

## St Gilbert's Church of England Primary School



### Exclusion Policy

**This policy has been formulated in direct relation to the document 'Exclusion from maintained schools, academies and Pupil referral units in England 2012. The school and Governing Body will ensure that they consult this documentation if required to exclude a pupil.**

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school.

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 i.e. school behaviour policy.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation which may include taking photographs of injuries or weapons or items taken into school.

In such cases the Head will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The school also reserves the right to seek advice from external parties such as the local police for Drugs/weapons incidents.

The pupil will be encouraged to give his/her version of events and the Head will check whether the incident may have been provoked, for example by bullying or racial harassment or also special circumstances such as recent bereavement. If necessary the Head will consult but the final decision to exclude is one for the HeadTeacher only (or Teacher in Charge). The decision will also be made by applying the civil standard of proof i.e. on the balance of probabilities rather than the criminal standard of beyond reasonable doubt. At all times the welfare of all pupils will be provided for.

#### Reasons for exclusion:

- Serious breach of the school's rules or policies.
- Risk of harm to the education or welfare of the pupil or others in the school

Any exclusion will be the decision of the Headteacher and the Governing Body will be involved in different capacities at all stages.

The Headteacher must immediately inform the governing body and the LA of:

- (a) permanent exclusions
- (b) fixed period exclusions of six days or more (or more than 10 lunchtimes)
- (c) exclusions which would result in the pupil missing a public examination

#### For all fixed period exclusions

- Parents will be informed immediately (section 4 of the guidance).
- During the first five days of any exclusion the school must set and mark work to be completed at home by the pupil.
- The Governing Body must be informed by the Head Teacher

***From the sixth school day (not cumulative) of a fixed period exclusion the school must provide suitable full-time education. This will continue until the end of the exclusion.***

A re-integration interview must be arranged following any fixed period exclusion of a primary-aged pupil and following a fixed period exclusion of 6 days or more for all pupils;

#### **Exclusion of 5 days or less**

- Unless the exclusion will result in the pupil missing a public examination, the Headteacher is only required to report such exclusions to the governors once a term;
- Governors do not need to meet to consider the exclusion, unless the parent wishes to make representations;
- If representations are received; the governors must consider them but cannot direct re-instatement;
- The DFE Guidance gives no indication as to when this meeting should take place, but advise that the governing body should respond promptly to any request from the parent;
- Update pupil's information on Integris. Copy of exclusion letter to parent placed on pupil's file.

#### **Exclusion of 6 - 15 days (or cumulative) or more than 10 lunchtimes**

- The governors do not need to meet, unless the parent wishes to make representations;
- The DFE Guidance states that governors must meet to consider any such representations within 6 to 50 days of receiving notice of the exclusion but, again, should respond promptly to any request from the
- parent;
- The governors can uphold or overturn the exclusion but cannot increase its length;
- Update Integris . Copy of exclusion letter to parents should be forwarded to District Inclusion Officer, as well as being placed upon the pupil's school records.
- The school will also organise alternative provision must be arranged from the sixth day.

#### **Exclusion of 16 - 45 days (or cumulative) or Permanent Exclusion**

A permanent exclusion is a very serious decision and the Headteacher will consult with a Governor before enforcing it but not the Full Governing Body. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Possession, supplying or use of, an illegal drug or alcohol on school premises
- Carrying an offensive weapon
- Persistent bullying

- Racial harassment

### **The decision to exclude**

***Please see appendices 1 and 2 for Possible Agenda and Roles and Responsibilities of Governors at a Pupil Discipline Panel***

- If the Head decides to exclude a pupil he/she will:
- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision and ask that the child be collected
- should the child not be collected the school retains a duty of care until the end of the school day and will isolate the child monitored by a member of staff.
- send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return
- Should parents return the child to school the following day and not heed the exclusion letter then the school will contact the Education Out of School Team and also ensure the welfare of the child is attended to whilst putting the child into isolation monitored by a member of staff.
- plan how to address the pupil's needs on his/her return
- Governors must meet within 6 to 15 days of receiving notice of the exclusion for a Pupil Discipline Committee meeting and must decide whether or not to uphold the exclusion if more than 15 school days or permanent
- Parents must be invited to make representations to that meeting, if they so wish, but even if they do not, the meeting must take place; Pupils will also receive the opportunity to state their views and the school will ensure that they are facilitated to do so.
- The governors can uphold or overturn the exclusion, but they cannot increase the length of a fixed term exclusion or substitute a permanent exclusion for a fixed period exclusion;
- They must be able to justify their decision.
- Update Integris ;

Where the governors uphold a permanent exclusion, the parent has the right to appeal to the Independent Review Panel within 15 school days of receiving written notification of the governors' decision.

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 does not have the power to direct the governing body to reinstate an excluded pupil. However, where the school is aware that

if the panel decides that the governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct the 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 the school recognises that a pupil has special educational needs (SEN), all parents (or pupils if aged 18 or over) 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.

### **Pupil voice**

Excluded pupils will be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

**NB:** If any exclusion would cause the pupil to miss a public examination, the school should consult with the Education Service, in order to explore possible alternatives.

We ensure we offer and implement a range of support and management strategies.

These could include:

- Discussion with the pupil
- Mentoring
- Home school book
- Discussions with parents
- Target setting
- Checking on any possible provocation
- Detention
- Mediation
- Counselling
- Internal exclusion

Exclusion will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules).

An exclusion should 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.

### **Equality Act 2010**

The decision to exclude a pupil must be lawful, reasonable and fair. The school has a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race with particular

consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

The school will take account of any special educational needs or disability when considering whether or not to exclude a pupil. We have a legal duty under the Disability Discrimination Act 1995 (Equality Act 2010) as amended not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

'Reasonable steps' could include:

- differentiation in the school's behaviour policy
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

*SIGNED BY THE GOVERNORS ON: (date)*

REVIEW: September 2018 or as required

## **Appendices 1**

### **Suggested Agenda for Pupil Discipline Committee Meeting**

*If the student attends the meeting Governors should consider the appropriate point in the meeting for the student to make any statement. This may be influenced by the age and individual circumstances. It may be reasonable to offer the option for a student to only attend for part of the meeting. However arrangements for monitoring the student outside of the meeting will also need to be considered.*

- 1. Chair introduces the Committee to parents and others and explains the procedure, and confirms the students attendance**
- 2. Head Teacher is invited to present the case**
- 3. Governors, Parents and LA may ask Headteacher questions**
- 4. Parents and young person invited to make their representations**
- 5. Governors, Headteacher and LA (*if present*) may ask parents and or student questions**
- 6. Representations made by Local Authority Officer (*LA school only*)**
- 7. All parties may ask Local Authority Officer questions (*LA school only*)**
- 8. Governors ask any final questions of those present**
- 9. Summing up by Headteacher, Parent, Student and LA**
- 10. Chair thanks everyone for their contribution and ask for parties to leave so that the deliberations of the Discipline Committee can commence in private. Clerk escorts parties from the room.**

## Appendices 2

### **ROLES AND RESPONSIBILITIES AT PUPIL DISCIPLINE COMMITTEE**

#### **The Clerk - *before* the Pupil Discipline Committee Meeting**

- **Coordinator between the school, parent, Governors and Local Authority**
- **Responsibility for all correspondence**
- **Confirm the date, time and place of the PDC**
- **Advise parent they may bring representative/friend and request any information they would like to be circulated**
- **Advise parent that the student has the right to attend the meeting**
- **Take steps to ensure that the child view is sought ( this may be a written invitation direct to the student, with opportunity to reply to letter/send email comments etc. and any information they would like to be circulated.**
- **Circulate documentation to all parties in advance of PDC**

#### **The Clerk – *during* the Pupil Discipline Committee Meeting**

- **General housekeeping**
- **Escorting parties in and out of the meeting**
- **Taking minutes throughout the meeting, writing these up and obtaining Chairperson's signature**
- **Notifying the parent of the outcome**

#### **The Governors – *before* the Pupil Discipline Committee Meeting**

- **Read the documentation and consider potential questions/clarifications**
- **Identify a Chairperson**
- **Declare any conflicts of interest – act impartially**

- **Must not have discussed the case with the Headteacher before**
- **To objectively review the Headteacher's decision to exclude**

### **The Governors – *during* the Pupil Discipline Committee Meeting**

- **Explain the procedure – taking care to ensure student is put at ease**
- **Follow set agenda - allow each party uninterrupted time to speak**
- **Adjourn if appropriate**
- **Ask appropriate questions**
- **The role of the Local Authority**

### **The Governors decision**

- **Only 2 options – to uphold or instruct re-instatement**
- **Balance of probabilities – civil standard of proof**
- **Lawful, rational, reasonable, procedurally fair and proportionate**
- **Provocation/mitigating circumstances**
- **Equitable**
- **Other alternatives considered**
- **Familiar with schools own behaviour policy**
- **Equality Act 2010**