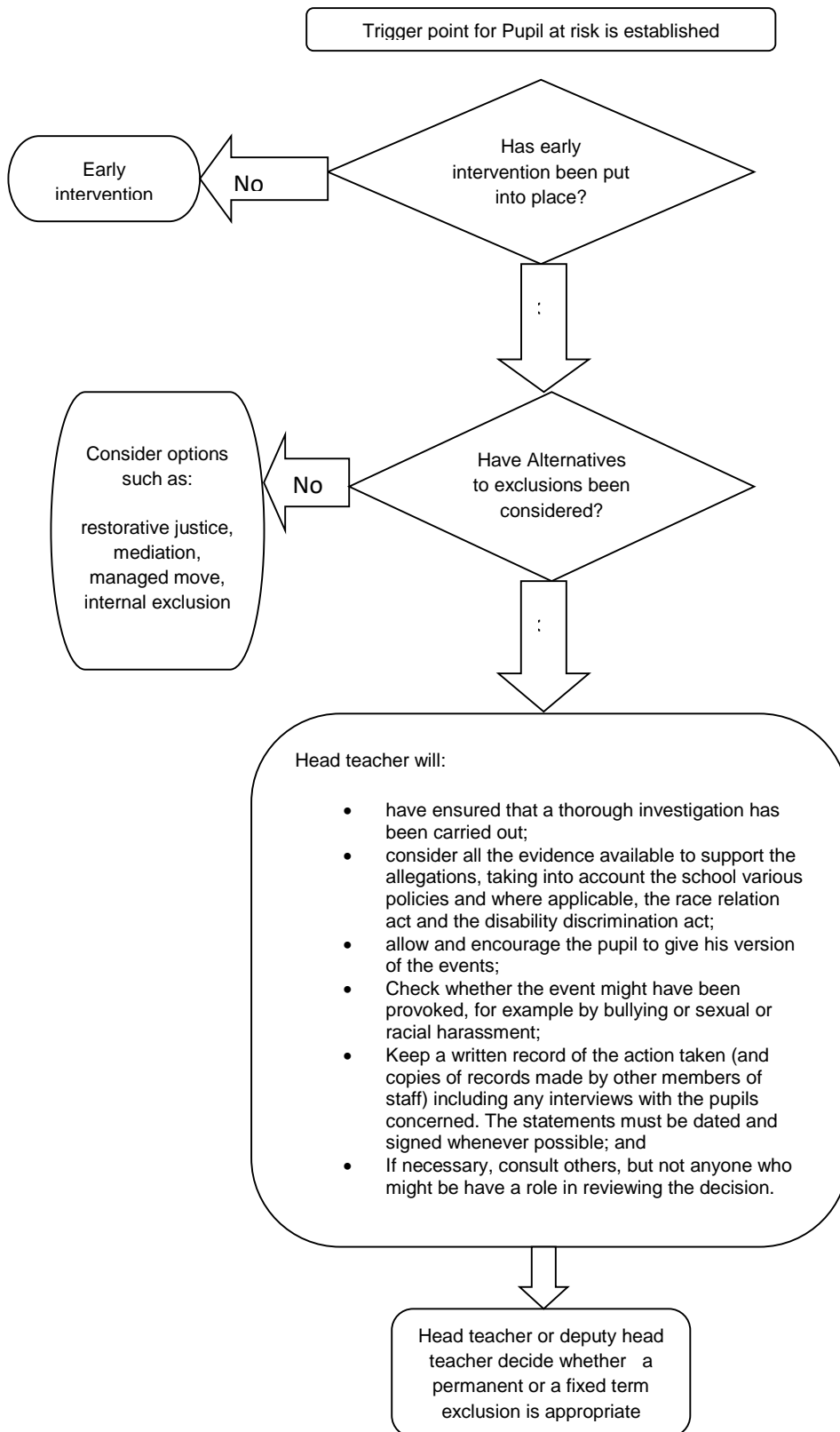


# **Elburton Primary School**



## **Exclusion of Pupils Policy**

## Flow chart of Good Practice



## **Rationale**

This policy deals with the policy and practice which informs the School's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

## **Introduction**

The decision to exclude a pupil will be taken in the following circumstances:-

- (a) In response to a serious breach of the School's Pupil Discipline Policy
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher. Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Pupil Discipline Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

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

## **Exclusion procedure**

Most exclusions are of a fixed term nature and are of short duration (usually between one and three days).

The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the School and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or

missing a public examination.

The Governors have established arrangements to review fixed term exclusions which would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body as directed in the letter.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate.

If the fixed term exclusion is greater than five days or an accumulation of exclusions exceed five days, a Pastoral Support Plan will be drawn up. This needs to be agreed with the school, pupil and parents.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians.

### **Permanent Exclusion**

The decision to exclude a pupil permanently is a 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 all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include 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 pupil for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 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").
  - Arson

The school will consider police involvement for any of the above offences. 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.

### **General factors the school considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Head will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the Pupil Discipline Policy, Equal Opportunity and Race Equality Policies
- Allow the pupil to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Head is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, exclusion will be the outcome.

### **Rights of appeal**

You have the right to make written representations to the First Committee of the Governing Body about any exclusion. If the exclusion is for more than 5 days in any one term and less than 15 days you can ask to attend a meeting of the Committee when the exclusion will be considered.

If the exclusion is for more than 15 days in any one term then you will be invited to a meeting of the Governors First Committee where the exclusion(s) will be reviewed. The school will let you know the details. You can take a friend along to help you if you wish, you may provide written information to be circulated to the First Committee, and you must be allowed to ask questions and say what you think about the exclusion. You may also wish your child to give his or her side of the story to the Committee. You are entitled to receive a copy of any information circulated to the First Committee by the school.

If the exclusion is for a fixed period of 5 days or less (including any previous exclusions earlier in the term) the First Committee cannot direct the headteacher to re-admit your child before the end of the exclusion period. The Committee can, however, come to a view on whether or not the exclusion was appropriate.

For longer fixed period exclusions, the First Committee will either allow your child back in school or agree with the headteacher's decision. You must be told of the decision as soon as possible after the meeting and this should be confirmed in writing. This settles the matter if the exclusion is a fixed one. There is no further right of appeal.

If the exclusion is permanent, however, and the First Committee decides to agree with the headteacher's decision, the clerk to the meeting will write to inform you of the decision. You then have 15 school days to submit an appeal to an independent appeals panel. The excluding school will provide you with the contact and address details of where to lodge your appeal.

If you do not appeal within the 15 days the permanent exclusion will stand and cannot be changed.

## **GOOD PRACTICE PROCEDURES FOR A MEETING OF THE GOVERNING BODY TO REVIEW AN EXCLUSION**

### **Organising the Hearing**

The Clerk to the Committee of the Governing Body must organise a meeting between the **6th and 15th school day (50th school day for less than 16 days exclusion)** following the exclusion by the Head Teacher and they should try and organise the meetings so that it is convenient to all parties.

Governing body meetings need now only automatically take place for permanent exclusions or fixed term exclusions over 15 school days in a term. Parents have a right to request a meeting for shorter fixed term exclusions.

**The Governing Body Committee should comprise either 3 or 5 members. In the interests of natural justice it should be obvious to the parents that the Head has not had contact with the Governors prior to the meeting and the Head should be invited to join the meeting at the same time as the parents.**

Arrangements must be made to ensure that the hearing is "**as open as possible**". Parents and headteacher should receive any papers regarding the exclusion at least 5 days before the meeting and should be notified of their right of access to their child's school record.

Parents should be invited to state their case and to forward a written statement in advance of the meeting where applicable.

The Governors should appoint a Chair of the panel and ideally, the Clerk to the Committee of the Governors should be present to minute the meeting.

The panel may find it helpful to agree the following procedure before the meeting commences:

- a) When to invite the family, their representatives where applicable and Head are to join the meeting and how parents are going to be informed of the outcome.
- b) Chair welcomes and introduces everyone.
- c) Chair outlines the purpose of the meeting and the procedures to be followed. The Chair should also explain how the decision will be reached.
- d) Chair invites Head to speak.
- e) Parents have an opportunity to question the Head.
- f) Governors have an opportunity to question the Head.
- g) Family invited to put the case on behalf of the pupil.
- h) Head has an opportunity to question the family.
- i) Governors have an opportunity to question the family.
- j) Opportunity for final comments from the Head.
- k) Opportunity for final comments from the family.
- l) Family and headteacher leave the meeting.
- m) Governors discuss and reach a decision.

#### **What the members of the Governing Body must consider in reaching their decision**

- i) Was the pupil responsible for the action, which led to exclusion?

Has the Head Teacher demonstrated that every effort has been made to investigate the incident thoroughly and that the investigation demonstrates the pupil's involvement on a balance of probabilities?

Was the pupil allowed to give his/her version of events and was the incident provoked by racial/sexual harassment?

- ii) Was this incident, in itself, serious enough to warrant exclusion?

iii) If this was part of a pattern of unacceptable behaviour, has the school used strategies such as:

- a) compilation of a pastoral support programme;

- b) home/school agreement;
- c) own behaviour modification programme;
- d) counselling by school staff;
- e) (Where appropriate) the involvement of Education Welfare Officer, Social Worker, GP, School Medical Officer, Educational Psychologist, Psychiatric Social Worker local mentoring/disaffection support programme?

iv) Does the school "Code of Behaviour" make clear what is expected of every pupil?  
Was this pupil, and parents/carers clear about this expectation?

Does the school regularly promote its code of Behaviour in classrooms, assemblies, positive reinforcement systems, parent interviews, parents' meetings, annual reports and the school prospectus in order that every pupil understands the level of expectation?

v) Would allowing the pupil to remain in school seriously harm the education or welfare of the other pupils or others in the school.

n) The Governors may invite the family and the Head Teacher to re-enter the room once a decision has been made.

o) The Chair must advise the Head Teacher and the parents that they will be notified in writing of the decision with **1 working day** of the meeting.

n) Minutes. As with all meetings of Governing Body Committees, minutes of the hearing must be taken and the decision recorded appropriately. Minutes taken in a representational hearing refer to an individual pupil and, therefore must be treated as **confidential**.