



Exclusion of Pupils Policy

March 2015

Approved by Governing Body: March 2015

Next Review due: March 2018

1.0 Rationale

1.1 The purpose of this policy is to explain the School's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve important aims:

- a) the first is to ensure the safety and well-being of all members of the school community and to maintain an appropriate educational environment in which all can learn and succeed. Good discipline is essential to ensure that all pupils can benefit from the opportunities provided by education;
- b) the second is to realise the aim of reducing the need to use exclusion as a sanction.

This policy must be read alongside the Churchfields Junior School Behaviour Policy.

2.0 Introduction

2.1 The decision to exclude a student will be taken in the following circumstances:

- a) in response to a serious breach of conduct, or persistent breaches of the school's Behaviour Policy;
- b) if allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

2.2 Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the Deputy Head who is acting in that role).

Circumstances in which the Headteacher may consider the use of the exclusion process:

- Health and safety of children (including violence, aggression and threatening behaviour towards other children and adult staff).
- Serious breaches of school discipline; disobedience, refusing to comply with reasonable request from teacher/head teacher.
- Persistently repeated poor behaviour which affects the learning of other children (after repeated reminder, consistent support, parental involvement/support, warnings).
- Openly disregarding the authority of the school, teacher or head teacher.
- Drugs-related offences (including use, promotion, possession and selling).
- Criminal offences (such as burglary, criminal damage within school).
- Criminal offences that take place outside the school but have a direct impact on the maintenance of good discipline within school.

The school will not exclude a child because of the behaviour of its parent or carer.

The behaviour of pupils outside school can be considered as grounds for exclusion.

The school will take account of its statutory responsibilities with regards to special educational needs and equality.

The school staff expect that they will be spoken to politely by all its community members.

A Complaints Policy will be available for any parent/carer to complain in writing to either the Headteacher or the Chair of Governors.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction.

3.0 Exclusions

Internal Exclusion

This may be used as a sanction. The student will be removed from the class they are in and placed in another class or with a senior member of staff. Work will be provided for the child to complete in this class or elsewhere. Parents will be informed by the school and invited to meet with a Senior Leader and any other relevant member of staff.

Exclusions

Most exclusions are likely to be of a fixed-term nature and are of short duration.

The Headteacher will, without delay, notify parents/carers and provide in writing:

- The reason for the exclusion.
- The period of a fixed-term exclusion or the fact that it is permanent.
- Parent's right to make representation about the exclusion to the Governing Body and how pupils may be involved in this.
- How any representation should be made.
- Where there is a legal requirement for the Governing Body to consider the exclusion, the parents have a right to attend this meeting, be represented at this meeting (at their own expense) and to bring a friend.

The Headteacher will notify parents without delay that:

- For the first five days of an exclusion (or until the start date of any alternative provision where this is earlier) parents 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-term penalty notice or prosecuted if they fail to do so.
- If alternative provision is made, parents will receive information regarding this, along with the timescales involved. Information regarding arrangements about any future provision may follow the exclusion.
- School work will be provided for the child in all cases. The school will take all reasonable steps to mark this work. For a fixed-term exclusion of more than five days, the Governing Body (delegated to the Headteacher) will make arrangements for suitable full-time provision.
- In the case of a permanent exclusion, the Local Authority have a duty to organise this provision after the sixth day of exclusion.

4.0 Exclusion Procedure

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

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences 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, including bullying (which includes racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.
2. 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 *
 - Arson

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".*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

5.0 General factors the School considers before making a decision to exclude

5.1 Before deciding whether to exclude a student either permanently or for a fixed period, the school will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations/incident.
- Allow the student to give her/his version of events.
- Check whether the incident may have been provoked.
- Take account of contributory facts, such as bereavement, mental health issues.
- Consider a child's special educational needs and equality.

5.2 If the Headteacher is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

6.0 Exercise of discretion

6.1 In reaching a decision, the Headteacher 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.

6.2 In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of conduct, b) the effect that the student remaining in the school would have on the education and welfare of other students and staff.

Governors will be informed of the likelihood of the permanent exclusion.

- A sub-committee of the Governing Body (the Governors' Exclusion Committee) will review any decision made by the Headteacher to impose a permanent exclusion, as described in DCSF guidance.
- Only the Headteacher (or teacher in charge) may exclude a child from school. The Headteacher may decide to consult a member of the Governing Body. That particular Governor may not be involved in any subsequent review of the decision to exclude.
- A letter informing the parents about the decision will be sent within 24 hours of the Governors meeting to review the exclusion.

Follow Up

Until the appeals procedure is exhausted, the student remains on roll. Work will be set and marked by the school for the first 15 days following the exclusion. After that, the responsibility for the child's education passes to the Local Authority.

Pastoral Support Programmes

If pupils have already been temporarily excluded and have been reintegrated back into the school, they are technically in danger of being permanently excluded.

- On these occasions, children will have a *Pastoral Support Programme* written and prepared by the school staff, and agreed and signed by the parents and the child. A PSP may be put in place when a child returns from a fixed-term exclusion, if appropriate.
- The Pastoral Support Programme will target goals for the child to achieve, issues for the parents to agree and strategies that the school will implement.
- It will also include any advice from external agencies.
- Pastoral Support Programmes will be reviewed at regular intervals.
- A Pastoral Support Programme will be reviewed after 16 weeks with the intention that the child's behaviour that was originally targeted for improvement, has changed and is now far more positive.

Pastoral Support Programmes will be reviewed as evidence if considering a permanent exclusion.

7.0 Duties of the Governing Body

The Governing Body has a duty to consider parent's representations about an exclusion. They may delegate their functions with respect to an exclusion decision to a designated sub-committee of at least three governors and consider reinstatement of the pupil within fifteen school days of them receiving the exclusion if:

- The exclusion is permanent.
- A fixed period of exclusion brings the pupil's term of exclusion to more than fifteen days in a term.
- The pupil would miss a national curriculum test.

Governors should adhere to all statutory guidance in preparing for consideration of an exclusion decision.

In the case of a fixed-term exclusion which does not bring the total number of pupils' exclusion days to more than five a term, the Governing Body must consider representation from parents but cannot direct reinstatement and is not required to arrange a meeting with parents.

Where the Governing Body is legally required to consider an exclusion, they will take into account the interests and circumstances of the excluded child as well as the interests of other pupils and people in the school.

They must consider representation made by parents, the Headteacher and a representative from the Local Authority.

"On the balance of probabilities", they will either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or after that date.

Governors must notify all relevant authorities of their decision and the reasons for it in writing and without delay.

In the case of a permanent exclusion, the Governing Body's notification must include all legally required information, including the parent's right to require the Local Authority to appoint an SEN expert at the review.