

## St Anne's RC Primary and Nursery School Audenshaw

### Policy for Exclusion

#### Mission Statement

*"To help every person here to achieve  
his or her best in work and in play.  
To celebrate whatever is good  
And to follow in the footsteps of Jesus  
By supporting and forgiving each other,  
For the honour and glory of God".*

#### Rationale

In line with our Mission Statement and our Catholic beliefs, it is the policy of St Anne's Roman Catholic Primary and Nursery School to try and deal with all behavioural issues in an active, positive way, employing a wide range of strategies to avoid issues reaching the point of exclusion (see Behaviour Policy).

The Department for Education (DfE) has published revised statutory exclusion guidance on exclusions. The revised guidance came into effect 1 September 2012 and applies to all maintained schools, academies and pupil referral units (PRU) in England.

#### The headteacher's power to exclude a pupil

Only a headteacher, or acting headteacher, of a school can authorise fixed and permanent exclusions.

**Section 3** of the guidance explains:

... this must be on disciplinary grounds.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Each case will be dealt with on an individual basis and all information will be carefully considered prior to a decision to exclude.

#### The following serious incidents may result in Permanent Exclusion

- Verbal abuse including the use of foul and abusive language either directed at another pupil or an adult.
- Physical assault, where pupils are fighting, kicking or hitting each other.
- Racist language or behaviour.
- Possession of a weapon or dangerous object.
- Possession of drugs or alcohol.
- Unusual behaviour which may be consistent with being under the influence of alcohol or drugs.
- Threatening behaviour/physical assault on an adult.
- Sexual misconduct.
- Theft of others' property, belongings and school equipment.
- Deliberate vandalism.
- Behaviour which puts themselves or others at risk of serious harm.
- Misuse of social media to bully, intimidate or humiliate others.

**The document also highlights the following rights and responsibilities:**

- A headteacher may withdraw an exclusion that has not been reviewed by the governing body
- Headteachers must take account of their legal duty of care when sending a pupil home following an exclusion
- When establishing the facts in relation to an exclusion decision, the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'

Headteachers must also consider a school's responsibilities under the Equality Act 2010 when deciding whether to exclude a pupil.

Schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment.

Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion.

### **Factors to consider before excluding a pupil**

Paragraph 15 says a decision to permanently exclude a pupil should only be taken:

- In response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

Although the decision to exclude remains the headteacher's decision, he/she should give pupils the opportunity to present their case.

Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. These might include where a pupil has suffered a bereavement or has been subject to bullying.

### **Exclusion of pupils with statements of SEND and looked after children**

**Paragraph 22 explains** that pupils with Education Health Care Plans (EHCP) and looked after children are especially vulnerable to the impacts of exclusion. Headteachers should, as far as possible, avoid permanently excluding these pupils.

### **Paragraph 24 adds:**

Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has a statement of SEN, schools should consider requesting an early annual review or interim/emergency review.

### **Notifying parents of an exclusion**

Paragraph 25 states that a headteacher, on excluding a pupil, must notify parents of the period of the exclusion and the reasons for it without delay.

He/she must also provide parents with the following information in writing:

The reasons for the exclusion

- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend

Where an excluded pupil is of compulsory school age the headteacher must also notify parents, by the end of the afternoon session, that:

For the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the exclusion
- The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person he/she should report to on the first day

Paragraph 35 explains that effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the excluded pupil. Where information is sent home with a pupil, headteachers should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

### **Notifying the governing body and LA of exclusions**

Paragraph 38 states that the headteacher must, without delay, notify the governing body and the LA of:

- Permanent exclusions (including where a fixed period exclusion is made permanent)
- Exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term
- Exclusions which would result in the pupil missing a public examination or national curriculum test

For all other exclusions the headteacher must notify the LA and governing body once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

### **Responsibility of the governing body and LA to arrange education for excluded pupils**

Section 5 of the guidance explains that for a fixed period exclusion of more than five school days, the governing body (or LA in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

This policy was Approved by the Governing Body on  
18<sup>th</sup> January 2018