



Our Lady of Fatima Catholic Primary School

Exclusion Policy- October 2017

CRC Article 29

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Our Lady of Fatima Catholic Primary School operates a comprehensive inclusive system where all children are welcome regardless of their race, religion, culture, sex, ability or disability, social background etc. At Our Lady of Fatima Catholic Primary School, we aim to include and not exclude wherever possible. We approach all challenging behaviour in a positive, supportive way (see Behaviour Policy). We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. Our Lady of Fatima Catholic Primary School recognises that exclusions from the school community, whether fixed term or permanent, are damaging to a pupil's self-esteem.

They can diminish the sense of belonging to the community. As such, they are used sparingly and only as part of an overall behaviour strategy which seeks to develop a culture of inclusion, ownership of and responsibility for one's own behaviour. The school seeks to avoid permanent exclusions. These take place only for very serious incidents or when all other strategies have been tried and have failed over time.

Fixed term exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline. For example, physical assault against a pupil or an adult and persistent disruption to lessons come within this category. The physical and emotional health of our children and staff is our primary concern.

Reasons for exclusion:

- Serious breach of the school's rules or policies;
- Risk of harm to the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only administered by the Headteacher (or Deputy Headteacher acting as the Headteacher in her absence). It will generally be as a result of a serious outburst of aggression, physical assault, racist or abusive behaviour towards self, others or school property. However, there are cases when a child with specific behavioural needs has had a cumulative effect on the learning of others. In order to address these needs, and to ensure that the learning of the majority is protected, the school may have no other option but to exclude. At times the Headteacher will decide not to use the extreme sanction of an exclusion but will decide that a Pastoral Support Plan should be drawn up to try avoid the sanction of an exclusion in the future. This might be accompanied by an internal exclusion.

Fixed term (Temporary) exclusion

A fixed term exclusion will be for the shortest time necessary.

Persistent or cumulative problems

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and behaviour management strategies. Advice from Pupil School Support will be taken.

Single incident

Temporary exclusion (fixed term) may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Headteacher will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The pupil will be encouraged to give his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment.

Duty to inform parents/carers

Following the Headteacher's decision to exclude a pupil, they will inform the parents/carers immediately, of the period of the exclusion and the reasons behind this.

The Headteacher will inform the parents/carers in writing, of the following:

- The reasons for the exclusion
- The length of the fixed period exclusion, or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations of the exclusion to the governing body, including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the governing body to consider the exclusion, and the fact that they are able to bring an accompanying individual
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- Relevant sources of free, impartial information

What happens about the child's education during this period?

For the first 5 days of exclusion, the school is responsible for setting and marking work for the child to complete at home. It is the parents' responsibility to ensure work is completed at home and returned to the school. It is during these first 5 days that the parent must ensure that a child is not in a public place, without reasonable justification, during school hours, or they can be prosecuted. If the exclusion is for longer than 5 days, the school should make provision for the child's full time education from the 6th school day.

Extending a fixed term exclusion

Sometimes, following further information coming to light, a fixed term exclusion can be extended. If this happens, a letter must be sent to the parents stating the reasons and stating the right to make representations to, or request a meeting with the Academy committee.

Lunchtime exclusions

A child can be excluded at lunchtimes. Lunchtime exclusion is counted as a half day exclusion. If the lunchtime exclusions are continuous, the parent can make representations to the Academy Committee or request a meeting. Lunchtime exclusions should not happen for longer than a week. Children who are entitled to free school meals should still receive their entitlement, i.e. a packed lunch.

Permanent exclusion

A permanent exclusion is a very serious decision. As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on school premises;
- Persistent bullying
- Persistent racial harassment;

The decision to exclude

If the Headteacher decides to exclude a pupil she will:

- ensure that there is sufficient recorded evidence to support the decision;
- explain the decision to the pupil;
- 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 temporary exclusion;
- the length of the exclusion and any terms or 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.

Safeguarding

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, by, for example, 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.

Behaviour outside school

Pupils' behaviour outside school on school business e.g. on school trips, at sports fixtures, 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.

Pupils with special educational needs and disabled pupils

The school must take account of any special educational needs when considering whether or not to exclude a pupil. We have a legal duty under the Disability Discrimination Act not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Headteacher should ensure that reasonable steps 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.

Marking attendance registers following exclusion

When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

Removal from the school for other reasons

The Headteacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

Procedure for appeal

Fixed Term Exclusion

Parents have the right to make representations about the decision to the governing body. Parents who wish to make representations must contact the **Chair of the Academy Committee** via the school office, as soon as possible. Whilst the Academy Committee has no power to direct re-instatement, they must consider any representations made and may place a copy of their findings on the child's school record. Parents should note that if they think the exclusion relates to a disability the child has, and they think disability discrimination has occurred, they have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>.

Making a claim would not affect the parent's right to make representations to the Academy Committee.

Permanent Exclusion

In the case of a permanent exclusion the academy committee must meet to consider it. At the review meeting parents may make representations to the academy committee if they wish and ask them to reinstate the child in school. The Academy Committee have the power to reinstate the child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case parents may appeal against their decision to an **Independent Appeal Panel** – the Academy Committee must tell you how to do this. If following an independent appeal you remain dissatisfied the final body to appeal to is the Education Funding Agency. The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

Parents should note that if they think the exclusion relates to a disability the child has, and they think disability discrimination has occurred, they have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>. Making a claim would not affect a parent's right to make representations to the Academy Committee. Parents will, whether they choose to make representations or not, be notified by the Clerk to the academy Committee of the time, date and location of the meeting which must be within 15 school days of receiving the notice of the exclusion. Parents have the right to see and have a copy of, their child's school record. For information the following sources of advice are available:]]

- Steve Parton, exclusion co-ordinator, Birmingham Local Authority 0121 464 2351 or at steve.parton@birmingham.gov.uk
- You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on education matters. They can be contacted on 0808 802 0008 or at <http://www.childrenslegalcentre.com>. The advice line is open from 8 am to 8 pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.