

EXCLUSION POLICY

MISSION STATEMENT

We are growing together on our journey of achievement with Jesus in our hearts, heads and hands.

POLICY STATEMENT

St. Joseph's Catholic Primary School seeks to avoid exclusions. In most cases exclusion will be the last resort after a range of strategies has been put in place to address the inappropriate behaviour which may lead to exclusion.

Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective or when there has been a single clear and serious breach of discipline.

Exclusion can be used for misbehaviour that:

- Could have repercussions for the orderly running of the school.
- Poses a threat to another pupil or member of the public.
- Could adversely affect the reputation of the school.

A decision to exclude a pupil permanently should be taken only:

- a) in response to serious breaches of the school's behaviour 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 (Appendix A).

This policy should be read in conjunction with the following policies:

- Positive Relationships
- Physical Intervention/Positive Handling
- Safeguarding - Child Protection

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1. MANAGING SERIOUS OR PERSISTENT PROBLEMS

We need to accept that it is the behaviour that is the problem and not the child. This "behaviour" which gives cause for concern will initially be assessed and where possible triggers or antecedents will be established. Once this has been done a number of ways of managing this process are available:

Individual programme

Individual programmes will be planned to help modify the inappropriate behaviour.

Special Needs Register

The child may be placed on the Special Needs Register in accordance with the criteria in Bracknell Forest guidelines.

Pastoral Support Programme

Parents will be invited to discuss their child's behaviour and an individual Pastoral Support Programme (PSP) drawn up. They will be kept informed of progress.

2. EXCLUSION

The decision to exclude

Exclusion should not be imposed in the heat of the moment. 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 teacher/teacher in charge should:

- a) ensure that a thorough investigation has been carried out;
- b) consider all the evidence available to support the allegations, taking account of the school's behaviour policy with due regard to the Equality Act 2010. This Act has provision that allows our school to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.
- c) allow and encourage the pupil to give their version of events;
- d) check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- e) if necessary, consult others, but not anyone who may later have a role in reviewing the headteacher's/teacher in charge's decision, for example a member of the governing body (or management committee in exclusions from Pupil Referral Units, PRUs); and
- f) keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

Standard of proof

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the head teacher/teacher in charge may exclude the pupil. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. But it does mean that when investigating more serious allegations, in determining whether it is more probable than not that the pupil has behaved as alleged, head teachers/teachers in charge will need to gather and take account of a wider range of evidence. In some cases this may extend to evidence of the pupil's past behaviour, if relevant to the seriousness of the present allegation.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the headteacher/teacher in charge to make a judgment on the balance of probabilities on whether to exclude the pupil.

When exclusion is not appropriate

Exclusion should not be used for:

- a) minor incidents such as failure to do homework or to bring dinner money;
- b) poor academic performance;
- c) lateness or truancy;
- d) pregnancy;
- e) breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.), except where these are persistent and in open defiance of such rules. (Pupils may be sent home, their parents first having been contacted, on recorded authorised absence to change clothes without being excluded; this should be for no longer than is necessary, otherwise it may amount to an unofficial exclusion);
- f) punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting
- g) protecting victims of bullying by sending them home

Unlawful exclusions

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers. If a pupil is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as an exclusion. Part-time timetables must not be used as a disciplinary sanction (Gov guidance 1:12).

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason.

e.g.

- Because the pupil has additional needs or disability that the school feels unable to meet.
- Time needed to arrange a multi-agency, review or planning meeting.
- Failure of a pupil/parent to meet specific conditions before the pupil is reinstated.

In every instance where a pupil is sent home for disciplinary reasons, head teachers/teachers in charge must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime).

They should ensure that:

- They are meeting their legal duty of care towards pupils, and that parents are formally notified of the exclusion.
- Child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets.
- Work is sent home or alternative provision is arranged.

Headteachers, governing bodies, LAs and Independent Appeal Panels must, by law, have regard to the DFE guidance when making decisions on exclusion and administering the exclusion procedure. This means that, whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

Where the parents of an excluded pupil do not speak or have a good understanding of English, correspondence and documentation relating to the exclusion will be translated into their mother tongue. In such cases, the school and/or LA will arrange for an interpreter to be present at any meetings with the parent about the exclusion.

Consideration is also given to any disability of parents/carers, e.g. hearing or visual impairments and any appropriate support that may be needed during the exclusion process.

There are two types of exclusion: fixed period and permanent.

FIXED PERIOD EXCLUSION

This is sometimes called 'a suspension' and is for a limited time. The headteacher must tell the parents / carers how many days the exclusion is for at the beginning of the exclusion period and what the arrangements will be for setting and marking the pupil's work.

A pupil may be excluded more than once during an academic year but the total number of school days cannot be more than 45 in any academic year.

Parents / carers have the right to tell the governing body what they think about the exclusion. This is called making **representations**. If the exclusion is fewer than 5 days, the governing body cannot direct reinstatement, but should convene a meeting to consider any representations from the parents / carers.

If the exclusion is over 5 days, but no more than 15 days, in a school term and parents / carers make representations, the governing body must review the fixed term exclusion and decide whether to reinstate the pupil or uphold the headteachers decision. Where no representations are made there is no need for the governing body to meet.

However, the governing body must review all fixed term exclusions of over 15 days in a school term, or where a pupil would miss a public examination.

Parents / carers should be invited to attend the meeting and may be accompanied by a friend or representative.

The LA should also be invited to send a representative. Meetings should take place within the following time scales:

Length of Exclusion	Time scale
Over 5 school days, but less than 15 school days (a meeting need only be called if the parents make representations).	Between the 6th and 50th school day from the date of the exclusion.
Over 15 school days.	Between the 6th and 15th school day after the notice of exclusion.
Where the child will miss an opportunity to sit	Where possible before that examination

a public examination.	takes place.
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If the headteacher decides to extend a fixed term exclusion or, exceptionally, convert it to a permanent exclusion they must write again to the parent/carer and they will again have the right to make representations to the governing body.

The LA has no power to instruct St Joseph's Catholic Primary School to re-admit the pupil.

There is no legal right to a formal appeal against fixed term exclusion.

Reintegration Interview

All fixed period exclusion letters should specify the return date and the pupil must return to school on that date. The head teacher will arrange a reintegration interview with parents / carers during or following the expiry of any fixed period exclusion of a pupil. If such an interview cannot be arranged in time or the parents / carers do not attend the fixed period exclusion must not be extended.

Setting Work

Schools are responsible for the setting and marking of work during the first 5 school days of a fixed period exclusion. During this period, parents / carers are responsible for ensuring that the pupil is not present in a public place during normal school hours without reasonable justification.

On the 6th day, schools must make arrangements to provide full-time education provision (off site or in a shared provision).

PERMANENT EXCLUSION

A decision to exclude a pupil **permanently** is a serious one and should only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the pupil and should normally be used as a last resort.

There will, however, be exceptional circumstances where, in the head teacher's/teacher in charge's judgment, it is appropriate to permanently exclude a pupil for a first or 'one off' offence.

These might include:

- a) serious actual or threatened violence against another pupil or a member of staff;
 - b) sexual abuse or assault;
 - c) supplying an illegal drug; or
 - d) carrying an offensive weapon (for advice on what constitutes an offensive weapon, see School Security — Dealing with Troublemakers — Chapter 6 at the DCSF **website**).
- Schools now have a power to screen and search pupils for weapons.

Schools should consider whether or not to inform the police where a criminal offence may have taken place. They should also consider whether or not to inform other agencies such as Youth Offending Teams or social workers.

Local authorities are responsible for arranging suitable full-time education provision from Day 6 of a permanent exclusion.

The Local Authority representative will be informed at the earliest opportunity of the decision to permanently exclude. Bracknell Forest exclusion notification forms must be completed.

The pupil's name must remain on the school roll until the appeal process has been completed.

This can be:

- a) the day after the 15th school day after parents / carers are notified of the decision of the Governors' Discipline Committee to uphold the permanent exclusion. This is the date of the Discipline Committee meeting plus 18 school days (allowing 1 day for the letter to be issued and 2 days for postage)

or

- b) the date the LA receives written notification that the parent / carer does not wish to go to Independent Appeal

or

- c) the date on which an Independent Appeal Panel upholds the permanent exclusion

whichever is the earlier.

Consideration by the governing body

The governing body will meet to consider the exclusion between the 6th and 15th school day after the notification of the exclusion. (This does not include school holidays).

Parents / carers will be invited to attend this meeting. Parents / carers can take a friend or legal representative with them or somebody to speak on their behalf.

If parents / carers prefer to they may make their representations to the governors in writing. The LA should also be invited to send a representative to the meeting. The governors can instruct the headteacher to readmit the pupil to St Joseph's Catholic Primary School.

After the meeting, the governors must advise parents / carers and the LA of their decision within one school day of the meeting, giving their reasons.

The LA has no power to instruct St Joseph's Catholic Primary School to readmit a pupil. If the governors confirm the permanent exclusion of a pupil, they must advise parents / carers of their right to appeal to an independent appeal panel. Parents / carers have this right even if they did not make representations to the governing body.

The LA will also write to parents / carers within three working days of the governing body meeting to confirm the details of their right of appeal.

(N.B. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors.)

Right of Appeal to an Independent Panel

If parents / carers want to appeal they must write to the clerk to the appeal panel within **15 school days of the governors' decision**. Their letter should explain the grounds of their appeal i.e. why they do not think that the decision is the correct one. The appeal should be sent to:

The Clerk to the Independent Appeal Panel
St. Joseph's Catholic Primary School

Gipsy Lane
Bracknell
Berks
RG12 9AP

The appeal panel meets to consider whether the pupil should have been excluded and whether he or she should be reinstated at St Joseph's Catholic Primary School. As the remit of the panel does not include 'clearing the pupils name', details of an exclusion may not be lawfully deleted from the pupil record, if an exclusion is a matter of fact. But, the governing body must comply with any parental request to append their appeal statement to the pupil's record. It will be for the governing body to decide what details of the exclusion are included in the school record. Copies of the principal correspondence might be included and possibly minutes of the meeting to consider the exclusion and appeal panel hearings, if the governors and appeal panel respectively agree to this.

The appeal panel must meet within 15 school days after receiving the parents / carers letter. Parents / carers will be told as soon as possible when and where the hearing will take place.

The appeal will be heard in private and the hearing will be as informal as possible. If possible, parents / carers should try to attend the hearing. If parents / carers do not attend, and do not inform the clerk that they are unable to get there, the Panel will consider the appeal in their absence. If parents / carers wish they may bring a friend or representative to put the case for them.

If parents / carers wish to present documents or raise matters that are not covered in their letter of appeal, they should submit them to the Clerk to the Appeal Panel in good time before the hearing.

If parents / carers decide that they do not wish to appeal, they should notify the Pupil Support Service at the LA of their decision in writing as soon as possible.

At the Hearing

There will be three or five people on the Panel. A clerk will also be present to record the Panel's decisions and to advise on law and procedures.

The Panel will have copies of the appeal, plus any statements or reports sent in beforehand, together with information from the headteacher about the reasons for the exclusion.

Assuming parents / carers attend, the hearing will usually follow this pattern:

- The headteacher will explain the reasons for the exclusion. A representative of the governing body may also attend and be given the opportunity to make comments on behalf of the governing body.
- Parents / carers, or their representatives, may ask questions. The Panel and the LA representative may also ask questions.
- Parents / carers, or their representative, will be asked to present their case. They may call witnesses in support. (If they want to bring witnesses, they must let the clerk know in advance).
- Parents / carers may be asked questions by the Panel and by St Joseph's Catholic Primary School or LA representatives.
- The LA representative will make a statement.
- St Joseph's Catholic Primary School representative will summarise the case for exclusion.
- Parents / carers, or their representative, will be given the opportunity to sum up.

- Both 'sides' and the LA representative will then be asked to leave the hearing.

The Panel will then consider all the information and evidence presented to it. It will weigh up, on the one hand, what is in the pupil's interests and, on the other, the interests of St Joseph's Catholic Primary School, the staff and other pupils. The Panel will then decide whether the pupil should be re-admitted. The Clerk to the Panel will write to parents / carers telling them of the decision and the reasons for it.

All Appeal Panels act independently and their decisions are binding.

What happens about the pupil's education if the exclusion is confirmed?

Once the appeal decision; or confirmation of the decision not to appeal is received by the LA; or the time limit for appeal is reached, if the pupil is still of compulsory school age (5-16), the teaching provided by the Integrated Support Service will continue until a place is found for the pupil at another school. It is the responsibility as a parent to find another school place, but Pupil Support will advise them and work with them to achieve this.

Parents / carers should bear in mind that transport to another school will be provided only if the school is the nearest school that is able to admit the pupil **and** it is over three miles from their home address by the shortest available walking route.

Where can parents / carers get help or advice?

For advice on the exclusions and appeal procedure and what happens when the exclusion procedure is complete parents / carers should contact:

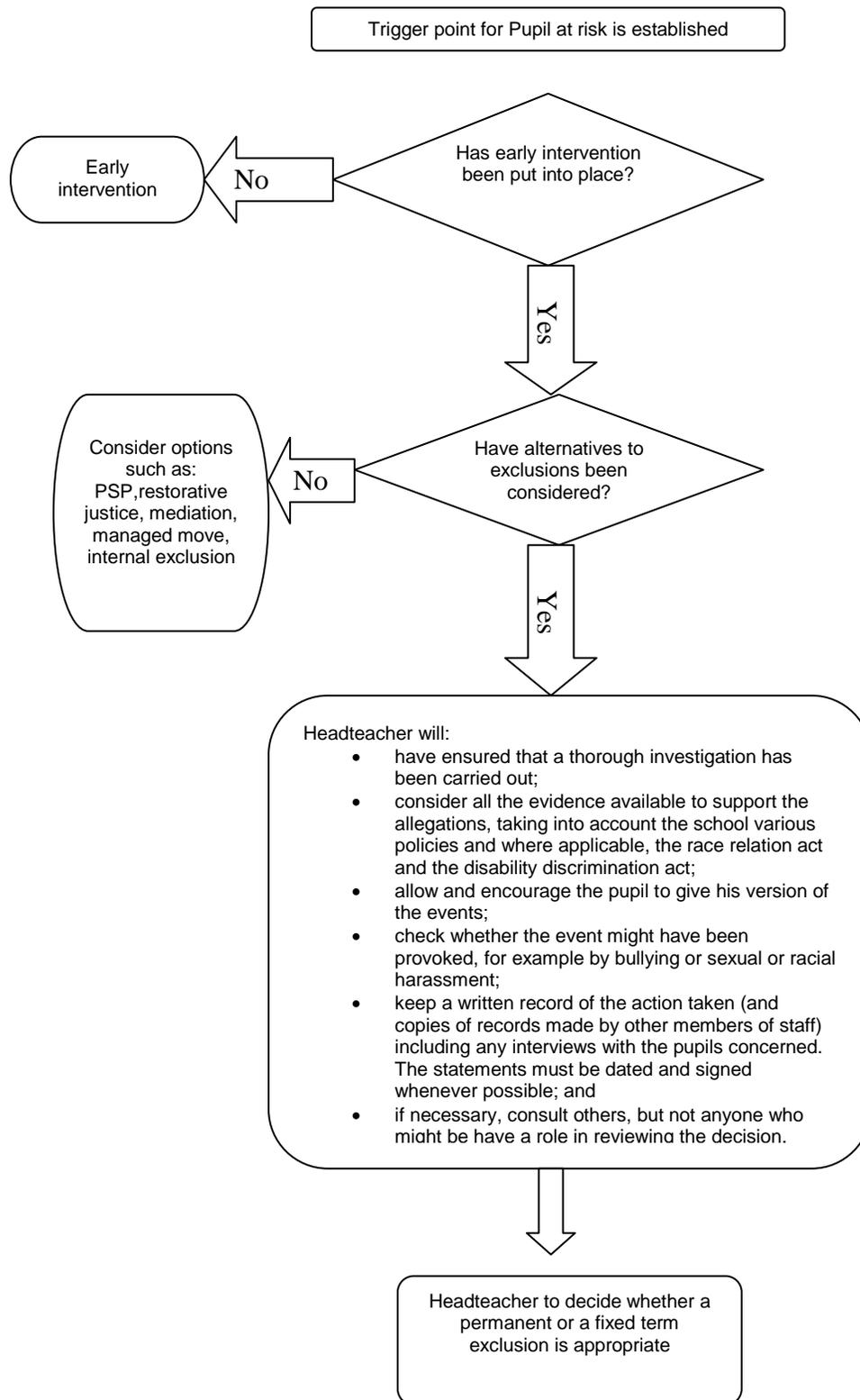
Clerk to the Appeal Panel,
Corporate Services,
Easthampstead House,
Town Square,
Bracknell,
RG12 1AQ. Tel: 01344 352000

Policy to be reviewed annually.

Policy to be the responsibility of Curriculum and Standards Committee

Approved by the Curriculum and Standards Committee at its meeting on:	18 th January 2017
Chair of Curriculum and Standards Committee signature	Paul Sutton
Date	8 th March 2017
Review date	Autumn 2017

Appendix A - Exclusion flowchart which shows good practice before considering exclusion



Appendix B – Fixed Period Exclusion

Decision: Headteacher takes the decision to exclude a pupil for a fixed period.

Contact parent: The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child's welfare must always be the prime consideration.

Exclusion during morning session: the exclusion takes effect from the afternoon session; notice must be given to the parent before the start of the afternoon session.

Exclusion during afternoon session:

- if the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.
- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon session

Written notice: The headteacher must give a written notice to the parents/carers informing them of:

- the precise period and the reasons of the exclusion;
- the parent's/carer's duties during the first five days;
- the parents/carers right to make representation to the governing body and how the pupil may be involved in this;
- The person the parent should contact if they wish to make such representation;
- The arrangement made by St Joseph's Catholic Primary School to set and mark work for the pupil during the initial 5 days of the exclusion;
- if relevant, the school day on which the pupil will be provided with full-time education; and
- if relevant details of a reintegration interview.

The head must inform the governing body if a pupil is being excluded for more than 15 days in any one term. Pupil's can be excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

Educational provision during the exclusion:

- St Joseph's Catholic Primary School has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the exclusion.
- Where a Looked After Child is excluded provision should be in place from the 1st day of exclusion.

Reintegration interview:

The headteacher or a senior member of staff should arrange and conduct a reintegration interview with a parent/carer and the pupil at the end of the exclusion at a date and time convenient for the parent on the school premises.

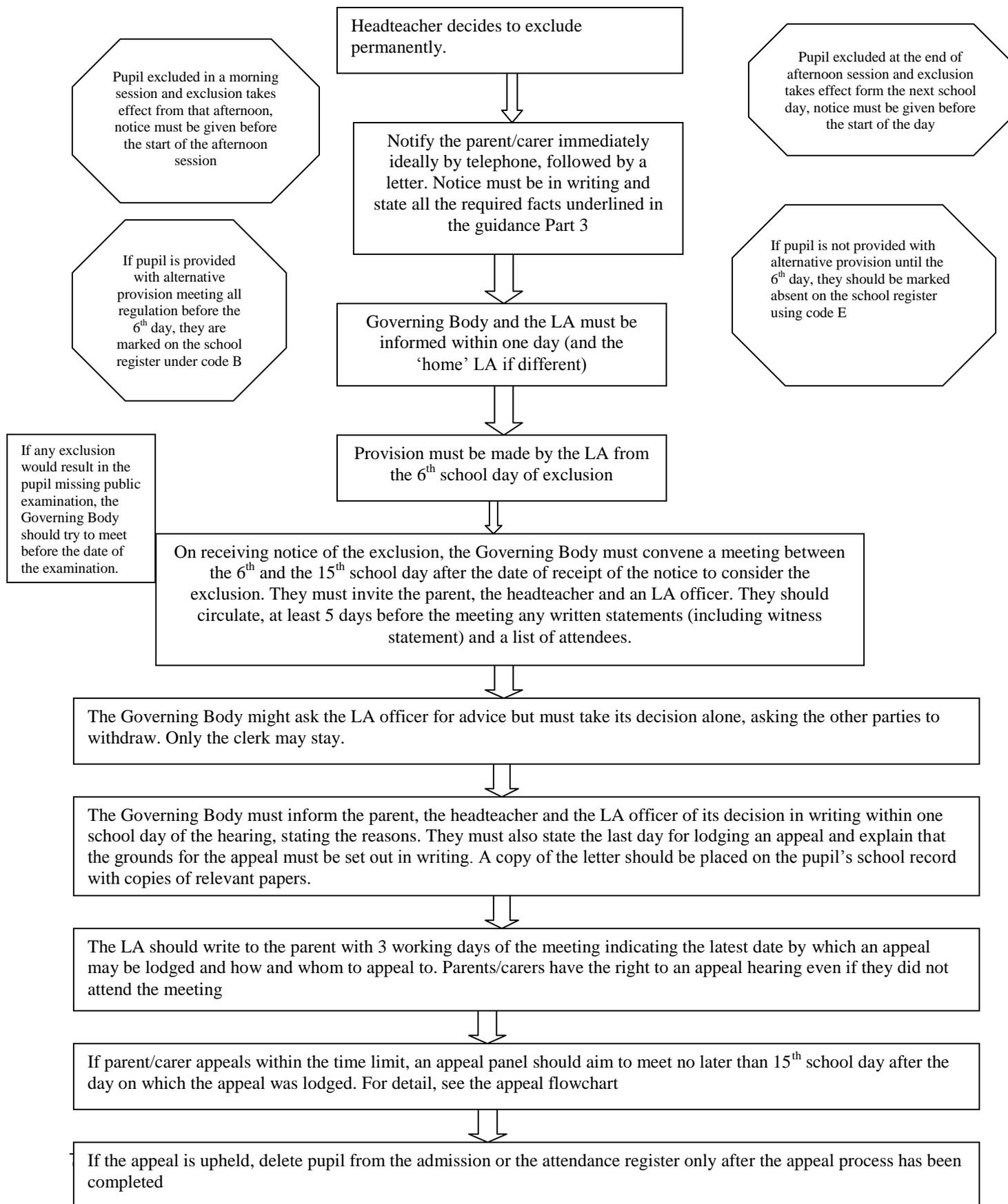
The notice for a reintegration interview must be given no later than 6 school days before the date of the interview (it can be combined with the notice of the exclusion).

If the parent/carer fails to attend, St Joseph's Catholic Primary School must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

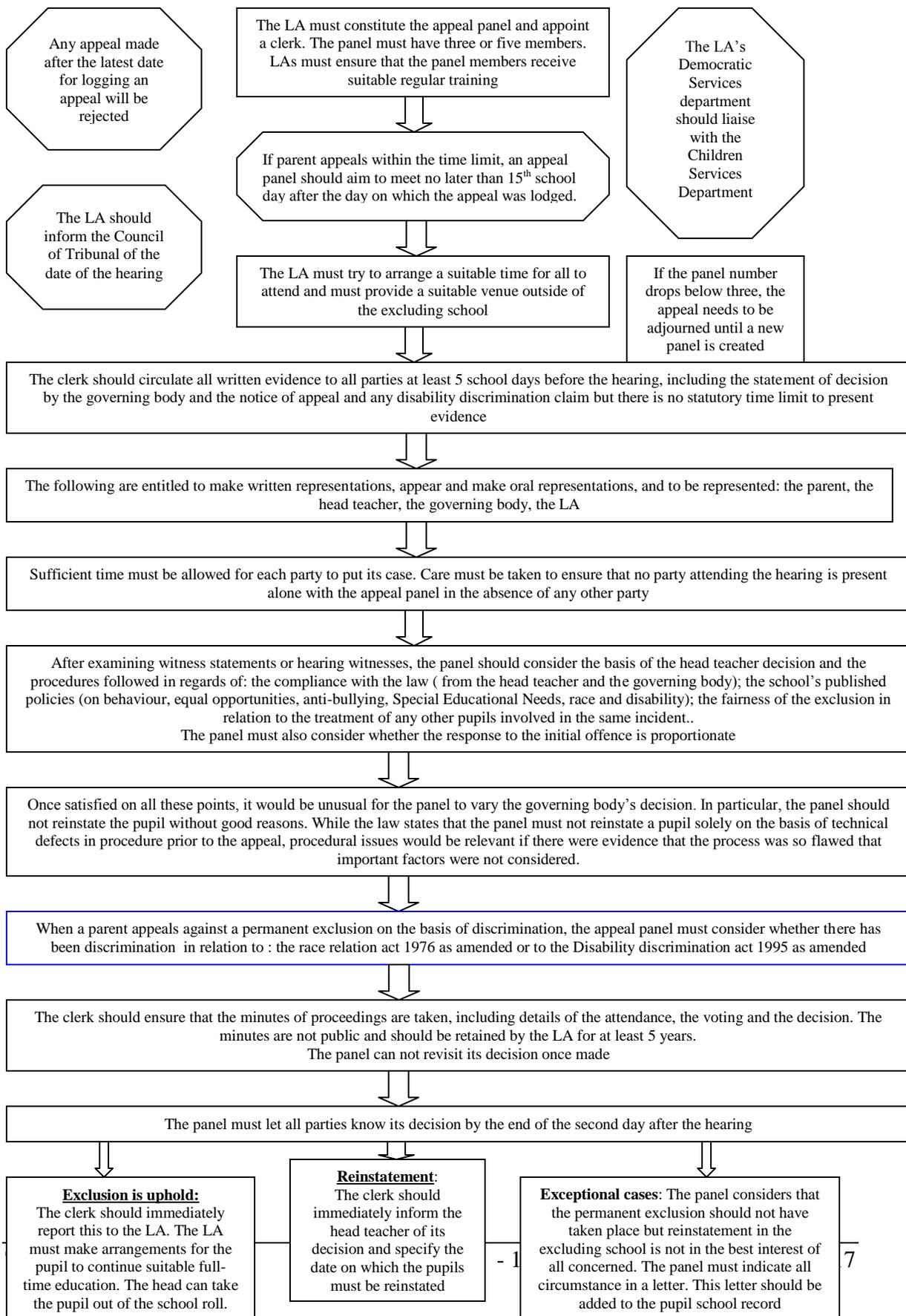
Primary: St Joseph's Catholic Primary School **must** offer a reintegration interview after any exclusion

If St Joseph's Catholic Primary School or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with St Joseph's Catholic Primary School or LA in attempting to improve the child's behaviour, St Joseph's Catholic Primary School or LA may consider applying to the Magistrate's Court to compel the parent to comply with certain requirements. See related guidance.

Appendix C - Permanent Exclusion flow chart



Appendix D- Exclusion Appeal flowchart



Appendix E: National standard list of reasons for exclusions

This list provides descriptors of reasons for exclusions and the main reason for exclusion should be used on the electronic reporting form. The 12 categories should cover the main reasons for exclusions and the 'other' category should be used sparingly. The further detail suggesting what the descriptors cover should be used as a guide and this list is not intended to be used as a tick-list for exclusions. In reaching a decision on whether to exclude, head teachers need to refer to the Government statutory guidance on exclusions:

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

Physical assault against pupil

Includes:

- Fighting
- Violent behaviour
- Wounding
- Obstruction and jostling

Physical assault against adult

Includes:

- Violent behaviour
- Wounding
- Obstruction and jostling

Verbal abuse / threatening behaviour against pupil

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Verbal abuse / threatening behaviour against adult

Includes:

- Threatened violence
- Aggressive behaviour
- Swearing
- Homophobic abuse and harassment
- Verbal intimidation
- Carrying an offensive weapon

Bullying

Includes:

- Verbal bullying
- Physical bullying

- Homophobic bullying

- Racist bullying

Racist abuse

Includes:

- Racist taunting and harassment
- Derogatory racist statements
- Swearing that can be attributed to racist characteristics
- Racist bullying
- Racist graffiti

Sexual misconduct

Includes:

- Sexual abuse
- Sexual assault
- Sexual harassment
- Lewd behaviour
- Sexual bullying
- Sexual graffiti

Drug and alcohol related

Includes:

- Possession of illegal drugs
- Inappropriate use of prescribed drugs
- Drug dealing
- Smoking
- Alcohol abuse
- Substance abuse

Damage

Includes damage to school or personal property belonging to any member of the school community:

- Vandalism
- Arson

- Graffiti

Theft

Includes:

- Stealing school property
- Stealing personal property (pupil or adult)
- Stealing from local shops on a school outing
- Selling and dealing in stolen property

Persistent disruptive behaviour

Includes:

- Challenging behaviour
- Disobedience
- Persistent violation of school rules

Behaviour outside school

The behaviour of pupils outside school can be considered as grounds for exclusion (Gov guidance 1:1). The school's behaviour policy should set out what the school will do in response to all non-criminal bad behaviour and bullying which occurs anywhere off the school premises. The head teacher could exclude a pupil for any misbehaviour while the pupil is:

- taking part in any school-organised or school-related activity or
- travelling to/from school
- wearing the school uniform or in some other way identifiable as a pupil at the school.