



EXCLUSION POLICY & PROCEDURE
January 2024

Our Mission Statement

'Nurturing Hearts and Minds'

God's love is at the heart of all that we do at St Gabriel's Catholic Primary School. Hearts and Minds are nurtured in a stimulating and safe environment. We believe that every child is unique and we nurture each child through a creative and rounded curriculum to reach their full potential. Talents are celebrated and differences are respected within a strong, supportive Catholic community.

At St Gabriel's children learn to love, respect and care for each other and God's entire world. Our school is a place where children are filled with a love of life and learning.

INTRODUCTION

St Gabriel's Catholic Primary School is an inclusive school, committed in policy and practice to the recognition of the equal value of each member of the community and to equality of opportunity for all. This policy statement is specifically on exclusion but it should be read in conjunction with the behaviour policy.

CONVENTION ON THE RIGHTS OF THE CHILD

Human rights are a set of basic things that every human being should have, like the right to be free, the right to say what you think, the right to an education and the right to be treated with dignity and respect.

The Convention on the Rights of the Child (UNCRC) is a human rights treaty (agreement) that was agreed by the United Nations in 1989. It gives children and young people all over the world over 40 major rights.

These rights include the right to a family life, the right to be protected from all types of violence, the right to be healthy, the right to have a say and to be taken seriously, and the right to have an education that helps you grow as a person. The UNCRC gives extra rights to children living in very difficult circumstances, including children in trouble with the law, and refugee and asylum-seeking children.

At St Gabriel's Catholic Primary School, Alsager, we aim to honour and fulfil The United Nations Convention on the Rights of the Child. This guidance refers directly to the articles.

When Exclusion is used

Exclusions from our school community, whether fixed-term or permanent, are damaging to a pupil's self-esteem, as they diminish the sense of belonging to our community. As such, they are used sparingly, and only as part of an overall behaviour strategy which seeks to develop a culture of inclusion, ownership of and responsibility for one's own behaviour.

The school seeks to avoid permanent exclusions.

Fixed term exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline. Physical assault of staff or pupils by a pupil, other acts of violence, including severe verbal bullying,

fire setting, stealing, vandalism and frequent high-level disruption to lessons come within this category.

In all cases the Head Teacher gathers the statements and views and takes advice from staff who are working with a child.

The Head Teacher alone makes the decision to proceed to permanent exclusion in consultation with the Chair of Governors and Local Authority Exclusions Officer.

RATIONALE

This policy is an appendix of St Gabriel's Behaviour Policy; it 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 a very important aim;

To ensure the safety and well-being of all members of the School community, and to maintain an appropriate educational environment in which all can learn and succeed.

A decision to exclude a pupil, either for a fixed period or permanently, is seen as a last resort by the school.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation. The investigation may be carried out by the Head Teacher or by a person delegated by the Head Teacher.

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

- In response to a serious breach of the School's Behaviour Management Policy
- If allowing the pupil to remain in school would seriously harm or threaten the education or welfare of the pupil or others in the school.

Reasons for exclusion:

- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the school
- 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
- Verbal or physical abuse of other pupils or school staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm

- Indecent behaviour
- Physical abuse/attack on staff
- Physical abuse/attack on pupils
- 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

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

THE ROLE OF THE HEAD TEACHER

The Head Teacher has the responsibility for issuing fixed-term exclusions to individual children for serious acts of misbehaviour. For repeated or one-off serious acts of anti-social behaviour, such as verbal, physical abuse, or assault. The Head Teacher may permanently exclude a child where the behaviour policy is consistently breached.

THE ROLE OF GOVERNORS

The governing body has the responsibility of setting down these general guidelines on standards of discipline and behaviour, and of reviewing their effectiveness. 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 policy, but governors may give advice to the Head Teacher about particular disciplinary issues. The Head Teacher must take this into account when making decisions about matters of behaviour.

I. FIXED TERM EXCLUSION

A fixed term exclusion should be for the shortest time necessary; Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse educational consequences.

Persistent or cumulative problems:

Exclusion for a period of time from half a day to five days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the pupil
- Mentoring
- Report card
- Discussions with parents
- Target setting
- Investigating any possible provocation
- Detention
- Mediation
- Counselling
- Internal exclusion
- Involvement of external agencies
- Completion of an Early Help Assessment

Exclusion will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules) except where these are persistent and defiant.

SINGLE INCIDENT

Fixed term exclusion may be used in response to a serious breach of school rules, expectations, policies or a disciplinary offence. In such cases the Head Teacher will initiate the thorough investigation of the incident and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and a check will be made as to whether the incident may have been provoked, for example by bullying or racial harassment.

The Head Teacher will inform the Chair of Governors. In certain circumstances, a fixed-term exclusion may become a permanent exclusion after a full investigation.

2. PERMANENT EXCLUSION

A permanent exclusion is a very serious decision and the Head Teacher will consult the Chair of Governors as soon as possible.

here 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 193 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

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 Teacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the Behaviour Management Policy, and any other relevant 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.)
- Meet with the parents

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

3. THE DECISION TO EXCLUDE:

If the Head Teacher decides to exclude a pupil (fixed term or permanent exclusion) s/he will:

- Communicate with the Chair of Governors
- Ensure that there is sufficient recorded evidence to support the decision
- Explain the decision to the pupil
- Contact the parents, explain the decision and ask that the child be collected
- Send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or fixed term exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked. Parents will be asked to sign on receipt.
- Plan how to address the pupil's needs on his/her return
- Plan a meeting with parents and pupil on his/her return
- Consider restorative justice
- Provide full time education provision from the 6th day of the fixed term exclusion.

An exclusion should not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply, e.g. refusing to collect the child, the child's welfare is the priority.

4. BEHAVIOUR OUTSIDE SCHOOL

Pupils' behaviour outside school on school business e.g. on school visits or at sports fixture is subject to the school's Behaviour Policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school business, the Head Teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole or if it is deemed to be damaging to the reputation of the school.

5. PUPILS WITH SPECIAL EDUCATIONAL NEEDS AND DISABLED PUPILS

The school must take account of any special educational needs when considering whether or not to exclude a pupil.

There is a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability.

The Head Teacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

'Reasonable steps' could include:

- Differentiation in the school's behaviour policy
- Developing strategies to modify the pupil's behaviour
- Requesting external help with the pupil
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

A specific incident affecting order and discipline in the school may be such a reason or if there are serious health and safety issues that put the school community at risk.

6. MARKING ATTENDANCE REGISTERS FOLLOWING EXCLUSION

When a pupil is excluded for a fixed term, he/she should be marked as absent using Code E.

7. MANAGED MOVE

Managed Moves between schools can be used as an intervention to reduce the risk of a child being permanently excluded.

A Managed Move is a formal agreement between two schools, a child and his parents / carer.

It allows a child at risk of permanent exclusion to transfer to another school for a trial period of approx. 12 weeks school weeks. If the move is deemed to be a success, at the end of this period, the child will formally transfer to the Receiving school. If, during this period, the move is unsuccessful, the child will return to their home school. The move requires the agreement of the child's parent, the Head Teacher of the child's current school (the home school), the Head Teacher of the proposed (receiving) school, and the LA where appropriate.

A Managed Move is never an early or first response when a child is failing at school because of their behaviour. Rather it would be considered as part of a measured response to supporting a pupil's emotional social and behavioural needs.

8. REMOVAL FROM THE SCHOOL FOR OTHER REASONS

The Head Teacher may send a pupil home, after consultation with that pupil's parents and a health professional, as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff; for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion, and should be for the shortest possible time.

9. FIXED-TERM AND PERMANENT EXCLUSIONS PROCEDURE

Only the Head Teacher has the power to exclude a pupil from school. Exclusion must be based on disciplinary grounds. This decision must be lawful, rational, reasonable, fair and proportionate. The Head Teacher may exclude a pupil for one or more fixed periods, for up to 45 days in any one school year. Each half day of exclusion equates to one session, lunchtime exclusion equates to a half day. Ofsted recommend 1-3 days although repeating this sanction if no benefits can be seen would be questioned. School is responsible for continuing to provide education whilst the pupil is excluded from the 1st day. If the exclusion is for more than 5 days alternative provision must be put in place by school from the 6th day.

Before deciding whether to exclude a pupil either fixed term or permanently, the Head Teacher should:

- Ensure a thorough investigation has been carried out
- Consider all evidence in line with school policy
- Allow and encourage the pupil/s to give their version of events
- Establish if the incident was provoked
- Consult others
- Keep a written record of all actions and statements

The Head Teacher may need to take wider issues into account and consider alternatives.

After reviewing all the evidence the Head teacher will consider;

- On the balance of probabilities did the pupil do what they were accused of doing?
- Is an exclusion a proportionate response in line with school policy?
- Does the pupil have any individual needs which require reasonable adjustments / support?
- If it is a permanent exclusion, is this a last resort or are there any further alternatives?

It is unlawful to increase the severity of an exclusion for a non-disciplinary offence (e.g. additional needs / disability) or exclude for any reasons such as academic attainment / ability, actions of pupils' parents or the failure of pupils to meet specific conditions before they are reinstated.

The Head Teacher may also exclude a pupil permanently. It is also possible for the Head Teacher to convert a fixed -term exclusion into a permanent exclusion, if the circumstances warrant this.

For fixed and permanent exclusions the Head Teacher must inform the parents / carers, giving reasons for the exclusion. At the same time, the Head Teacher makes it clear to the parents that they can, if they wish, appeal against the decision to the governing body. The school informs the parents on how to make such an appeal. This information is included in the issued letter.

This information can be shared initially by telephone and will then be followed up in writing immediately which can be delivered directly to parents or delivered to their last known address.

In the case of permanent exclusions, the Head Teacher will arrange to meet the parents / carers face to face. The clerk to the governors will also be informed who will then in turn inform the LA and the governors within one school day.

The Head Teacher will report termly to governors on all exclusions.

The Head Teacher informs the LA and the governing body about any permanent exclusion, and about any fixed-term exclusions beyond five days in any one term.

The governing body itself cannot either exclude a pupil or extend the exclusion period made by the Head Teacher. The governors should be proactive in preventing / reducing exclusions by reviewing data and evaluating school policies, reactive in considering those who have been excluded and fulfil their statutory duty by arranging suitable, full time education for pupils excluded for more than 5 days.

The governing body has a Discipline Committee which is made up of between three and five Governors. This committee considers any exclusion appeals on behalf of the governors and will consider the reinstatement of an excluded pupil. Parents and pupil are invited to attend this meeting, which will be arranged at a mutually convenient time.

When the Discipline Committee meets to consider any exclusion, they consider the circumstances in which the pupil was excluded, consider any representation by parents and the LA, and consider whether the pupil should be reinstated.

This meeting must be convened;

- if a fixed term exclusion brings the pupils' total number of days in a term to more than 15 (i.e days 6-15)
- for all permanent exclusions (day 6-15)
- exclusions where a pupil may miss the opportunity to take an examination
- for all exclusions over 5 days and not more than 15 days if the parents / carers wish to make representation (within 50 working school days)

- under 5 days – it is good practice to consider representations if the parents request it. This can be done in writing within a reasonable time frame.

Parents / carers may bring a friend; advocate; legal representative and the pupil may attend with the parents' permission. The LA representative and the Head Teacher will attend this meeting.

Governors will request written evidence in advance of the meeting and where possible, circulate this paperwork to all parties attending the meeting at least 5 school days in advance of the meeting.

Governors should regard to their duty to make any reasonable adjustments to support and enable all parties to contribute to the meeting. During the meeting governors will identify the steps they will take to encourage and enable the excluded pupil to speak or communicate their views by other means.

Documents shared will depend on the circumstances of the permanent exclusion. If the exclusion is for a 'one off' offence then the documents should only refer to that offence and not the previous disciplinary history of the pupil. If the exclusion is for persistent disruptive behaviour or the Head Teacher has stated in their exclusion letter that they have taken into account all previous behaviour issues, then there is an expectation that documents relating to this history will be shared.

Documentation for 'one off' offences will include a copy of the Head Teachers exclusion letter stating the reason for exclusion, evidence of the investigation into the incident leading to the permanent exclusion, signed and dated witness statements including other pupils if appropriate, signed and dated witness statements from staff, evidence of the investigation, photographs of any physical evidence or retained evidence and a signed and dated statement from the pupil who has been permanently excluded. Relevant school policies or extracts may also be necessary.

Additional documentation for persistent disruptive behaviour may include evidence that the school had tried to modify previous poor behaviour, reintegration notes, notes of meeting with parents and pupils, pastoral support, evidence of a range of different strategies being tried, including external support, all past letters from the Head Teacher for fixed term exclusions, all past letters to the parents over disciplinary issues, and evidence relating to the previous incidents leading to fixed term exclusion.

The governors will ask relevant questions and establish all relevant information. They will ensure that the process has been lawful, reasonable, proportionate and fair. This may include;

- Did the Head Teacher follow the correct procedure?
- Did they comply with the law?
- Were the procedures followed?
- How have other pupils been treated?
- What do school policies say?
- Did the pupil do what they are accused of doing?
- Were there any mitigating circumstances / factors?
- Was there a full investigation?
- Did the pupil have the opportunity to give their account?
- Was the decision to exclude a last resort?
- Were there alternatives which could have been considered?

The meeting will be conducted following the same principles as an independent review and seen to be fair. All governors must be able to act and be seen to act impartially. A chair will be appointed, the clerk or chair will welcome everyone and explain the order in which the parties will state their case and the opportunities they will have for questions. If a governor has a connection with a pupil or the incident they should not serve at the hearing. Formality and technicality should be avoided but the meeting should be conducted fairly and thoroughly. The chair should lead the panel in establishing the relevant facts and panel members may ask questions to clarify or elicit further information. The chair will ensure that everyone has had the opportunity to say everything they wish to say and present their case.

The meeting will be held at a neutral venue and no governors should have a prior meeting / conversation with the Head Teacher where the parent / carer is not present. No party attending a hearing should be alone with the panel in the absence of other parties. Governors will ensure that they are familiar with the most up to date guidance and school policies and have had time to read all the exclusion paperwork.

Exclusion hearings must operate on the principles of natural justice;

- Impartiality
- Each side should have the opportunity to present their case and ask questions
- Written material must be available and seen in advance by all parties
- Reading time can be given for any new written material presented by parents / carers/ pupil.

The governors' role is to review the exclusion imposed by the Head Teacher. Governors can only uphold the exclusion or direct reinstatement (immediately or by a particular date).

The governors' decision should be made alone, asking other parties to withdraw. The clerk may remain to help by referring to notes and with the wording of the decision letter.

In considering whether to reinstate the pupil, the governing body should seek the LA's view as to what support may be available to assist reinstatement.

If reinstatement is not practicable e.g. a fixed period has expired, the governors must consider whether the decision to exclude was justified based on the evidence.

The governors will comply with statutory time limits but are not relieved of their obligation to review the exclusion if they fail to comply. Parents and the Head Teacher will be sent home from the meeting and will be informed of the governors' decision the following day in writing. In this way, governors have the time and opportunity to reflect and consider their decision. No decision must be postponed until the outcome of any police investigation – this must be kept completely separate. Head Teachers must only use the evidence they have which may be time limited because of any police proceedings. Fixed term exclusions or alternative provision can be used where evidence is still coming to light.

The letter from the governors should state:

- The reason for the decision in sufficient detail to enable all parties to understand why the decision was made
- In the case of permanent exclusion, the parents will be reminded that they have the right to ask for an independent review panel to review the decision, the date this should be lodged, the name and address to whom the application for review should be made and the grounds on which the request is being made
- The right for parents to request an SEND expert/s at the review
- Details of the SEND expert/s and the fact that there will be no cost to the parents
- That a claim of disability discrimination can be made to a 1st tier tribunal
- They may, at their own expense appoint someone to act on their behalf
- Draw attention to relevant sources of information and support

INDEPENDENT REVIEW PANEL

The independent review panel will be made up of three independent members – with no connection with the school, pupil or local area. They will have undertaken compulsory training. A clerk will also be present. They have an objective perspective and will hear evidence from all the witnesses and the LA representative when requested. They question, deliberate in private and individually reach findings. The clerk records the whole meeting and discussions. The panel can take advice from the representative from legal services who is present to refer to the guidance, the law and their purpose.

The independent review panel does not have the right to reinstate the pupil. If the review panel feels there were concerns about the process or the exclusion was not proportionate, they will be able to request that governors reconsider their decision to reinstate the pupil. If the review panel finds the exclusion process was so flawed it was unlawful in terms of a judicial review, it can direct the governors to reconsider their decision. If governors refuse to do this, the school will face a financial penalty of £4,000.

Where the independent review panel directs or recommends the governing body reconsiders their decision, they must reconvene within 10 working school days of being given notice of the decision. If, following a direction to reconsider, the governing body does not reinstate the pupil within 10 school days, an adjustment may be made to the schools budget in the sum of £4,000 in addition to any funding that would normally follow an excluded pupil.

Following a recommended or directed reconsideration, the governing body must inform the following of their decision;

- The parents/carers
- The Head Teacher
- The Local Authority

And also inform that:

- If the governing body upholds the exclusion again, the parent cannot refer back to the independent review panel
- The decision may be challenged by an application for judicial review with the support of legal representation
- This could only be done if the governing body had made an error in law, acted unreasonably, or were in breach of natural justice
- Any application would have to be made within 3 months of the date of this decision

MONITORING

The Head Teacher keeps a record of any pupil who is excluded for a fixed-term, or who is permanently excluded.

It is the responsibility of the governing body to monitor the rate of exclusions, and to ensure that the school policy is administered fairly and consistently.

Date Approved:

Date for review:



