

St Nicholas Catholic Primary School



Policy – 4.23 Exclusions Policy

RES APW Autumn 2 2018
Review: Annually - Autumn 2019

At St Nicholas School we aim to provide a well rounded, Christian education to prepare our children for their unique contribution to the world.

This document sets out the arrangements for school exclusions and should be read in conjunction with our Behaviour Policy.

Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

Grounds for Exclusion

A child will be excluded from school only as a last resort as a result of serious violence, unacceptable breaches of our behaviour policy or of the criminal law. A child would be excluded when allowing him/her to remain in school would be seriously detrimental to the education or welfare of the child or others in school.

Serious misbehaviour which may result in exclusion:

- a. Persistent refusal to carry out reasonable instructions issued by the school staff.
- b. Serious physical assault of children or staff.
- c. Persistent verbal abuse directed at children or school staff.
- d. Serious or persistent theft.
- e. Wilful possession or misuse of drugs or other illegal/dangerous substances.
- f. Seriously inappropriate behaviour of a sexual nature
- g. Serious or persistent racial abuse.
- h. Serious or persistent vandalism on the school site.

Other circumstances may arise when the head teacher decides it would be appropriate to exclude a child. In all cases, the parents/carers of any excluded child will be fully informed of the reason(s) for exclusion.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. School will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Whilst a single, major incident may justify exclusion, continued failure to respond to other sanctions may also arise. In such cases, incidents causing concern and actions taken must be fully and accurately recorded by the head teacher and staff concerned.

If school has a concern about pupil behaviour, we will try to identify any causal factors and intervene early in order to reduce the need for a subsequent exclusion. This may lead to a multi-agency assessment that goes beyond a pupil's educational need.

Every effort will be made to discuss behaviour problems with parents and to seek co-operation in resolving problems before exclusion is considered for any child.

The Role of Governors

- The governing body has the responsibility of setting down these general guidelines on standards of discipline and behaviour which reflect the school's ethos of positive behaviour and of reviewing their effectiveness.
- The governing body will follow the Department for Education's guidelines on exclusion.
- The governors support the head teacher in carrying out these guidelines.
- The head teacher has the day-to-day authority to implement the school behaviour and discipline policies but governors may give advice.

The Role of Parents

We hope to encourage parents to play a positive part in the resolution of any learning and behaviour difficulties. Every effort will be made to enable discussion to take place with the parent especially when exclusion is being contemplated.

If, despite approaches to parents and the involvement of outside agencies, the school is unable to persuade a parent to visit to discuss problems, the matter will be passed to the governing body.

Fixed-term and permanent exclusions

- Only the Head teacher has the power to exclude a pupil from school. The Head teacher may exclude a pupil for one or more fixed periods for up to 45 days in any one school year. The Head teacher may also exclude a pupil permanently. It is possible for the head teacher to convert fixed term exclusion into a permanent exclusion, if the circumstances warrant this.
- If the Head teacher excludes a pupil they must inform the parents immediately, giving reasons for the exclusion. At the same time the Head teacher makes it clear to the parents that they are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this. They are also advised that they can, if they wish, appeal against the decision to the governing body. The school must inform the parents how to make an appeal.

- The Head teacher must inform the governing body and local authority (LA) of any permanent exclusions and about any fixed term exclusions beyond five days in any one term.
- The governing body itself can neither exclude a pupil nor extend the exclusion period made by the head teacher.
- The governing body has a discipline committee. This committee considers any exclusion appeals on behalf of the governors.
- When an appeals panel meets to consider an exclusion, they consider the circumstances in which the pupil was excluded, consider any representation by parents and consider whether the pupil should be reinstated.

They can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - o The date by which an application for an independent review must be made
 - o The name and address to whom an application for a review should be submitted
 - o That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - o That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Academy Trust to appoint an SEN expert to attend the review

- o Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- o That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- o That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place
- If a governors' appeal panel decides that a pupil should be reinstated the head teacher must comply with this ruling.
- On reintegrating pupils back into school, they will meet with the Headteacher or Assistant Head teacher on the first day back at school, with meetings also arranged with parents/carers, where discussions will take place for management of future behaviour.
- School should set and mark work for pupils during days 1 – 5 of exclusion and alternative provision must be arranged from the 6th day.

Monitoring Arrangements

The Headteacher monitors the number of exclusions every term and reports back to Governors. She also liaise with the local authority to ensure suitable full-time education for excluded pupils.