



ST. EDWARD'S CATHOLIC PRIMARY SCHOOL

EXCLUSION POLICY

Adopted (Chair of Governors)

Updated Spring Term 2020

**Through God's Grace
We Grow And Learn**

St Edward's Catholic Primary School is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.

Introduction:

Good discipline is essential at St. Edward's to ensure that all pupils can benefit from the educational opportunities provided. At St. Edward's we aim not to exclude pupils and permanent exclusion will be used only as a last resort, except where it is in response to a serious breach of the behaviour policy. The decision to exclude a pupil will be lawful, reasonable and fair.

Definition:

An exclusion from school may be: fixed-period, where a pupil is not allowed in school for a set period of time; permanent, where they are no longer allowed to attend this school at all, or lunch-time, where the pupil is required to be off the school site over the lunch hour.

Reasons for Exclusion:

An exclusion may be given:

- Where there is a serious breach of behaviour policy. This may be a one-off serious incident such as, making a malicious, false allegation against a member of staff, any type of physical assault of a staff member, a serious physical assault of another pupil or serious, deliberate damage to school property.
- Where there are persistent breaches of behaviour policy. This may include any type of behaviour, including repeatedly disobeying a staff member's academic instructions. This will include persistent bullying.
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in school.
- For behaviour outside of school time and premises (see the Behaviour Policy).

Roles and Responsibility of the Headteacher:

- Only the headteacher of a school can exclude a pupil; it is up to the headteacher to determine if an exclusion is warranted but it must be on disciplinary grounds only.
- The headteacher may withdraw an exclusion, which has not been reviewed by the governing body.

- The headteacher must make the decision to exclude in line with the principles of administrative law and a school's wider legal duties; it must be rational, reasonable, fair and proportionate.
- The headteacher will 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".
- Whenever a headteacher excludes a pupil they will, without delay, notify the parents of the period of the exclusion and the reasons for it.
- The headteacher will also provide parents, in writing, with the following information: the reasons for the exclusion, the period of time/if it is permanent, parent's rights to make representations to the governing body about the exclusion, how to make any representations, and the fact that where there is a legal requirement for the governing body to consider the exclusion the parents have the right to attend a meeting, be represented at this meeting (at their own expense) and bring a friend.
- The headteacher will inform parents that where their child is of compulsory school age, they are legally required to ensure that their child is not present in a public place during school hours, for the first five days of any exclusion. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- The headteacher will provide work for a pupil to do during the first five days of exclusion.
- The headteacher will notify the governing body and local authority of: a permanent exclusion, exclusions which would result in the pupil being excluded for more than five days in a term (lunch time exclusions count as a half day for statistical purposes) and exclusions which would result in the pupil missing a national curriculum test.

Role and Responsibilities of Governors:

- For a fixed period exclusion of more than five days, the governing body must arrange suitable alternative full-time education, which must begin no later than the sixth day of the exclusion.
- The governing body has a duty to consider parents' representations about an exclusion. The requirements on a governing body to consider an exclusion depend on a number of factors (see Appendix 1).
- The governing body may delegate their functions to a designated sub-committee of at least three governors.
- The governing body may decide to uphold an exclusion.
- The governing body may decide to reinstate a pupil whose exclusion will take them to above five excluded days in a term.
- In considering reinstatement, the governing body will invite both the parents and the headteacher to a meeting to make representations.

- Where reinstatement is not practicable because the pupil has already returned to school following the end of the exclusion period, the governing body must still consider whether the decision to exclude the pupil was justified based on the evidence.
- In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot reinstate the pupil and is not required to arrange a meeting with parents.
- Where legally required to consider an exclusion, the governing body must notify parents, the headteacher and the local authority of their decision and the reasons for their decision, in writing and without delay.
- In the case of a permanent exclusion, the governing body's notification must also include notice of the parents' right to ask for the decision to be reviewed by an independent review panel, and how to go about this.

Roles and Responsibility of Parents:

- Parents should ensure that an excluded child is at home during school hours and not in any public place.
- Parents should ensure that their child completes any work set by the school for an exclusion period.
- Parents should adhere to the exclusion as a sanction, not allowing their child to see it as an enjoyable time off school.

Role and Responsibility of the Local Authority:

- For permanent exclusions, the LA must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

Equality:

St. Edward's is committed to equal opportunities and will not discriminate against pupils because of their: gender, race, religion, disability, special needs or sexual orientation. We seek to advance equality of opportunity between people who share a protected characteristic and people who do not share it, and to foster good relations across all characteristics.

We will ensure that our policies and practices do not unfairly increase the risk of exclusion for a particular characteristic. Provisions within the Equality Act allow schools 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.

Monitoring and Review:

The rate of exclusions/implementation of the policy is monitored termly by the governing body. The policy will be reviewed every three years, or earlier at the request of the headteacher or the governing body.