs the School's use of exclusion.

The policy is based on the guidance contained in the 2012 document from the Department for Education: Exclusion from maintained schools, Academies and pupil referral units in England.

Any decision to exclude a pupil should be made by the Headteacher with regard to the guidance set out in the DfE document and with regard to the legal responsibilities outlined therein.

2. Introduction

St. Catherine's Choices and Behaviour Policy sets out clearly the school's commitment to promoting positive behaviour, including strategies to address the types of behaviour which may lead to exclusion. The School Behaviour Triangle (Behaviour policy, Appendix iii) clearly defines unacceptable behaviour and appropriate consequences. The decision to exclude a pupil is the most extreme sanction and the School is committed to supporting those pupils identified as being at risk of exclusion. (Behaviour policy, Appendix ii, the Individual Behaviour Plan, will be used to plan provision for those pupils.) Permanent exclusion would be seen as the last resort. The School's Pastoral Worker works closely with parents and other agencies to support pupils at risk of exclusion: some possible approaches to dealing with serious breaches of discipline without resorting to exclusion include:

- Mediation or restorative justice - mentoring - support from YISP (Youth Inclusion Support Panel) - detention - internal "isolation"

3. Reasons for exclusion

A pupil can be excluded from school if there is sufficient evidence that he/she has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently. The DfE guidance specifies procedures for exclusion.

A decision to exclude a pupil permanently should be taken only: a) in response to serious breaches of the school's behaviour policy; and b) if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

4. The decision to exclude

Only the Headteacher, (or, in the absence of the Headteacher, the Assistant Headteacher or teacher in charge) can exclude a pupil.

A decision to exclude a pupil for a fixed period is taken, on a balance of probabilities, only in response to breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention or isolation are considered inappropriate.

Individual fixed period exclusions are for the shortest time necessary, bearing in mind that exclusions of more than a day or two make it more difficult for the pupil to reintegrate into the school afterwards. In some cases an exclusion may be for as short a period as half a day.

A decision to exclude a child permanently would only be taken where the basic facts have been clearly established on the balance of probabilities. It is the final resort in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success.

In exceptional circumstances (e.g. actual or threatened violence against another pupil or a member of staff or where a criminal offence has been committed), it could be appropriate to permanently exclude a child for a first or 'one off' offence.

The decision to exclude a pupil for a breach of the school's behaviour policy would only take place after a detailed investigation of the incident which would normally involve interviewing all persons involved (including the pupil concerned). The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done (i.e. not the criminal standard of 'beyond reasonable doubt').

It is not legal to exclude on an informal or unofficial basis, e.g. as a "cooling off period". Any decision to remove a child from the school's premises should be recorded formally as an exclusion. The School would follow DfE guidelines in any exceptional circumstances (other than disciplinary) that required a pupil to be removed from the school premises.

5. The Headteacher's duty to inform parties about an exclusion

Whenever a head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it. They must also, without delay, provide parents with the following information in writing:

- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
- How any representations should be made; and

- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

5. Length of exclusions

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. Lunch time exclusions are counted as half a school day for statistical purposes.

6. Procedures following a fixed-term exclusion

The School is obliged to provide education during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard. If a pupil is given a fixed period exclusion of a duration of six school days or longer, the School has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion. The letter sent to a parent providing information about an exclusion will also give details of learning to be carried out during the term of the exclusion.

7. Reintegration interview

A fixed term exclusion should normally be followed by a reintegration interview with the child and parent(s). The purpose of the interview is to work in partnership with parents to clarify expectations and plan improvements in behaviour.

8. Parental co-operation

If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of, him or her, including at lunchtime, the School will show due regard for the pupil's safety in deciding what action to take. (An exclusion should not be enforced if doing so may put the safety of the pupil at risk.) If efforts to resolve the issue with the parents are unsuccessful the school would seek the advice of the local authority.

9. Procedures for review and appeal

The Discipline Committee of the governing body must review any exclusion which is a permanent exclusion from their school, or a fixed period exclusion that would result in a pupil being excluded for more than 15 school days in any one term. The Governing Body must decide whether or not to reinstate the pupil, if appropriate, or whether the head teacher's decision to exclude the pupil was justified/appropriate. (The LA must make arrangements for Independent Appeal Panels to hear appeals against permanent exclusions where the governing body or management committee upholds the exclusion.)

10. Procedures following permanent exclusion

In the case of a permanent exclusion the pupil remains on the school roll until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an

appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought. During the first five school days of a permanent exclusion the school should send work home for the pupil to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification.

During the first five days of a permanent exclusion the LA should arrange to assess the pupil's needs and how to meet them including any special educational needs the pupil may have. From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided to pupils of compulsory school age.

11. Vulnerable pupils

The School's Inclusion policy and practices recognises that some groups of pupils are more vulnerable and at risk of exclusion. The School should work with parents in supporting the behaviour of children with additional needs. The School recognises its legal duty under the Equality Act 2010 not to discriminate against a number of protected groups; for disabled pupils, this includes a duty to make reasonable adjustments to policies and practices. This applies to both permanent and fixed period exclusions. The School monitors exclusions by ethnicity to ensure that it does not treat some groups of pupils more harshly than others. Likewise the School is committed to supporting its Looked After Children and would only use the sanction of exclusion in the most exceptional circumstances.

12. Procedure for excluding a pupil: role of head teacher

The School follows the procedures set out in law for handling exclusions, in partnership with the LA. Exclusion cases should be treated in confidence.

In exceptional cases — usually where further evidence has come to light — a fixed period exclusion may be extended, or converted to a permanent exclusion. In such cases the head teacher/teacher in charge must write again to the parents explaining the reasons for the change. The head teacher may withdraw an exclusion that has not yet been reviewed by the governing body.

Whenever the head teacher takes the decision to exclude a pupil, the parent is notified immediately, usually by telephone followed up by a letter. The School makes use of the DfE's model letter. A copy of the letter is sent to the Chair of Governors and any other agencies working to support the child concerned. The School also informs the Dorset LA Exclusion Officer. The governing body has a duty to monitor exclusions each term.

13. Marking attendance registers following exclusion

Where pupils are excluded for a fixed period and no alternative provision is made before the sixth day of exclusion for them to continue their education, they should be marked absent in the attendance register using Code E. Where alternative provision is made, and it meets the requirements of the pupil registration regulations and pupils attend it, they should be marked using the appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration).

14. Responsibilities of the Governing Body to review exclusions

The governing body must review an exclusion if:

- The exclusion is permanent;
- It is a fixed term 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 the pupil missing a statutory assessment

If requested to do so by the parents, the governing body must consider the reinstatement of the pupil within 50 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.

The governing body/management committee can delegate some or all of its functions in respect of exclusions to the Discipline Committee. The quorum for a Discipline Committee meeting is three members. If any Governor/member has a connection with the pupil, or knowledge of the incident that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down. The Chair has the casting vote in all cases where an even number of Governors are considering the case.

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

- Parents;
- The head teacher; and
- A representative of the local authority.

When establishing the facts in relation to an exclusion decision the governing body must apply the civil standard of proof; i.e. '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'. In the light of their consideration, the governing body can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the governing body must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

Where legally required to consider an exclusion, the governing body must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different local authority from the one that maintains the school, the governing body must also inform the pupil's 'home authority'.

In the case of a permanent exclusion the governing body's notification must also include the information below.

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel. This review panel would be arranged by the local authority.

This policy should be read in conjunction with;

Department for Education: Exclusion from maintained schools, Academies and pupil referral units in England

Exclusion from school (DCC leaflet available to all parents)

St. Catherine's Primary School policies:

Choices/Behaviour Policy

Anti-Bullying Policy