

Coppermill Primary School



# Exclusion Policy

Ratified by the Governing Body on: 03.12.15

Next review: Autumn 2018

## **Rationale**

This purpose of this policy is to explain the Coppermill's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

## **Introduction**

There are two categories of exclusions:

Fixed term

Permanent

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

- (a) In response to a serious breach of conduct
- (b) If allowing the pupil to remain in school would seriously harm 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 in the absence of the Head, the Assistant Headteacher who is acting in that role.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another Pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- 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.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

### **Fixed-term Exclusion**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 days in any one school year.
- Following exclusion parents are contacted immediately where possible. A letter will be sent giving details of the exclusion and the date the exclusion ends. The Chair of Governors is informed. Parents have a right to make representations to the Governing Body and the LA in writing.
- A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve the Headteacher or in the absence of the Head, the Assistant Headteacher and other staff where appropriate.
- During the course of a fixed term exclusion the pupil is 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.

### **Permanent Exclusion**

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. The first 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 bullying which would include racist or homophobic bullying or repeated possession and or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and 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. These might include:
  - Serious actual or threatened violence against another pupil or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Carrying an offensive weapon.\*
  - Arson.

The School will consider police involvement for any of the above offences.

*\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."* These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

### **General factors the school considers before making a decision to exclude**

Before deciding whether to exclude a pupil either permanently or for a fixed period the school will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations/incident
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome.

### **Exercise of discretion**

In reaching a decision, the Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider *a)* the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of conduct, *b)* the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.

### **Alternatives to exclusion**

The School works closely with the London Borough of Waltham Forest and other primary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned.

### **Behaviour outside school**

Pupils' behaviour and conduct outside school on school "business" such as school trips and journeys, or at school sports events, is subject to the same expectations as within school. Bad behaviour in these circumstances will be dealt with as if it had taken place in school.

### **School Records**

All records in relation to exclusions are kept in the pupil's file.

### **Parent Responsibilities During Fixed Term Exclusions**

For the first five days of any exclusion:

- Parents are legally obliged to ensure that their child is not present in a public place during school hours unless they can provide reasonable justification. Parents may be prosecuted or given a fixed penalty notice if they do not comply with this duty.
- It is the parents' responsibility to ensure that any work that has been set for the exclusion period is completed and returned to the school.

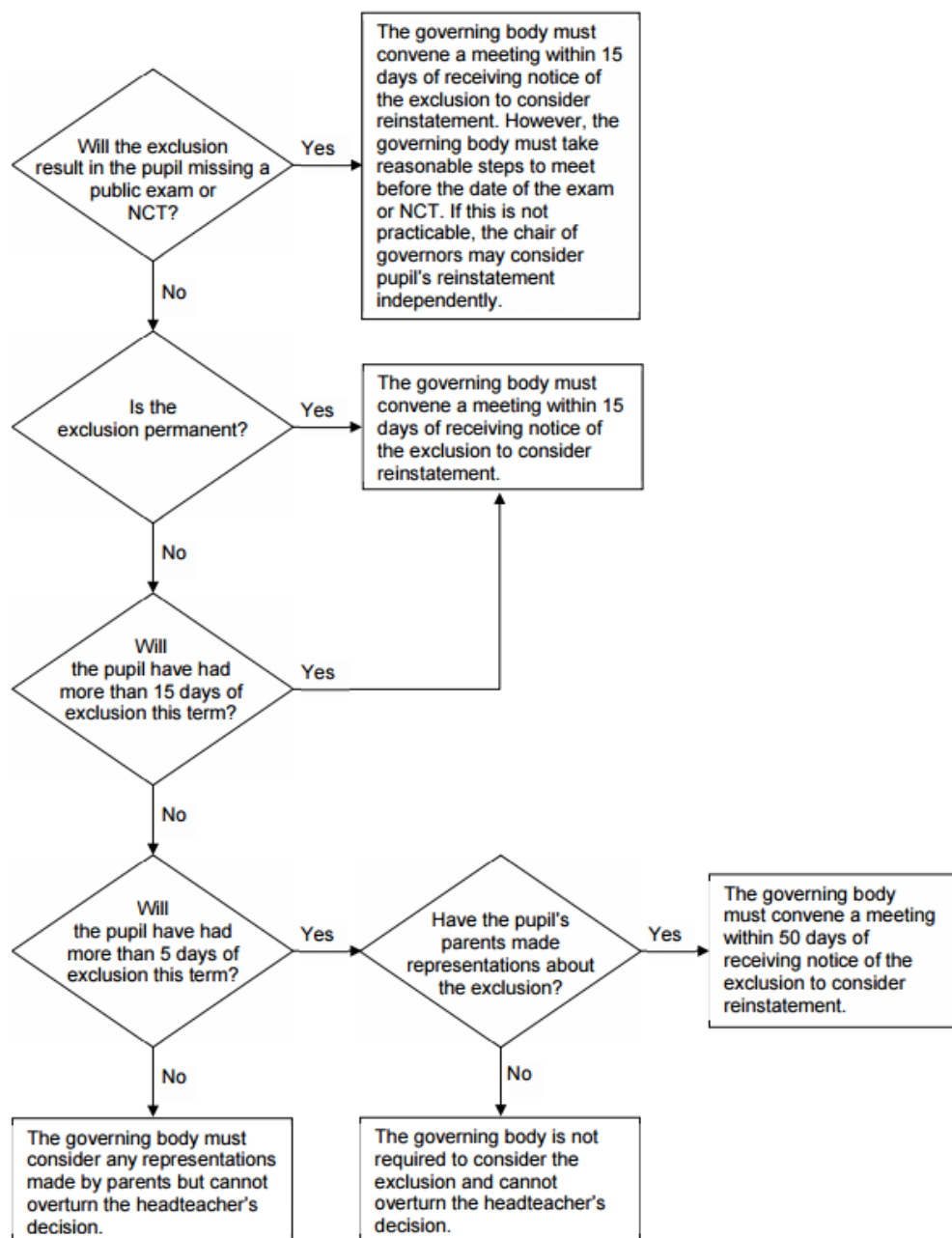
### **The Role of Governors**

The governors' role is essentially one of reviewing the Headteacher's exclusion decisions. The Head Teacher will inform the Chair of Governors of any exclusions. If it is apparent to the governing body that the purported exclusion is not for a disciplinary matter, it is unlawful and cannot stand, and they do not need to investigate further. The governors would have a role in the consideration of any complaint a parent may make about the unlawful exclusion, but that should be considered separately via the school's complaints procedure.

If the governing body decides to establish a discipline committee it should consist of at least three members. The governing body should appoint a clerk to the committee. The headteacher may not be a member.

Details of when the governing body, or discipline committee, must meet to review the Headteacher's exclusion decision are outlined in the below extract (from the Statutory Guidance on Exclusion, 2015, p.46):

### 11. A summary of the governing body's duties to review the headteacher's exclusion decision



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

For full details, see the DfE published document: [Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion January 2015](#)