



# St John's Church of England Primary School

## Exclusion Policy

Date Approved:	November 2019
Headteacher:	Mrs Helen Langeveld
Chair of Governors:	Mrs Julie Griffiths
Review Date:	November 2022

**Love, Respect, Value**

St John's Church of England Primary School is committed to high expectations for all and to embracing equality.

*A school community has no higher task than to help children and young people develop a deep and proper sense of their worth. John Cox*

*Love and forgiveness will be deep rooted in our approach to behaviour.*

## **Purpose**

St John's C of E Primary School aims to provide a happy and secure environment for the pupils, staff, parents and visitors to the school. Our inclusive Christian ethos 'Growing Together in Love and Respect' lies at the heart of all we do.

As a Church of England School our inclusive ethos means that we strive to ensure the success of all pupils and to include them in all aspects of school life.

While recognising the rights of individual children we also recognise the rights of the school community to feel safe and protected while at school and to work and achieve in a happy and enjoyable environment.

St John's C of E Primary School is committed to keeping children in full time education but where individuals do not respond to the positive encouragement and support within the school and continually break the guidelines outlined with our policy on Behaviour we will consider an exclusion as a very last resort.

*The following policy is a summary of the 'Exclusion from maintained schools, Academies and pupil referral units in England' guidance September 2012'. Please refer to the guidance for full details and inline with the funding agreement of the Academies.*

The Headteacher will only use sanctions where it is warranted, exclusions will normally be used:

- For a serious breach of the school's behaviour policy
- Where allowing a pupil to remain in the school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff or the pupil him/herself.
- Following a series of breaches of the school's disciplinary policy and after a range of strategies and measures have been put in place and failed.
- Where the behaviour of pupils outside school is such that it can be considered as grounds for exclusion.

## **General Principles of Exclusion at St John's C of E Primary School:**

- Only the Headteacher may exclude a pupil and the decision to exclude a pupil must be lawful, reasonable and fair.
- 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.
- Under the Equality Act 2010 ("the Equality Act") the school will not discriminate against, harass or victimise pupils because of their sex; race; disability, religion or belief, sexual orientation; because of pregnancy/maternity or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices. It will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- The Trust will take account of their statutory duties in relation to special educational needs

(SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

- An exclusion will not be for non-disciplinary reasons.
- All exclusions will be formally recorded.
- Whilst exclusion may still be an appropriate sanction, The Headteacher will take into account all contributing factors such as bereavement, mental health issues or bullying.
- When establishing the facts in relation to an exclusion decision the Headteacher will apply the civil standard of proof, ie 'on the balance of probabilities; it is more likely than not that the fact is true, rather than the criminal standard of 'beyond reasonable doubt.
- The Trust has the power to direct a pupil off-site for education to improve their behaviour, a pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved.
- The Headteacher may withdraw an exclusion that has not been received by the Governing Body.

### **Action following exclusion:**

The Headteacher will:

- Write to the parents to notify them of the exclusion, the reason for the exclusion, the period of the fixed term exclusion or, for a permanent exclusion, the fact that it is permanent.
- Inform the parent of their right to make representation to the Governing Body, how the representation can be made and the right to attend and be represented.
- Where an excluded pupil is of compulsory school age, the Headteacher will notify parents without delay, and by the end of the afternoon session, that for the first five days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that the 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, the start date for any provision, the start and finish times, the address and information required by the pupil will be included in the notice, where it can reasonably be found out within the timescale.
- Parents will be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher will write again to the parents explaining the reasons for the change and provide any additional information.

### **Informing other Bodies**

The Headteacher, without delay, will notify the Governing Body and the local authority of:

- A permanent exclusion
- Exclusions of over five school days
- Exclusions which would result in the pupil missing a public examination or National Curriculum test.

For all other exclusions the Headteacher will notify the local authority and Governing Body once a term and will include the reasons for exclusion and the duration of any fixed period exclusions. Where the pupil lives outside the local authority in which the school is located, the Headteacher advises the pupil's 'home authority'.

In addition, within 14 days of a request the school will provide the Secretary of State, information about an exclusion within the last 12 months.

### **The Governing Body:**

The Governing Body has a duty to consider the parents' representation about an exclusion, this is carried out by the Pupil Discipline Committee. The committee will consist of at least three Governors and must consider the reinstatement of an excluded pupil within 15 school days of receiving the notice if the exclusion is:

- Permanent
- If a fixed period exclusion which would bring the pupil's total number of school days to more than fifteen in a term.
- Would result in a pupil missing a public exam or national curriculum test.

The Pupil Discipline Committee will consist of three Governors who have received training to help them discharge their duties. A clerk to the discipline committee will also attend the meeting. The committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded and have regard to the interest of other pupils and staff in the school. The committee will consider representation made by the parents, Headteacher and a representative from the local authority.

The Governing Body can either:

- Uphold an exclusion or
- Direct reinstatement of the pupil immediately or on a particular date.

Following the Exclusion Hearing the Governing Body will inform the parents, Headteacher and 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 must also include the fact that it is permanent, and notice of parents' right to ask for the decision to be reviewed by an independent review panel.

### **Independent Review Panel**

If applied for by parents, St John's C of E Trust will arrange for an independent review panel hearing to review the decision of a Governing Body not to reinstate a permanently excluded pupil.

The independent review panel can:

- Uphold the exclusion decision
- Recommend that the Governing Body reconsiders their decision, or
- Quash the decision and direct that the Governing Body considers the exclusion again, where it considers that the governor's decision is flawed.

The independent review panel cannot overturn the decision of the pupil discipline committee.