



Exclusion Policy – October 2021

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Aims

Margaret Roper aims to ensure that:

- The exclusion process is applied fairly and consistently
- The exclusions process is understood by governors, staff , parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Legislation and statutory guidance

1. This policy should be implemented with regard to any statutory guidance issued by the Secretary of State, which should be read alongside it. The current guidance is, [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)

Partnership with Parents

2. Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. At Margaret Roper Catholic Primary School, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.
3. The school is responsible for communicating to pupils, parents and staff its expectations of standards of behaviour. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:
 - Behaviour Policy
 - Exclusion Policy
 - Home-School Agreement
4. This policy needs to be read in conjunction with :
 - Behaviour Policy
 - Complaints Policy
 - SEND Policy
 - SEN Information Report

Supporting Pupils to Succeed

5. We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child.
6. No exclusion will be initiated without first attempting other strategies to reduce the risk of disaffection, truancy, absence and the need for fixed term and permanent exclusion.
7. Exclusion is regarded as a very serious matter. It is for the Headteacher to decide whether a child's behaviour warrants a permanent exclusion, though this is a serious decision and should be reserved in response to:
 - A serious breach, or persistent breaches, of the school's behaviour policy; and/or
 - Where a pupil's behaviour means allowing the pupil to remain in school would be detrimental to the education or welfare of the pupil or others in the school.
 - This can either be a very serious incident or the repetition of serious incidents.
8. In most cases exclusion will only be used when alternative sanctions and support have been tried and failed to improve a pupil's behaviour, including investigating any underlying problems which may be causing that poor behaviour. One exception to this may be if a pupil with no previous history of poor behaviour unexpectedly commits a very serious disciplinary offence which warrants exclusion.
9. All exclusions of a pupil, even for short periods of time, will be formally recorded. 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with agreement of parents or carers.

10. No pupil will be excluded for one or more fixed periods in excess of 45 school days in one school year.

Types of Exclusion

Internal Exclusion (see DFE exclusions guidance 2017)

11. Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This may be in a different classroom or with an adult in a separate working area.
12. An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken, but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (examples: behaviour chart to address specific behaviours causing a problem; home-school book; support from the school family support worker etc).

The decision to exclude internally

13. If a teacher decides to internally exclude a child, he/she will:
- Agree the nature and duration of the internal exclusion with a member for the school senior team.
 - Record this exclusion using the Internal Exclusion Record (**Appendix 3**).
 - Contact the parents to notify them that their child has been subject to an internal exclusion
 - Provide a copy of the Internal exclusion record to the headteacher who will maintain a central file of internal exclusions.
 - Record the internal exclusion on CPOMS. Any associated documents must be scanned or saved and stored on CPOMS in the document vault.

Support from senior management: Our behaviour policy states-

Where issues escalate, or are persistent, referral should be made to the Assistant Headteachers and, as a final resort, to the Headteacher.

Temporary / Fixed-Term exclusion

14. A temporary / fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time.
15. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst still reflecting the seriousness of the breach of policy.

Permanent exclusion

16. A permanent exclusion is when a child is permanently excluded from school and not allowed to return.

Reasons for Exclusion

17. A decision to exclude a pupil, either internally, for a fixed period or permanently is seen as part of a continuum of support and challenge provided by the school. The physical and emotional health of our children and staff is our primary concern and we therefore accept, that in some serious situations, exclusion may be necessary
18. The decision to exclude will usually follow a range of strategies and will be in response to a very serious breach of school rules and policies or a disciplinary offence.

Persistent or cumulative problems

19. Internal and temporary/fixed-term exclusion may be used in response to a persistent poor behaviour which breaches school rules and policies.
20. The length of an exclusion will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

Permanent Exclusion

21. In the most serious cases where the problem persists and there is no improvement a permanent exclusion may be necessary.
22. In such cases the Headteacher or a designated senior leader will investigate the incident and consider all evidence to support the allegation, taking account of the school's policies.

The Governors will be informed of all exclusions on a termly basis; and additional consultation with the chair of governors about key incidents may also take place.

The Exclusion Decision and Notification – Permanent Exclusion and Fixed-Term Exclusion

The investigation and the Headteacher's decision

23. The decision to exclude a pupil from the school will be at the discretion of the Headteacher. A permanent exclusion will be taken as a last resort.
24. Before any decision is made to exclude a pupil, an investigation will occur, usually led by the Headteacher. This may include taking statements from other pupils, discussions with the pupil's teacher and senior staff, a review of the pupil's file and past history at the school. The Headteacher or a nominated member of senior staff may arrange a meeting with the pupil and his/her parents to investigate the case and its circumstances prior to making the decision about whether to exclude the child, or about the duration of the exclusion.
25. The Headteacher's recommendation will set out the reasons for the exclusion and describe the incident(s) which led to the recommendation, drawing on the evidence gathered during the investigation.
26. The Headteacher's decision will be based on the evidence presented and will consider the good of the pupil involved, including the time in the pupil's career and the effect of his/her continued presence on the rest of the pupil body.

27. In making his/her decision the Headteacher will 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'.
28. The Governors will not have any role in the initial decision to exclude to ensure that they are able to perform their review function properly and impartially.
29. If the Headteacher decides to exclude a pupil he/she will:
- Ensure that there is sufficient recorded evidence to support the decision;
 - 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 (**see Appendix 1**)
 - Notify the Designated Governor for Exclusions and the Chair of Governors and inform them of their decision
30. In the case of a fixed term exclusion the Headteacher will:
- Specify the length of the exclusion and any terms of 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;
 - Plan how to address the pupil's needs and integration back into their class on his/her return;
 - Plan a meeting with parents and pupil on his/her return to be conducted by a suitable senior member of staff.

Notifying Parents

31. When a decision is taken to exclude a pupil, the parents will be notified, by an appropriate means, by the end of the afternoon session of:
- The period of the exclusion and the reasons for it.
32. The parents will then be provided with the following information in writing as soon as possible:
- The reason for the exclusion;
 - The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
 - For fixed term exclusions, an invitation to a return to school interview with a member of senior staff at the end of exclusion;
 - Parents' right to make representations about the exclusion to the Governors
 - How many representations should be made; and
 - Where there is a legal requirement for the Governors 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.
 - A link to the statutory guidance on exclusions at

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Notifying the Local Authority and Governors following a permanent or fixed term exclusion

33. The head teacher must without delay, notify the governing body and the local authority of:
- a permanent exclusion (including any decision to make a fixed term exclusion permanent);

- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in any one term; and
 - exclusions which would result in the pupil missing a public examination or national test.
34. For all other fixed term exclusions, the Headteacher must notify the local authority and Governors once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.
35. For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also advise the pupil's 'home' authority of the exclusion without delay so that they can make arrangements for the pupil's full-time education from the sixth school day of exclusion.

Principal officer, exclusions and reintegration - Croydon

Children, Families & Learners

Phone

[020 8726 7438](tel:02087267438)

Address

Learning and Inclusion, 4th Floor, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA, United Kingdom

Safeguarding

36. An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply, for example by refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Re-integration

37. After fixed term exclusion the pupil and parent will be requested to attend a reintegration meeting with a senior member of staff and class teacher. At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will also be discussed. The meeting will be recorded on the school re-integration form and a copy retained by the school (**Appendix 2**)

Work Set

38. When a pupil is excluded for more than one day, work should be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a child is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning. Work may be set using Google Classroom, or on paper; this decision

will rest with the school deciding the most accessible and appropriate means to ensure the work is completed.

39. A pupil can be excluded for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education for the pupil, which could be at another local school, the pupil referral unit or by providing home education.

Behaviour outside school

1. Pupils' behaviour outside school **on school business** e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and can be considered as ground for exclusion. Additionally, this includes any serious breach of policy which could bring the school into disrepute.

Pupils with special educational needs and disabled pupils

2. The school must take account of any special educational needs when considering whether or not to exclude a pupil.
3. The Headteacher should ensure that reasonable steps, in line with the Disability Discrimination Act 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.

Managed move

4. In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent's failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and, in such cases, the Headteacher may assist the parents in placing the pupil in another school.

Equal Opportunities

5. The Governors recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation.

Governors Committee Review

6. A committee of the Governors, consisting of at least three governors will review exclusions if:
 - The exclusion is permanent; or
 - It would result in a pupil missing a public examination or national test;
 - It is a fixed term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 5 in a term and the parents request a review.
7. 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, a Committee must consider any written representations

made by parents, but it cannot direct reinstatement and it is not required to arrange a meeting with parents.

8. The review must happen within fifteen school days in the first three cases, and within fifty school days in the last case. In the second case the Committee should, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.
9. In addition to considering the evidence by the Headteacher and his/her conclusions, the Governors must consider any representations from the Headteacher or the parents. The Headteacher and parents will be invited to the review meeting. The Governors may also invite the pupil to attend the meeting or to feed in his/her views in other ways, taking into account the pupil's age and understanding. All parties will be given five school days' notice of the date of the meeting.

The Governors Committee decision

10. In reaching a decision on whether or not to reinstate a pupil, the Committee should consider whether the decision to exclude the pupil was lawful, rational, reasonable, procedurally fair and proportionate taking account of the Headteacher's legal duties. When establishing the facts in relation to an exclusion decision the Governors 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'
11. In the light of their consideration, the Governors can either:
 - Uphold an exclusion; or
 - Direct reinstatement of the pupil immediately or on a particular date. Conditions cannot be attached to the decision to reinstate.

The role of the Governors is not to automatically endorse the Headteacher's exclusion decision.

12. In cases where the Committee considers parents' representations but does not have the power to direct a pupil's reinstatement – because the exclusion was short and is already concluded – they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.
13. If the Committee reinstates a pupil, the pupil and his/her parent(s) must be invited to a return to school interview with the Headteacher.

Notification of the decision

14. The governors must notify parents, the Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.
15. In case of a permanent exclusion the governors' notification 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, including the following information:
 - The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Committee's decision was given to parents);
 - The name and address to whom an application for a review (and any written evidence) should be submitted;

- That any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's needs are considered to be relevant to the exclusion;
- That parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
- That parents may, at their own expense, appoint someone to make written and /or oral representations to the panel and that parents may also bring a friend to the review.

Removing an excluded pupil from the school roll

16. A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the governors' decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
- The parents have stated in writing that they will not be applying for an independent review panel.

17. Where an application for an independent review panel has been made within 15 school days, the pupil's name will not be removed from the roll until the review has been determined, or abandoned.

Review by an independent panel

18. Parents may apply for an Independent Panel to review the governors' decision. The application must be made:

- Within 15 school days of notice being given to the parents by the governors of their decision to uphold a permanent exclusion (in accordance with current guidance)
- Within 15 school days of the final determination of any claim of discrimination under the Equality Act 2010 in relation to the exclusion, where such a claim is made and no application for review by an independent panel has yet been made.

19. On receipt of an application the school will arrange a suitable Independent Review Panel. This will be done within 15 school days of receipt of an application for review and in accordance with the relevant statutory guidance for the operation of Independent Review Panels.

20. If requested by parents in their application for an independent review panel, the school will appoint a SEN expert to attend the panel and cover the associated costs of this appointment. The school will provide the parents with details of the proposed SEN expert and will – if more than one is available – offer the parents a choice. The final decision about which expert to appoint will be taken by the school, but it will endeavour to take the parents views into account.

21. Following its review, the Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Governors reconsiders their decision, or
- Quash the decision and direct that the academy Governors considers the exclusion again.

22. The panel will write to the parents and the Academy to inform them of its decision.

23. If the Panel reinstates a pupil, the pupil and his/her parent(s) must be invited to a return to school interview with the Headteacher.

Desirable pupil behaviour in the future:

Support from School:

Support from Home

Appendix 3

Internal Exclusion Record

Internal Exclusion Record

Class: xxxxxxxxxxxxxxxxxxxxxxxxxxx

Teacher: xxxxxxxxxxxxxxxxxxxxxxxxxxx

Name of child: xxxxxxxxxxx

Date of internal exclusion: xxxxxxxxxxx

Length of Exclusion: xxxxxxxxxxxxxxxxxxxxxxxxxxx

