

St. Luke's C of E Primary School
Exclusion Policy

Exclusions Policy
Wellbeing Committee
Reviewed Autumn 2018
For Review: Autumn 2021

Introduction:

It is the policy of St Luke's to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. (See Behaviour Policy). Occasionally the behaviour of a pupil will be such that exclusion will be an immediate response. Such action will be exceptional and generally relate to extreme behaviour constituting a serious breach of school rules. However, the Headteacher will also reserve the right to exclude where the health, safety, welfare or education of other is threatened.

Purpose of this policy:

This policy is designed to briefly outline the school's approach to exclusions within the statutory framework as defined in the *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012*. It outlines only where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

Offences that could result in exclusion:

- Serious breaches of the school's behaviour policy e.g. serious actual or threatened violence against another pupil or member of staff
- Sexual abuse or assault
- Possession or supplying an illegal drug
- Carrying an offensive weapon
- If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Depending on the severity of the breach of the school's behaviour and discipline policies the headteacher may report the offence to the police. Other agencies might also be informed where the school is aware that the family or pupil would benefit from support eg social workers, CAMHS.

Exclusions may not be given for an unspecified period (e.g. until a meeting can be arranged).

This process will be followed:

- ◆ Clear identification with the pupil of the offending behaviour
- ◆ Establishing appropriate sanction short of exclusion in an effort to discourage reoccurrence of such behaviour
- ◆ Pastoral support
- ◆ Notification to parents of concerns and sanctions taken
- ◆ Upon re-offence, discussion with the pupil regarding possible ultimate sanctions if behaviour does not improve
- ◆ Further notification to parents and parental interview

- ◆ Upon further re-offence implementation of the exclusion process

The School Standards and Framework Act lay down the following requirements for proper exclusion of pupils:

- ◆ The Headteacher may exclude for a fixed period or on a permanent basis. In the Headteacher's absence from school this responsibility will fall to the assistant Headteacher (Curriculum).
- ◆ The total number of fixed-period exclusions (covering one or more fixed period of time) given in any one school year will not exceed 45 days.
- ◆ The parent/guardian of the pupil will be informed immediately, either fixed term or permanent exclusion.
- ◆ The following information will be conveyed to the relevant person:
 - ◆ the period of exclusion
 - ◆ the reason for the exclusion
 - ◆ that representation can be made to the governing body about the exclusion
 - ◆ the way in which the representation can be made

In addition the headteacher will:

- ◆ Write to the parents within one school day of the decision with the above information
- ◆ The letter will include details for the continuing education of the pupil, including setting and marking work
- ◆ The right of the parent to see the pupil's school record

Lunchtime debarment is counted as a fixed period exclusion and must count as half a day. However, where parents are working with the school and see that it is in their child's best interests, parents may agree to take their child off the school premises at lunchtime. This would not then count as an exclusion as it would be the parent's choice to take the pupils off site.

Alternative arrangements should be made for excluded pupils entitled to free school meals. If a parent refused to co-operate with a formal exclusion by sending the child to school or refusing to collect or arrange collection of him/her at lunchtime, the school will have due regard for the pupil's safety and age in deciding what action to take. The advice of the Education Welfare Service or the LA will be sought about legal remedies.

The Headteacher will inform the Governing Body and the LA when the exclusion is for more than 5 school days in any one term or where the pupil involved would lose the opportunity to sit a public examination or where the exclusion is permanent or where the headteacher has decided to change fixed-term exclusion to permanent.

Where a pupil is excluded longer than 15 days, plans how the time might be best used to address the pupil's problems and together with the LA what education arrangements might best help with the pupil's reintegration into the school at the end of the exclusion. It should be noted that the school might be expected to meet some of the costs for this, but the exact arrangements will need to be agreed with the LA.

The attached appendices sets out the:
Function of the governing body
Governing Body Discipline Committee
Pastoral support programme
Good practice on informing parents when deciding to exclude
The function of the LA
The appeal process

Function of the governing body

The governing body is required to establish a Discipline Committee.

The Discipline Committee should consist of three or five governors (not including the headteacher). The role of the Committee is to:

- ◆ review the use of exclusion within the school
- ◆ consider the views of the relevant person
- ◆ confirm exclusions of more than 15 days
- ◆ decide whether to confirm permanent exclusions
- ◆ confirm exclusion where the pupil will miss public examinations.

The Committee must be informed of:

- ◆ all permanent exclusions
- ◆ exclusions over more than five school days in any one term (separately or in total)
- ◆ an exclusion that results in a pupil missing a public examination

Where the exclusion is for five days or less the Discipline Committee must consider any representations from the relevant person. Where the pupil loses the opportunity to take a public examination, the Discipline Committee should consider the exclusion and decide whether to reinstate.

When the Discipline Committee has been notified by the relevant person that they wish to make representations the Committee must consider the circumstances of the exclusion and the representations made by the relevant person and the LA. Oral representation must also be allowed at the hearing from the relevant person and/or the LA.

As a result of its deliberations, the Discipline Committee may decide not to reinstate or to direct the headteacher or:

- ◆ reinstate immediately
- ◆ reinstate on a particular future date.

NB the Circular does not offer any guidance as to possible outcomes should the Discipline Committee not meet until after the pupil has return to school.

Members should be aware that the guidance states 'if, when the guidance in this section and Annex D was not followed, they should normally direct reinstatement'.

Where the decision is to reinstate, the headteacher, the relevant person, and the LA must be informed immediately.

The headteacher must comply with the directive of the Discipline Committee

If the decision is not to reinstate, the Discipline Committee must:

- ◆ inform the relevant person, the headteacher and the LA
- ◆ where the decision involves a permanent exclusion, give the relevant person the following information:
 - ◆ the reason for the decision not to reinstate
 - ◆ the relevant person's right of appeal
 - ◆ information regarding the appeal process and to whom the appeal should be addressed
 - ◆ advice that the appeal should contain a clear indication of the grounds for appeal
 - ◆ the last date on which the appeal can be accepted

The use of exclusion

If, as a result of exclusion, the Discipline Committee is convened, the DFES guidance contained in the Circular assumes that in the case of permanent exclusion the Committee will normal direct reinstatement where the DFES guidance has not been closely adhered to.

The DFES guidance indicates that the head should have pursued the following actions before considering exclusion:

- ◆ with the parents (wherever possible) have a clear action plan to support the pupil
- ◆ followed the school discipline sanctions fairly and consistently. These sanctions should be identified in the school discipline policy and might include such matters as:
 - ◆ removing privileges
 - ◆ detention (see PM035)
 - ◆ withdrawal from groups, activities, sporting events, etc
 - ◆ undertaking extra written work
- ◆ engaged the in-school learning support unit (where available) for short term teaching and support programmes tailored to the needs of individuals

- ◆ used mentoring from older pupils, teaching and non-teaching staff and volunteers. (The Association) advises that all those involved in mentoring should have been appropriately trained, police and list 99 checked)
- ◆ considered disapplication of the National Curriculum (Circular 15/89 to be revised on this subject)
- ◆ Undertaken a pastoral support programme (PSP)

A pastoral support programme

The PSP should be agreed with parents and the LA and be developed to help individual pupils better manage their behaviour. The PSP will have the following common elements:

- ◆ be school based
- ◆ have identified precise and realistic behavioural outcomes
- ◆ have a nominated member of staff as overseer
- ◆ be automatic for pupils with several fixed-term exclusions
- ◆ be automatic for pupils at risk of failure or disaffection
- ◆ will not be used to replace the SEN assessment process
- ◆ will have involved other agencies where appropriate, such as housing departments, voluntary organisations, Careers Service or ethnic minority community groups, in drawing up the PSP
- ◆ the programme should be time limited and identify short-term targets.

Outcomes that may result from drawing up a PSP include:

- ◆ review of learning difficulties
- ◆ disapplication of the National Curriculum
- ◆ changing the pupils' class or set
- ◆ registering the pupil at the school and a PRU (Pupil Referral Unit)
- ◆ move to another school
- ◆ use of external expert support
- ◆ placement into a school-based learning support unit

Good practice on informing parents when deciding to exclude

Parents should be telephoned immediately an exclusion decision has been made. The decision to exclude will have been taken after a full investigation into the incident has been completed. The call should be followed by a letter indicating:

- ◆ why exclusion has been decided
- ◆ arrangements for continuing the pupil's education
- ◆ the parents' right to state their case to the Discipline Committee
- ◆ whom the parents should contact to state their case
- ◆ the time frame for their case to be heard
- ◆ their right to see the pupil's records
- ◆ the length of the exclusion
- ◆ if the exclusion is permanent, all details leading up to the exclusion including fixed-term exclusions
- ◆ the contact number of the LA and the Advisory Centre for Education (ACE) – 020 7704 9822

If the fixed-term exclusion is changed into a permanent exclusion, another letter must be written to the parents, and the parents can state their case to the Discipline Committee.

The Governing Body Discipline Committee

Members should ensure that their governing body is fully aware of its responsibilities with regard to the exclusion process. These are:

- ◆ To establish a committee
- ◆ To appoint a clerk to that committee
- ◆ Where the exclusion is for five days or less, reinstatement cannot be directed but the statement from the relevant person should be considered
- ◆ To allow more than one exclusion to be considered at a meeting
- ◆ Where a short exclusion of up to five days causes the pupil to miss a public examination, the Chair may consider reinstatement if the Discipline Committee is unable to meet before the examination date
- ◆ In the case of a fixed-term exclusion between six and 15 school days in a term, meetings to consider the exclusion must be held by the fiftieth school day
- ◆ In the case of exclusions over 15 school days, exclusion meetings must be held between the sixth and fifteenth school days to consider the exclusion

- ◆ LA and parents must be invited to the meeting (parents may bring a friend or legal representative)
- ◆ Written statements to be submitted in advance
- ◆ All statements (pupil's name removed) to be circulated to all parties in advance of the meeting
- ◆ If requested, the pupil be allowed to attend the meeting

(The Education (School Government) (England) Regulations 1999 will also be amended to allow the full governing body, if so wishes, to consider fixed-term exclusions of between six and 15 school days (in total) at its regular meetings, as an alternative to the discipline committee meeting)

The meeting

The pupil may already have returned to school before the Discipline Committee meets. Where the pupil is still excluded when the Committee meets, the Committee should:

- ◆ Consider all statements
- ◆ Consider the strategies used to modify the pupil's behaviour
- ◆ Decide whether exclusion is appropriate
- ◆ Write within one day to the parents and LA indicating the decision of the Committee and their reasons for so deciding
- ◆ Where permanent exclusion is upheld, parents must be given information regarding the appeals process. An appeal should be lodged within 15 school days of the Committee's decision.

NB Parents have a right of appeal even if they do not make a case to the Discipline Committee

The function of the LA

It is the responsibility of the LA to ensure that arrangements are in place for the relevant person to appeal against the governing body decision to uphold the permanent exclusion

The decision of the appeal panel is binding on the governing body, the relevant person, the headteacher and the LA

Should the appeal panel decide to reinstate, it must indicate whether this should occur immediately or on a specified future date

The appeal process

An appeal may be made by the relevant person up to 15 school days after written notice of permanent exclusion has been received. The relevant person may waive their right to appeal. This should be made in writing.

Independent Appeal Panels can include lay persons, school governors and head teachers.

In order to ensure impartiality the following categories of people are disqualified from being members of a panel:

- ◆ an LA member

- ◆ a governor at the school in question
- ◆ any LA or governing body employee, other than a teacher
- ◆ any person connected with the pupil, the school or the incident that led to the suspension that may raise doubts about their ability to act impartially
- ◆ if there is any connection with the school to which the child might be admitted if the appeal fails

If a member is unable to continue during the course of a hearing due to ill health, the panel may continue to sit provided that there are never less than three members available

Procedure to appeal

- ◆ The appellant must give notice of appeal in writing
- ◆ The LA will determine a date for the appeal, not more than 15 school days after the day on which the appeal is lodged
- ◆ In exceptional circumstances, the relevant person may be granted a later date by the LA
- ◆ In deciding on a date for the appeal, the LA must take into consideration the times when the relevant person and other individuals to be involved are available
- ◆ The panel will allow representations as follows:
 - ◆ the relevant person (or friend) makes an oral representation
 - ◆ the relevant person may bring a friend
 - ◆ the headteacher may make a written representation and an oral representation
 - ◆ the governing body may make a written representation
 - ◆ a nominated officer of the LA may make an oral representation
 - ◆ a nominated governor from the Discipline Committee may make an oral representation
 - ◆ a member of the Council of Tribunals may attend as an observer
 - ◆ the Discipline Committee is also allowed to be represented at appeal
- ◆ The outcome of the appeal may be decided by a majority vote of the members of the panel
- ◆ The result of the appeal must be sent in writing to the relevant person, the LA, the governing body and the headteacher by the end of the school day after the conclusion of the appeal hearing

A pupil may only be removed from the school roll if the exclusion is upheld following an Independent Appeal Panel Meeting.

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