



Milton Road Primary School

Exclusion of Pupils Policy and Procedures

Policy statement

This policy sets out the school's approach to the exclusion of pupils and takes account of the DFE Statutory Guidance (September 2017). It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- To ensure the safety and well-being of all members of the school community, and to maintain an appropriate education environment in which all can learn and succeed.
- Through effective behaviour management to seek to eliminate the need to use exclusion as a sanction.

In line with our key school values, we seek to support children in behaving responsibly and showing respect, not only for themselves, but for others and for the school community as a whole. However, we are aware that there are sometimes occasions when the sanction of exclusion is an important means of supporting the school in ensuring that the school is a safe, secure and positive place for all.

Introduction

The decision to exclude a pupil will be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of other persons or the pupil himself/herself in the school.

At Milton Road Primary School we understand that exclusion is an extreme sanction and is only administered by the Headteacher (or the Deputy Headteacher in their role as deputising in the absence of the Headteacher). Exclusion, whether for a fixed term or permanent can be used for a serious breach of the school's Behaviour policy, this may include such actions as:

- Serious verbal abuse to staff
- Serious verbal abuse to other pupils

- Physical abuse/attacks on staff
- Physical abuse/attacks on pupils
- Indecent behaviour
- Serious damage to property
- Sexual abuse or assault
- Carrying an offensive weapon
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

We recognise that this is not an exhaustive list and there may be other situations where the headteacher may make the judgement that exclusion is an appropriate sanction.

Exclusion procedure

At Milton Road Primary School, our procedures with regard to exclusions will inevitably be informed by the DfE Statutory guidance, September 2017. We will ensure that we implement procedures in accordance with the statutory guidance presented in that document.

The following provides a summary of our procedures, but further exemplification is presented in the DfE Statutory guidance.

Most exclusions, if they occur, are of a fixed-term nature and are of short duration (usually between one and three days).

The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding a total of 45 school days in any one school year.

At Milton Road Primary School, the Governors will review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for more than 15 days in a school term or missing a public examination.

The Governors will review fixed term exclusions which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the Local Authority as directed in the letter.

A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up, which will include a review date.

During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. In accordance with the statutory guidance, the school will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion, and will seek to arrange alternative provision from the sixth day.

Records relating to exclusions will be stored confidentially.

Lunchtime Exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the School premises for the duration of the lunchtime period. This will be treated as fixed term exclusion and parents will have the same right to gain information and to appeal.

Permanent Exclusion

At Milton Road Primary School, we understand that the decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. It is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour, including prejudice-related bullying.

2. In exceptional circumstances where it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. This might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault
- Carrying an offensive weapon (Offensive weapons are defined in the Prevention of crime act 1993 as 'any article made or adapted for causing injury to a person; or intended by the person having it with him/her for such use by him/her').
- Arson
- Behaviour which poses a significant risk to the child's own safety

This is not an exhaustive list but indicates the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school and its members.

General factors which the school will consider before making a decision to exclude

At Milton Road Primary school, exclusion will not be imposed instantly 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 will:

- Ensure appropriate investigations have been carried out, which includes allowing the pupil to give his/her version of events.
- Explore the wider context, taking into consideration how much the incident may have been provoked.

- Consider all the evidence available to support the allegations, taking in to account key school policies such as, the Behaviour policy; the anti-bullying policy and the Equality and Inclusion Policy.

If the headteacher is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then exclusion may be the outcome.

Pupils with special educational needs and disabilities (SEND)

At Milton Road Primary School, we seek to ensure that we take account of any special educational needs/SEND issues when considering whether or not to exclude a pupil.

The Headteacher should ensure that reasonable steps, in line with the Disability Discrimination Act (DDA), 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.

Exercise of discretion

In reaching a decision, the Head will always look at each case on its own merits.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider

- a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy and
- b) the effect that the pupil remaining in the School would have on the education and welfare of other pupils and staff.

Appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. The person who should be contacted to initiate an appeal is the Clerk to the Governors, Meleena Walsh, who can be contacted via the school office: office@miltonroad.cambs.sch.uk or direct: mwalsh@mrpsit.co.uk

Exclusions Committee

The governing body's duty to consider exclusions is set out in Section 6 of the statutory guidance and will inform the school's procedures. The following provides a summary of the governing body's role and responsibility with regard to exclusion committees.

The Governing Body delegates authority to a committee comprising at least three governors, of whom the Head teacher shall not be one.

The membership of the committee shall be agreed on an ad hoc basis, taking into account the particular circumstances around the exclusion and to avoid any potential conflict of interest.

- The committee is delegated the authority, to:
- consider the report of the Head teacher in respect of the decision to exclude a pupil
- hear the representations of the parents of the pupil (if present)
- question those involved, if appropriate;
- allow cross-questioning, and;
- to decide either to endorse the decision of the Head teacher, or to direct the Head teacher to reinstate the pupil.

Independent Appeal Panel

Where a pupil has been permanently excluded and that decision has been upheld by the Governing Body disciplinary committee, an automatic right of appeal to an Independent Appeal Panel arises. This appeal must be done by the parents within 15 days of notice being given to the parents by the governing body of its decision not to reinstate a permanently excluded pupil.

- The decision letter of the Governing Body disciplinary committee will contain the relevant information for exercising that right of appeal and the relevant timeframes for doing so.
- The composition of the Independent Appeal Panel is set out in the Secretary of State's Guidance on exclusions. None of the Independent Appeal Panel will have links with the School. The School will usually delegate the task of constituting the Independent Appeal Panel and clerk to an independent clerking service.
- Any Independent Appeal Panel will be impartial, constituted in accordance with the Secretary of State's Guidance on exclusions and is to have regard to that Guidance when exercising its functions
- The Independent Appeal Panel's decision is final and binding on the School. A parent may seek a judicial review of the decision. A parent may not, however, appeal to the Commissioner for Local Administration (the Local Government Ombudsman) about maladministration because the Commissioner's remit is limited to considering the conduct of appeal panels constituted by Local Authorities.

Accountability

The number of exclusions (fixed term and permanent are reported on a termly basis to the full governing body.

ENDS

Agreed: February 2019

Linked policies:

- Behaviour Policy
- Anti-bullying policy

- Equality and Inclusion Policy
- DFE Exclusion from Maintained Schools, academies and pupil referral units in England – Statutory Guidance September 2017