



Exclusions Policy

**Written by Headteacher in consultation with
Principal School Improvement Officer for Behaviour and Inclusion**

February 2012

Agreed March 2012

Reviewed January 2017

Durand Primary School

Exclusion Policy

Opening Statement

This policy is based on regulations laid down under section 52 of the Education Act 2002 which came into force on 9th January 2004 in “The Education (Pupil Exclusions and Appeals) (maintained schools) (Wales) Regulations 2003” National Assembly for Wales Guidance Curricular No. 47 / 2006 November 2006.

Durand Primary School has a clear Code of Conduct which is outlined within the school’s Behaviour and Discipline Policy.

Aims and expectations

We aim:

- To use exclusion as a last resort in our application of our Behaviour and Discipline Policy
- To ensure that if we have to resort to exclusion then the policy is fairly and consistently applied.

Process / Procedure

We do not wish to exclude any child from school, but sometimes this may be necessary.

Exclusion is a sanction the school will use when a serious offence has taken place and in the opinion of the Headteacher constitutes a serious breach of the Behaviour and Discipline policy.

A decision to exclude a pupil should be taken only:

- In response to serious breaches of the school’s Behaviour and Discipline policy
- If allowing the pupils to remain in school would seriously harm the education or welfare of the pupils or others in the school.

Some offences may lead to an immediate fixed term exclusion. These could include:

- Behaving in a dangerous way which puts their own or other’s Health & Safety at risk
- Behaving in a physically confrontational manner towards staff, pupils and visitors
- Assault on a member of staff / another pupil

This is an indicative but not an exhaustive list. There may well be other circumstances and events when fixed term exclusion will be used.

Where it is deemed appropriate the school will contact the police.

In every case pupils and parents/guardians will need to know clearly why the exclusion has occurred, timescales involved and that the school has complied with the guidance outlined in circular 01/2004 (WAG – Exclusion from schools and pupil referral units, Reprinted February 2008).

The Headteacher will decide whether to exclude. However there may be occasions when the Headteacher is absent from school. In this instance the Deputy Headteacher will make the decision.

If the Headteacher excludes a child the parents will be informed immediately, giving reasons for the exclusion. At the same time, the Headteacher 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 how to make any such appeal in accordance with WG Guidance.

The Headteacher may consult with the Local Authority when issuing a period of fixed term exclusion.

The Headteacher informs the Local Authority and the Governing Body about any permanent exclusion, and about any fixed-term exclusions beyond five days in any one term.

The school will follow guidance laid out in the WAG circular 1/2004 which states:

'Exclusion should not be imposed in the heat of the moment, 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 Headteacher should:

- Ensure that an appropriate investigation has been carried out
- Consider all the evidence available to support the allegations, taking account of the school's Behaviour and Equal Opportunities Policies and, where applicable, the Race Relations Act 1976 (as amended); and the Disability Discrimination Act 1995 (as amended).
- Allow the pupil to give his or her version of events
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment
- If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's decision, for example a member of the Discipline Committee.

If satisfied that, on the balance of probabilities, i.e it is more likely than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil.

However, if the allegations made against the pupil amount to a criminal offence, the criminal standard of proof (beyond reasonable doubt), must be applied, which is higher than the balance of probabilities used in civil matters. In other words, the Headteacher must be sure that the pupil did what he or she has been accused of in relation to those allegations. Part of this guidance deals with those circumstances in more detail. Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available to the Headteacher may be very limited. In these instances, leave of absence can be agreed with the parent, but this must not be agreed as a result of a threat of exclusion. The Headteacher will then make arrangements of continuity of work. This will be undertaken in conjunction with the placing authority. Following completion of the police investigation, it should still be possible for the Headteacher to make a judgement on whether to exclude the pupil.

The decision to exclude a pupil is not taken lightly and all other options will be considered before issuing the exclusion in line with the school's holistic approach.

As part of the school's holistic approach to behaviour management there may be various stages / routes followed before an exclusion:

- Development of clear Class Rules
- Use of SEAL
- 1:1 Discussion
- Mentoring
- Meeting with Parents
- Use of Other Agencies
- Multi-agency meeting to develop a Pastoral Support Plans

Fixed Term Exclusion

This is a strategy available to the Headteacher. However, there are a number of approaches the Headteacher could use as an alternative to Fixed Term Exclusion.

1. using Pastoral Support Programmes (PSPs) for pupils who are not responding to schools' general actions to combat disengagement and disaffection and are in need of longer term intervention. PSPs are plans for pupils to better manage their behaviour and should be drawn up using a multi-agency approach (including the pupil and parents) and reviewed on a regular basis
2. using a restorative justice process, which provides pupils with the opportunity to redress the harm that has been done to a victim, and enables all parties with a stake in the outcome to participate fully in the process
3. internal exclusion (also known as internal seclusion), which can be used to diffuse situations that occur in school that require a pupil to be removed from class but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods

If these approaches do not have a positive impact then the Headteacher may be left with no alternative other than to Fixed Term Exclude.

1-4 Days	These exclusions are the least serious and are, therefore, the most common. The actual number of days will be decided in the light of the incident.
5 days or more	Pupils can be excluded for 5 days or more days for an offence if it is thought the incident is sufficiently serious.

Permanent Exclusion

In the case of any potential permanent exclusion, which is the last resort available, the Headteacher could contact the Local Authority to discuss what further support could be made available. Options could include the use of managed moves.

- a managed move: if a school feels that it can no longer manage the behaviour of a particular pupil, the school may arrange, normally through the LA, for another school to take over his or her education. This should only be done with the full knowledge and co-operation of all parties involved, including the parents and the LA, and in circumstances where it is in the best interests of the pupil concerned. Parents should never be pressured into removing their child from school under threat of a permanent exclusion, nor should pupils be deleted from the school roll to encourage them to find another school place. Regulation 9 of the Education (Pupil Registration) Regulations 1995 (as amended) details the only lawful grounds for deleting a pupil's name from the school roll.

The parent may not wish to accept a managed move and may want to challenge the Headteacher's decision. The Head Teacher would then need to exclude on a permanent basis to give the parent and pupil the right of appeal.

If a pupil has a Statement of Special Educational Needs in this instance an interim review of the pupil's Statement of Special Educational Needs would be called to try to avoid a permanent exclusion.

For further guidance refer to the document "Exclusion from schools and pupil referral units" 1/2004 page 16 / point 13.2

Ultimately, even after all of this, the Headteacher can decide that it is in the best interest of the school and / or pupil to recommend permanent exclusion.

A meeting of the Governors Discipline Committee, attended by an LEA representative, is arranged within 15 school days and the exclusion is considered. Parents / Guardians / Carers have the right to be present at this meeting, to bring representation with them and to appeal against the Headteachers decision.

The panel will either uphold the Headteacher's decision or direct the Headteacher to re-admit the pupil. If the Governing Body declines to reinstate the excluded pupil, parents / guardians / carers will be notified of this decision.

Parents / Guardians / Carers have the right to appeal against this decision to an independent panel. No pupils who is excluded will be prevented from taking a public examination and special invigilation arrangements will be made if necessary.

Information

If a pupil is excluded, parents, guardians, carers will be informed on the day of exclusion, normally by telephone.

A letter to the parents / guardians / carers will follow within 24 hours. The initial length of the exclusion is determined by the Headteacher after an investigation has taken place.

If the reason for exclusion required further investigation then the initial exclusion may be extended pending the outcome of the investigation. Fixed Term exclusion can be extended or changed to Permanent Exclusion if further evidence arises.

For exclusions of more than 1 day, work will be provided for the pupils to complete. This should be returned to the school for marking, on the pupil's return.

If Fixed Tern exclusions amount to or are equivalent to more than 15 days in any term then the Disciplinary Body of the Governors must meet to discuss the exclusion.

Regulations allow Headteachers to exclude a pupil for one or more fixed-periods not exceeding 45 school days in any one school year.

Only the Headteacher has the power to exclude a child from school (may be delegated in their absence to the Deputy Headteacher). The Headteacher may exclude a child for one or more fixed periods, for up to 45 days in any one school year. In extreme and exceptional circumstances the Headteacher may exclude a child permanently. It is also possible for the Headteacher to convert a fixed-term exclusion into a permanent exclusion, if the circumstances warrant this, and further evidence has been made available.

Role of the Governing Body

The Governing Body itself cannot either exclude a child or extend the exclusion period made by the Headteacher.

The Governing Body has a discipline committee which is made up of three members. 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 child was excluded, consider any representation by parents and the Local Authority, and consider whether the child should be reinstated.

If the governors' appeals panel decides that a child should be reinstated, the Headteacher must comply with this ruling.

Monitoring and review

The Governing Body abides by the WG guidance on the handling of fixed and permanent exclusions and keeps under review the use of the exclusion of pupils from school. The Headteacher and Senior Leadership Team will annually review the policy and make any further recommendations to the Governing Body.

The Governing Body, in consultation with the Headteacher, School's Council, staff and parents will regularly review this policy and associated procedures in order to ensure it's continuing effectiveness.

Headteacher:

Chair of Governors:

Date: