

# Exclusion Policy

**Review Annually**

<b>Reviewed by</b>	<b>Approved by</b>	<b>Date of Approval</b>	<b>Version Approved</b>	<b>Next Review Date</b>
FGB	FGB	December 2016		December 2017

## **Rational**

We hope that through our policy of positive discipline, an agreed Code of Conduct, and close consultation with parents over any learning and behaviour problems that no child at Westminster CE Primary Academy would reach the level of needing to be excluded.

We see exclusion as a final sanction, where warranted, which will only be used, after careful consideration, when all other possible sanctions have been tried and have been unsuccessful. Permanent exclusion will only be used as a last resort, in response to serious or persistent breaches of the Academy's Behaviour Policy.

The handling of exclusions of pupils from school is governed by Education Acts and guidelines.

## **Grounds for Exclusion**

The principles which underline a decision to exclude a pupil from Westminster CE Primary Academy are as follows: -

- A need to avoid risk and danger to pupils and/or staff. The bringing into the Academy of anything deemed to be an offensive weapon will result in the police being informed and an exclusion
- Incidents which breach the law
- Persistent and severe bullying
- A single serious, major incident. In the case of a serious assault on another person occasioning injury, the Principal will first establish whether there are elements of self-defence or retaliation against an assault before determining the appropriate disciplinary action
- Constant disruption
- Verbal and physical abuse
- Permanent exclusion will only be used when allowing a pupil to remain in the Academy would seriously harm the education or welfare of the pupil or others in the Academy.

The Behaviour Policy identifies support mechanisms available to staff in their work with pupils whose behaviour is a cause for concern. If these fail to give successful results the decision to exclude rests entirely with the Principal. It can only be delegated to, or assumed by the Vice Principal in the Principal's absence.

The Governors' role is to uphold or dismiss a Principal's recommendation

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. The Academy will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. Disruptive behaviour can be an indication of unmet needs.

Whilst a single, major incident may justify exclusion, continued failure to respond to other sanctions may also arise. In such cases incidents causing concern and actions taken must be fully and accurately recorded by the Principal and staff concerned. If the Academy has a concern about pupil behaviour, we will try and identify if there are any casual factors and intervene early in order to reduce the need for a subsequent exclusion. This may lead to a multi-agency assessment that goes beyond pupil's educational need.

Every effort will be made to discuss behaviour problems with parents and to seek co-operation in resolving problems before exclusion is considered for any child.

**The Role of Governors** The Governing Body has the responsibility of setting down these general guidelines on standards of discipline and behaviour which reflect the Academy's ethos of positive behaviour and of reviewing their effectiveness.

The governing body will follow the LEA's guidelines on exclusion

The governors support the Principal in carrying out these guidelines.

The Principal has the day-to-day authority to implement the Academy's behaviour and discipline policies but governors may give advice.

**The Role of Parents** We hope to encourage parents to play a positive part in the resolution of any learning and behaviour difficulties. Every effort will be made to enable discussion to take place with the parent especially when exclusion is being contemplated. Where, despite approaches and the involvement of outside agencies, the Academy is unable to persuade a parent to visit and discuss problems; the matter will be passed to the governing body.

### **Fixed-term and permanent exclusions**

Only the Principal has the power to exclude a pupil from the Academy. The Principal may exclude a pupil for one or more fixed periods for up to 45 days in any one Academy year. The Principal may also exclude a pupil permanently. It is possible for the Principal to convert fixed term exclusion into a permanent exclusion, if the circumstances warrant this.

If the Principal excludes a pupil he must inform the parents immediately, giving reasons for the exclusion. At the same time the Principal makes it clear to the parents that they can, if they wish, appeal against the decision to the Governing Body. The Academy must inform the parents how to make an appeal.

The Principal must inform the LEA on all exclusions using the appropriate form.

The Principal must inform the LEA and the Governing Body of any permanent exclusions and about any fixed term exclusions beyond five days in any one term.

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

The Governing Body has a discipline committee. 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 pupil was excluded, consider any representation by parents and the LEA and consider whether the pupil should be reinstated.

If a governors appeal panel decides that a pupil should be reinstated the Principal must comply with this ruling.

On reintegrating pupils back into the Academy, they will meet with the Principal/ Vice Principal at 8.15 am on the first day back at the Academy, with parents/carers, where discussions will take place for management of future behaviour.

The Academy should set and mark work for pupils during days 1 – 5 of exclusion and alternative provision must be arranged from the 6th day.

The Principal monitors the effectiveness of this policy on a regular basis. She will also report to the governing body on the effectiveness of the policy and, if necessary, make recommendations for changes and improvements.

The school will keep a variety of records of misbehaviour. The class teacher will record incidents on CPOMs.

The Principal will keep a record of any pupil who is excluded for a fixed term or who is permanently excluded.

It is the responsibility of the Governing Body to monitor the rate of exclusions and to ensure that the school policy is administered fairly and consistently.

Where parents dispute the decision of a Governing Body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an Independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-Tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a Governing Body to reinstate an excluded pupil. However, where a panel decides that a Governing Body's decision is flawed when considered, in the light of the principles applicable on an application for judicial review; it can direct a Governing Body to reconsider its decision. If the Governing Body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the Local Authority towards the cost of providing alternative provision.

Whether or not a school recognises that a pupil has special educational needs (SEN) all parents have the right to request the presence of an SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

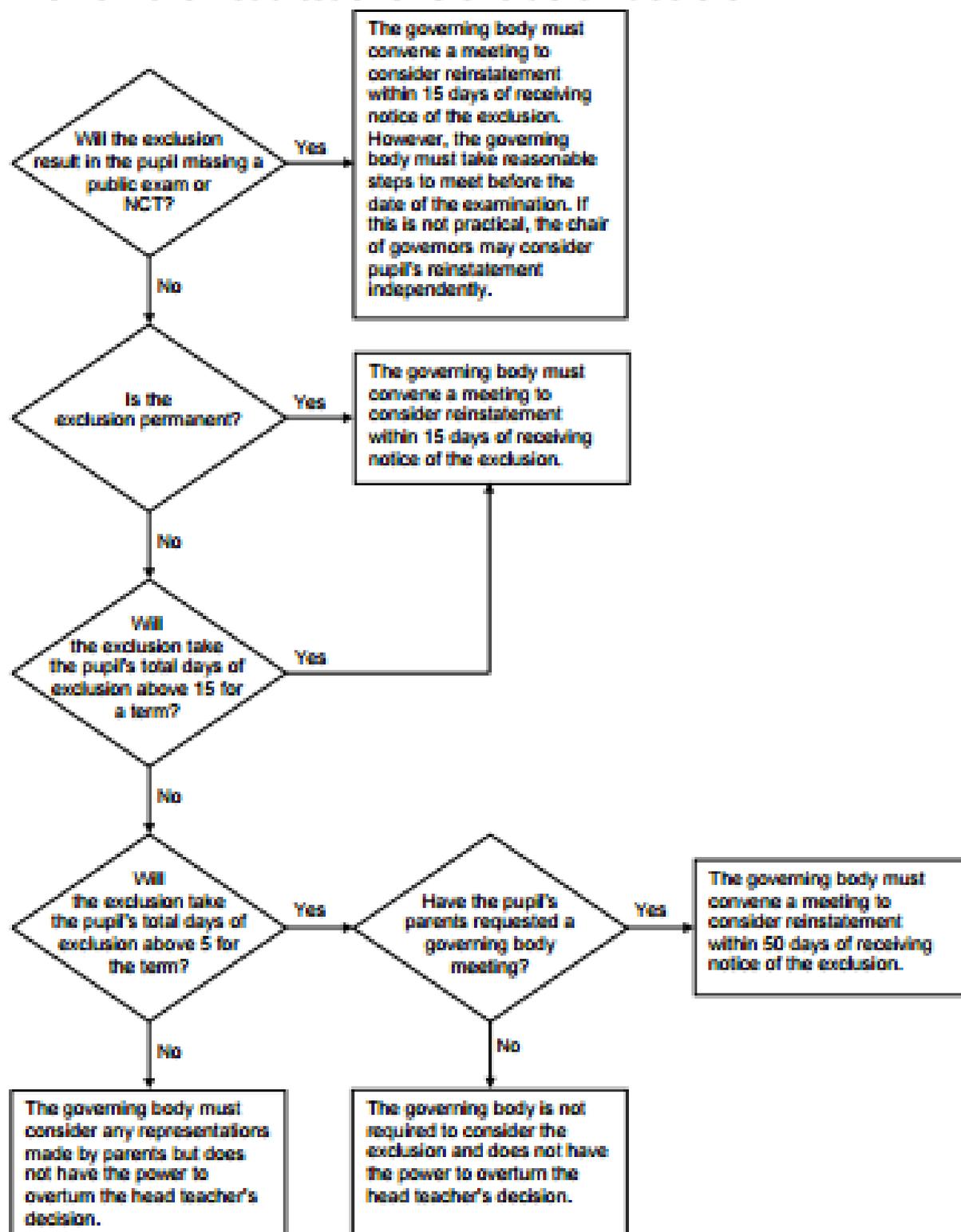
### **Review**

The governing body will review this policy every three years. The governors may, however, review the policy earlier than this if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

This policy is based on advice from the DFE guidance **Exclusion from maintained schools, Academies and pupil referral units in England 2012**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/269681/Exclusion\\_from\\_maintained\\_schools\\_academies\\_and\\_pupil\\_referral\\_units.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269681/Exclusion_from_maintained_schools_academies_and_pupil_referral_units.pdf)

## Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

