



Rosary Catholic Primary School Stroud Exclusion Policy

Name and Designation of Policy Author(s)	Emma Swann (Rickerby's)		Is this a statutory Document
			Yes
Approved By Committee	Local Governing Committee		
Date Approved	#####		
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Review Date	#####		
Target Audience	Staff, Parents, DfE		
Links to Other Strategies, Policies, Procedures, etc	Behaviour Policy, SEND Policy		

Version History

Date	Ver	Author Name and Designation	Summary of Main Changes

Policy Overview

Introduction

Rosary Catholic Primary School (the School) is committed to providing a high quality education for all our pupils. We endeavour to equip pupils with the skills, knowledge and attitudes necessary to fulfil their potential. Our aim is to provide a happy and safe environment where pupils can learn free from disruption.

This Exclusions policy complies with the Department for Education's (DfE's) statutory guidance on "Exclusion from maintained schools, academies and pupil referral units" that came in to effect from September 2017. It should be read in conjunction with our Behaviour and Sanctions and Bullying policies.

This policy applies to all pupils in the School including those attending the Reception Class.

Head teacher's power to exclude

The Head teacher (or acting Head teacher) may exclude a pupil on disciplinary grounds. A pupil may be excluded for one or more fixed periods (of up to 45 school days in an academic year) or permanently. If a pupil's behaviour at lunch time is disruptive, they may be excluded for lunchtimes only (each lunchtime counts as half a day).

A permanent exclusion should only be used as a last resort where there has been a serious breach or persistent breaches of the school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. Any decision to exclude a pupil must be lawful, reasonable and fair.

The Head teacher will not exclude a pupil for a non disciplinary reason, for example, academic attainment or the action of a pupil's parents. Exclusion may, however, be justified if a pupil repeatedly disobeys academic instructions. A pupil may also be excluded for wilfully and persistently defying our School Uniform policy. Informal exclusions such as sending a pupil home to cool off are not permitted. The behaviour of a pupil outside school can however be considered grounds for exclusion.

Exclusion may be used, for actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying any offensive weapon. Exclusion may also follow a breach of breaches of the School's Behaviour policy. These are non exhaustive examples and the Head teacher will consider the appropriate action following each incident.

The Head teacher must apply the civil standard of proof "on the balance of probabilities" when establishing the facts in relation to an exclusion decision. The Head teacher should, where practical, give the pupil an opportunity to present their case before making a decision to exclude.

Where there are concerns about a pupil's behaviour, the School will try to intervene early to reduce the need for exclusion. The Head teacher will consider the need for a multi agency assessment for a pupil who demonstrates persistent disruptive behaviour. The Head teacher will also take into account any contributing factors, for example, where a pupil has been subject to bullying.

The School will not discriminate against pupils on the grounds of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment. The Head teacher will, as far as possible, avoid permanently excluding any pupil with an Education Health and Care plan (EHC plan) or a looked after child. Where a pupil has an EHC plan, the School will consider whether to request an emergency review.

When the Head teacher excludes a pupil they will, without delay, notify parents of the period of exclusion and the reasons for it. Where the excluded pupil is of compulsory school age, the Head teacher will also notify parents that for the first five days of exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification. Parents may be prosecuted or given a fixed penalty notice if they fail to do so.

A fixed period exclusion can not be converted into a permanent exclusion. In exceptional cases, however, the Head teacher may issue a permanent exclusion to begin immediately after the end of the fixed period (this will usually occur where further evidence has come to light). The Head teacher may also withdraw an exclusion, if appropriate, that has not been reviewed by the Board of Trustees.

Duties to arrange education

For a fixed period exclusion of more than 5 school days, the Board of Trustees must arrange suitable full-time education for any pupil of compulsory school age. This must begin no later than the sixth school day of the exclusion. If a pupil has more than 5 consecutive school days of exclusion, then education must be arranged, regardless of whether this is as a result of one fixed period or several fixed periods of exclusion. For permanent exclusions, the local authority must arrange suitable full time education for the pupil to begin no later than the sixth school day of the exclusion.

Board of Trustees' duty to consider an exclusion

The Board of Trustees has a duty to consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- Exclusion is permanent;
- It is a fixed period exclusion that 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 exam or national curriculum test.

For fixed period exclusions, where a pupil would be excluded for more than 5 and up to 15 school days in a term, if the parents make representations, the Board of Trustees must consider within 50 school days of receiving the notice of exclusion whether the pupil should be reinstated. In the case of a fixed period exclusion of 5 or less school days in a term, the Board of Trustees must consider any representations from parents but it can not direct reinstatement.

The Board of Trustees may delegate its duty to consider exclusion to a smaller sub-committee. Where the Board of Trustees is legally required to consider the reinstatement of an excluded pupil they will arrange a meeting and allow parents and the pupil to be accompanied by a friend or representative. The Board of Trustees must consider the interests and circumstances of the excluded pupil and have regard to the interests of other pupils and staff at the school.

The Board of Trustees should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair. In reaching its decision, the Board of Trustees can either decline to reinstate the pupil or direct reinstatement of the pupil. It must then notify parents, the Head teacher and the local authority of its decision and the reasons for it without delay. In the case of a permanent exclusion, the Board of Trustees will include information about the parents' right to ask for the decision to be reviewed by an independent review panel. If parents believe that there has been unlawful discrimination in relation to the exclusion then they may make a claim to the First Tier Special Educational Needs and Disability Tribunal in the case of disability discrimination or for other forms of discrimination to the County Court.

Independent review panel

If requested by parents, the School will establish an independent review panel to arrange a hearing to review the decision of a Board of Trustees not to reinstate a permanently excluded pupil. The time frame for an application is within 15 school days of notice being given by the Board of Trustees of its decision. A review must then take place within 15 school days of the day on which the parents' application for a review was made.

The independent review panel will be constituted with 3 or 5 members including a lay member to chair the panel. Parents attending the hearing will have a right to bring a friend or to be represented at the hearing.

If requested by the parents, a Special Educational Needs (SEN) expert should attend the hearing to advise on whether the School's SEN policies or the application of these policies in relation to the excluded pupil were

lawful, reasonable and procedurally fair. The SEN experts' role does not include making an assessment of the pupil's special educational needs.

The role of the independent review panel is to review the Board of Trustees decision not to reinstate the excluded pupil. The panel can decide to:

- Uphold the Board of Trustees' decision;
- Recommend the Board of Trustees reconsiders reinstatement; or
- Quash the decision and direct that the Board of Trustees reconsiders reinstatement.

The panel may only quash a Board of Trustees' decision if it considers that it was flawed when considered in light of the principles applicable on an application for judicial review.

The panel should apply the following tests:

- Illegality – did the Board of Trustees act outside the scope of its powers?
- Irrationality – was the decision so unreasonable that no reasonable Board of Trustees could make it?
- Procedural impropriety – was the Board of Trustees decision so procedurally flawed that justice was not done?

If the criteria for quashing the decision have not been met, the panel should consider whether it would be appropriate to recommend that a Board of Trustees reconsiders its decision. This may be used, for example, where evidence of procedural flaws have been identified that do not meet the criteria for quashing the decision but which may justify a reconsideration of the Board of Trustees decision.

The independent review panel must issue notification to all parties of its decision without delay.

Duty to reconsider reinstatement

Where the independent review panel directs or recommends that the Board of Trustees reconsider reinstatement, they will reconvene within 10 school days of notice of this decision. The Board of Trustees will conscientiously reconsider reinstatement looking afresh at the question in light of the panel's findings. The Board of Trustees may still reach the same decision but if it refuses to reinstate the pupil it will need to show clear justification.

Removing a pupil from the School register

The Board of Trustees must ensure that a pupil's name is removed from the admissions register if:

- 15 school days have passed since the parents were notified of the Board of Trustees decision not to reinstate the pupil and no application has been made to an independent review panel; or
- The parents have confirmed in writing that they will not be applying to an independent review panel.

Where an application to an independent review panel has been made, the review must be determined and the Board of Trustees must complete any reconsideration before removing a pupil's name from the register.

Reviewed by: _____ Date: _____

To be reviewed by: _____ #####