



## ASHTON ST. PETER'S CHURCH OF ENGLAND PRIMARY SCHOOL

### Exclusion Policy

Ratified March 2021

Update March 2022

#### **Rationale:**

The Headteacher and Governors of Ashton St Peter's Primary School are required by law (School Standards and Framework Act 1998) to have regard to circular 10/99 Social Inclusion Pupil Support, when deciding:

- Whether to exclude a pupil for a fixed period or permanently
- The length of the exclusion
- (where applicable) whether to direct the Headteacher to reinstate an excluded pupil.

Reference is also made to the Education Act 2002 Section 51A and 'DFE Exclusion from maintained schools, Academies and pupil referral units in England'

#### **The Decision to exclude:**

- Only the Headteacher has the power to exclude a pupil from school (this would include someone designated as the Acting Headteacher in the absence of the Headteacher)
- The Headteacher cannot routinely, or on an adhoc basis, delegate the power to exclude to another teacher
- If the recommendation for exclusion comes from a teacher or other member of staff, the Headteacher should not decide to exclude a pupil until they have all the relevant facts and firm evidence to support the allegations made
- In the interests of fairness the pupil facing exclusion should be interviewed and given an opportunity to comment on what has occurred and give their version of events (allowing the child to indicate whether, in their view, the incident was provoked by racial or sexual harassment).
- The Headteacher may consult others before deciding whether to exclude, but should be careful not to involve anyone who may, at a later date, be involved with the statutory review of their decision, e.g. a member of the Discipline committee.

- Where there are conflicting accounts of an incident and the Headteacher is in doubt about whether the pupil was responsible for the incident, then the Headteacher should not use exclusion as a disciplinary sanction.

**Types of exclusion:**

- A fixed period exclusion will only be implemented in response to serious breaches of the discipline policy and where other strategies have failed and where remaining on site would be seriously detrimental to the pupil, other pupils or staff. The Headteacher may exclude a pupil for up to 45 days in a school year. However, individual exclusions should be for the shortest time necessary.

If considering excluding a pupil for a single block of 15 days in a term, the Headteacher must plan:

- to enable the pupil to continue their education
- how to use the time to address the pupil's problems; and
- with the LA, what educational arrangements will best help the pupil to re-integrate into the school at the end of the exclusion.

- Permanent exclusions will only be made in response to very serious breaches and as a final step when all other strategies have been tried and proven to have failed and where to remain would be detrimental to the pupil and others. However, in an exceptional circumstance, the Headteacher may exclude permanently in response to a one-off incident.

**Exclusions should not be used for:**

- Minor incidents such as failure to do homework or to bring dinner money
- Non attendance or lateness
- Breaches of the school's uniform policy including hairstyle or the wearing of jewellery.
- Punishing pupils for the behaviour of their parents, e.g. by extending a fixed period exclusion until the parents agree to attend a meeting.

**Governors' responsibilities:**

- The setting up of a Discipline Committee to consist of 4 Governors. This committee has no power to direct reinstatement when an exclusion is of 5 days or fewer.
- To consider any representations the parents may wish to make.
- To meet in exclusions of more than 5 days (actual or as a running total)
- To meet again to consider each subsequent exclusion in the same term
- To meet no earlier than the sixth school day and no later than the fifteenth school day following the exclusion
- To identify a clerk to the committee who must invite both the parent and the LA to the meeting to consider the exclusion
- In the case of a permanent exclusion, the Discipline committee must satisfy themselves that all other strategies to improve behaviour have been tried and proven to have failed. The

Committee will also check that a Pastoral Support Programme (PSP) has been implemented (a planned intervention to help pupils better manage their behaviour).

- If the Committee confirms a decision to exclude for more than 15 days, Governors should consider what arrangements are in hand to ensure that a pupil receives suitable education during this period. It will not be sufficient for a school to simply send work home.
- When a pupil is reinstated, the Governors may not attach conditions to that re-admission.
- The Governors and school cannot comply with requests to delete the exclusion from the pupil's records.
- Where the Headteacher's decision is upheld, the Committee must write to the parents immediately giving reasons for their decision.
- In the case of permanent exclusion, the Governors must inform the parents of their right to independent appeal established by the LA.
- The Governing Body will be required to present this appeal (although the LA may be present as a witness on either side).

### **Stages in the Exclusion Process:**

#### Stage 1 - Warning

The Headteacher should warn the pupil and the parents of the possibility of a fixed period or permanent exclusion if the pupil's behaviour does not improve.

#### Stage 2 - Investigation

The Headteacher should not decide to exclude a pupil until he/she has all the relevant facts and firm evidence. The pupil should be interviewed. This should be carried out on the day of the incident or as soon afterwards as possible.

#### Stage 3 - Exclusion by Headteacher

- Decides to exclude the pupil
- Notifies the parent (on the day of the exclusion) in writing.
- If exclusion is more than 5 days or totals over 5 days, the Headteacher immediately notifies the Governors and the LA
- Arranges for the pupil to be given school work to do at home and for this to be marked.

#### Stage 4 - fixed term exclusions:

(Five days or fewer)

- If the parent makes representations, the Governing Body has a duty to consider the representations through the Discipline Committee
- The clerk to the Discipline Committee convenes a meeting of at least 3 Governors previously nominated by the Governing Body, to consider the action taken by the Headteacher, and notifies the parent, Headteacher and LA of the meeting.

- The Discipline Committee meets to consider the action taken by the Headteacher, receives any representations from the parent and LA and decides whether the pupil should be reinstated or the exclusion upheld.
- If a permanent exclusion is upheld, the clerk to the Discipline Committee then notifies the parent of the Discipline Committee's decision and their right to appeal to an independent appeal panel.
- If the discipline Committee's decision is to reinstate a pupil, notification must be sent to the parents, Headteacher and LA within one day of the meeting

Stage 5 - Independent appeal panel (arranged by the LA) - permanent exclusion

- The clerk to the Appeal Panel convenes a meeting of an Independent Appeal Panel
- The Independent Appeal Panel decides whether or not to uphold the appeal.

The clerk of the Independent Appeal Panel notifies the decision to all parties.

### **Individual Re-integration Plans**

Pupils, who have had several fixed period exclusions that may lead to a permanent exclusion, or who risk failure at school through disaffection, or rapidly deteriorating behaviour, need a school-based Pastoral Support Programme (PSP). Schools setting up a PSP must alert LAs as the PSP is a multi agency intervention. The school should invite the parents and a LA representative to discuss the causes of concern and what the pupil needs to do to improve, both academically and socially. Occasionally the LA, from its record of fixed period exclusions, may prompt a school to set up a PSP.

Once a permanent exclusion has been upheld at the Governors' meeting, the LA should make arrangements to assess the pupil's needs and consider what arrangements might be put in place to meet them. This is notwithstanding the fact that the exclusion may be overturned at the independent appeal.

### **Role of the LA**

The LA has the responsibility for the establishment of an individual re-integration plan. This requires the LA to liaise with parents and the receiving school and agreeing the action with the child if this is appropriate. This will include:

- Steps to be taken for re-integration into school
- A timetable for reviewing the re-integration plan (not less than one month)
- The name of the school to which the child will return
- A programme of re-integration with the named school
- The target date for return to the school

During the transition period, the re-integration plan should be amended to include action to be taken to address the child's problems and ensure a smooth return to mainstream school. This should cover both pastoral and educational targets for re-integration. The action should include targets for increasing contact with the school the child is due to return to.

The Governors of Ashton St. Peter's Primary School would only expect the above procedures to be put in place in exceptional circumstances. The Governors expect that children's behaviour and social or emotional difficulties should be catered for within the school community and that such extreme action should be avoided by early intervention and the support of external agencies. Further guidance can be sought from LA 'Guidance for Schools on Avoiding Exclusions and Managing Challenging Behaviour November 2006'.

### **Review Procedures**

The School's policy will be reviewed when:

- Every year in June
- The School wishes to review the policy.
- If amendments are required by the LA

**Ratified by:**

**Date: March 2021**

David Bower

**Headteacher**