

# St Patrick's RC High School

## A National Teaching School



### Exclusions Policy

**Review Date:** 10.10.2019

**Date of Next Review:** Autumn 2020-2021

**Prepared By:** M Connelly

**Committee:** Pupil Welfare

**Signed:** ..... (Chair)

## School Mission Statement

“Our outstanding school community is guided by the gospel values, of love, forgiveness, reconciliation, justice, integrity, humility and truth, faith and worship are lived, taught and celebrated. We recognise the importance of service to others and the opportunity to be witnesses to Christ in our community

All are unique and strive for personal growth. We celebrate the pursuit of academic excellence, applaud ambition and value the achievements of all our pupils are expected to achieve their best and use their learning to make a difference in the world they live in.”

## School British Values Statement

St Patrick’s teachers uphold public trust in the profession and maintain high standards of ethics and behaviour. Teachers do this by not undermining fundamental British values and ensuring that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law.

## Status

Statutory

## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools’ powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines ‘school day’
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014

## Rationale

This Policy and procedure document is intended to give a clear indication to staff, parents/carers and pupils the kinds of circumstances within which the Headteacher or Acting Headteacher will use their powers to exclude and the procedures that will be followed in exercising them. Governors will rely on this in reviewing the actions of the Headteacher or Acting Headteacher in excluding pupils.

## Aims

The Governing Board aims:

- To give appropriate support to the Headteacher or Acting Headteacher in exclusion issues.
- To use its best endeavours to ensure that the school does not interfere with the continuous education of a pupil beyond what is necessary to modify behaviour.
- To ensure that exclusion is used appropriately within the framework of the school's Behaviour for Learning Policy
- To ensure that full regard is given to the substance and scope of any early intervention to address underlying causes of behaviour and that these are taken into account.
- To ensure that Full regard is given to the SEN Code of Practice (2014) during the consideration of this exclusion.
- To ensure that we take account of the Equality Act and of our duty not discriminate against any students for any reason.
- To discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded pupils

### **The Decision to Exclude**

Only the Headteacher or Acting Headteacher. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider if the pupil has special educational needs (SEN).

### **Definition of a school day**

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

### **Internal Exclusions**

A pupil's behaviour and conduct may mean that it is necessary to "Internally excluded" as opposed to applying a Fixed-Term exclusion for a pupil. The decision to Internally exclude as opposed to apply a Fixed Term Exclusion will be at the discretion of the Senior Assistant Headteacher: Mr Michael Connelly and/or Pastoral Director: Mr Dan Macafee, after consultation with the Headteacher. Where a decision to "Internally exclude" has been made Parents of the pupil/s concerned will be notified and a record of the Internal exclusion will be recorded using the school's attendance record keeping system (SIMs). Additionally, a behaviour record log will be recorded on SIMS indicating that Internal exclusion has been used as a sanction linked to the behaviour that caused the sanction to be implemented. The length of the "Internal exclusion" will be proportionate with the gravity of the offence.

Whilst in “internal exclusion”, pupils will complete appropriate work that is set by their teachers for lessons that they would have attended that day. This work will be forwarded to the teacher to assess after the work has been completed. The Internal exclusion room is staffed at all times during school time including break-time and lunch if “Internal exclusion” is used for a pupil.

The behaviour, attitude and work rate are assessed and recorded for pupils who are Internal excluded.

If a pupil or parent refuses to let their son/daughter attend “Internal exclusion” or if the pupil’s behaviour whilst in “Internal exclusion” is not acceptable, a decision to apply a Fixed Term Exclusion may now apply after consultation between Mr Michael Connelly/Mr Dan Macafee and the Headteacher.

In line with the School’s Equality Policy, analysis of different pupil groups is conducted to highlight any pupils more susceptible to being “Internally excluded”. Therefore, preventative measures can be implemented for these individual pupils’/pupil groups to endeavour to reduce the need for future “Internal Exclusion”

The use of “Internal Exclusion” may be used following a Fixed-Term inclusion to ensure that the pupil/s are reintegrated back into school life as soon as possible. The decision to “Internally exclude” following a Fixed Term exclusion is collaboratively made between Mr Michael Connelly/Mr Dan Macafee and the Headteacher based on the gravity of the original offence and the specific needs of the pupil concerned.

### **Fixed-Term Exclusions**

The Headteacher or Acting Headteacher is permitted to exclude a pupil for one or more fixed-term periods not exceeding 45 school days in any one year.

### **Sixth-Day Provision – Fixed-Term Exclusion**

For fixed-term exclusions the school will make its own provision for pupils excluded up to the first 5 school days.

The school is responsible for providing alternative education provision from 6<sup>th</sup> day onwards.

### **Procedure for Fixed-term Exclusions**

While always having regard to the circumstances of a particular case the Headteacher or Acting Headteacher will be likely to use fixed term exclusions in the following kinds of cases. This does not list every offence for which fixed-term exclusion may be used but gives an indication of the kinds of case where it will be used:

- Regular or sustained challenge to the authority of a member of staff
- Bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, religion or sexual orientation);
- Persistent defiance of a school rule
- Acts of vandalism
- Physical violence

- Smoking on the school site
- Behaviour which disrupts the learning of others
- Conduct likely to bring the school into disrepute
- Theft

The length of the exclusion will be proportionate to the gravity of the offence.

The Headteacher or Acting Headteacher or Acting Headteacher or Acting Headteacher may issue a fixed-term or permanent exclusion for behaviour which contravenes school policies whilst a student is:

- Taking part in any organised school related activity.
- Travelling to and from school either in or out of school uniform .
- In some other way identifiable as a St Patrick's student.
- On a managed move probationary period at another school or attending alternative provision.

**OR** for behaviour which at any time:

- Have repercussions for the orderly running of the school.
- Poses a threat to another student or a member of the public.
- Could adversely affect the reputation of the school.

In exceptional cases a fixed-term exclusion period can be extended or become a permanent exclusion. This is usually where further evidence has come to light.

### **Cases Where Exclusion Would Not Be Used**

- Homework issues.
- Poor academic performance.
- Lateness or truancy.
- Incorrect uniform/dress code – except for persistent open defiance.

### **Long Fixed-Term Exclusions**

Long fixed-term exclusions over (15 days) will generally be used to enable support to be obtained in assessing, moving, or reintegrating a pupil with severe problems where the alternative would be permanent exclusion.

### **Procedure for Permanent Exclusion**

Permanent Exclusion will be reserved for offences that will have a seriously damaging effect on the life of the school, the well-being of other pupils or of staff or seriously and persistently interfere with teaching and learning in the school. This can include but is not limited by:

- Intimidation or violence which creates fear and anxiety amongst staff or pupils
- Possession of an offensive weapon on the school site
- Being in possession of an illegal substance and/or supplying an illegal substance

Any pupil found dealing in drugs, selling drugs or sharing drugs with other pupils will be permanently excluded even for a first offence. This includes:

- Taking part in any organised school related activity
  - Travelling to and from school either in or out of school uniform .
  - In some other way identifiable as a St Patrick's student.
  - On a managed move probationary period at another school or attending alternative provision.
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- Persistent defiance of school authority or disruption of teaching and learning
  - Persistent bullying, harassment or abuse.

After investigation and once presented with all supporting evidence, the Headteacher or Acting Headteacher would then contact or meet with the parent/carer to give the decision to permanently exclude and reasons for that decision.

### **Sixth-Day Provision – Permanent Exclusion**

For permanent exclusions the Local Authority is responsible for providing of alternative education provision from 6<sup>th</sup> day onwards.

## **PROCESS**

### **The Investigation**

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this.
- Witness statements will be recorded, signed and dated where possible
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld.
- The pupil accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others. It is not necessary that there is a face-to-face meeting.
- The school may suspend investigation when a concurrent Police investigation is ongoing, for incidents with the potential to result in Police action and/or where the school has been advised by the Police to suspend its own investigation.

### **The Decision**

- The decision to permanently exclude will only be taken by the Headteacher or Acting Headteacher. The power to exclude cannot be delegated.
- The decision will be taken on all the evidence available at the time

- The decision can be taken on the balance of probability. Where the offence alleged is a criminal act the standard of proof will be that it is 'distinctly more probable than not' that the pupil/student committed it.

### **Notification of Exclusion**

The following will be told without delay by pupil post, and/or letter and telephone message as appropriate:

- The persons having parental responsibility for the pupil/student;
- The Local Authority;
- The Clerk to the Governors' Pupil Discipline Committee.

N.B. If an exclusion will prevent a pupil from taking a public examination then the Chair of Governors will be informed immediately so that the decision can be reviewed or a meeting of the Governors' Pupil Disciplinary Committee convened, before the examination takes place.

### **Work for Excluded Pupils**

- Members of staff who teach excluded pupils will provide work for these pupils to do at home and the school will make arrangements for the work to be collected or delivered to the pupil.

### **Governors' Pupil Discipline Committee**

- A Governors' Pupil Discipline Committee meeting will be convened in accordance with current regulations, by the Clerk to the Governors' Pupil Discipline Committee;
- It will be clerked and advised by the Clerk to the Committee or a person with experience in clerking such meetings;
- The Clerk will ensure that all members of the Governors' Pupil Disciplinary Committee are reminded of the legal framework for their hearing;
- The conduct of the meeting will be in the hands of the Governors' Pupil Discipline Committee, in accordance with the rule of natural justice and having regard to any guidance issued by the Secretary of State
- The decision will be taken by the Governors' Pupil Discipline Committee, who will meet after all parties have had the opportunity to state their case and respond to the evidence provided, both written and verbal by other parties.
- The decision will be sent to all parties concerned within twenty four hours of the meeting, or the next school working day.

### **Reintegration of Pupils**

- Pupils returning to school after exclusion should be subject to a reintegration procedure organised by the Head of House. This will normally involve the parents/carers and a member of the Senior Leadership Team.
- A pupil who is returned to school by the Independent Appeals Panel but who is regarded as presenting a threat to the good order and discipline of the school or to members of the school community may work out of classes away from the remainder of the school community until such time as it is thought appropriate to make a phased return into the school proper.

## **Roles and responsibilities of Headteacher or Acting Headteacher, other staff, Governors**

The **Headteacher or Acting Headteacher** will be responsible for ensuring that this policy is implemented and for reporting to Governors on its impact. He or she will:

- inform the pupil's parent/carer of the period of any exclusion, or of a permanent exclusion and give the reasons for the exclusion
- advise the parent/carer that they may make representations about the exclusion to the Governing Board's Pupil Discipline Committee and advise the parent/carer how his or her representations may be made
- notify both the Local Authority and the Governing Board's Pupil Discipline Committee of the details of the exclusion, including the reasons for it;
- notify the Local Authority and the Clerk the Pupil Discipline Committee in the case of a permanent exclusion or a fixed-period exclusion converted to a permanent one, in order to convene a meeting with the Governors' Pupil Discipline Committee within legal timeframes.
- notify the Local Authority and the Clerk the Pupil Discipline Committee where a fixed-period exclusion of more than five days brings the days the pupil has been excluded in one term to more than fifteen in order to convene a meeting with the Governors' Pupil Discipline Committee within legal timeframes.
- Notify the Chair of Governors and the Local Authority where an exclusion that would result in the pupil losing the opportunity to take a public exam.

The **Headteacher or Acting Headteacher and staff** will apply the principles identified above when implementing the following whole-school approaches to positive behaviour in line with the school's Behaviour for Learning, SEND (Special Educational Needs and Disabilities), Equality and Anti-bullying policies.

**Pupils** will be consulted fully when rules are being decided and will be expected to observe them.

The **Governing Board** will establish a Pupil Discipline Committee of three or five members and ensure that they receive training to fulfil their role. The Headteacher or Acting Headteacher will not be a member of this Committee.

The **Governors' Pupil Discipline Committee** will have regard to any guidance given by the Secretary of State and SEN Code of Practice.

For permanent exclusions and fixed-period exclusions of more than 15 school days in any one term, the **Governors' Pupil Committee** will meet no earlier than the sixth school day and no later than the 15th school day after receiving notice of the exclusion.

For fixed-period exclusions of more than five school days in any one term up to and including 15 school days, the parent/carer is entitled to meet with the Governors' Pupil Discipline Committee to discuss the exclusion. The Governors' Pupil Committee will meet no earlier than the sixth school day and no later than the 50th school day after receiving notice of the exclusion.

The minimum time limit will not apply to any exclusion which would result in a pupil losing an opportunity to take a public examination. In such cases the Committee will try to meet before the date of the examination, and if this is not practical the Chair of Governors will review the exclusion before that date.

If the Governors' Pupil Discipline Committee decide that a pupil should be reinstated they will give the appropriate direction to the Headteacher or Acting Headteacher (who is under a duty to comply with it) and inform the parent/carer and LA of their decision.

If they decide that a pupil should not be reinstated, they will inform the parent/carer, the Headteacher or Acting Headteacher and the LA of their decision within 24 hours (where practicable). In the case of a permanent exclusion they will notify the parent/carer in writing of their decision (within 24 hours where practicable, or the next working day) and the reasons for it. The letter will advise the parent/carer of his or her right to appeal against their decision, whom they should contact to lodge an appeal, the final date for this, and that the notice of appeal should set out the grounds of appeal.

### **School registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an Appeal panel, or
- The parents/carers have stated in writing that they will not be applying for an Appeal panel

Where an application for an Appeal has been made, the Governing Board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

### **Appeals**

If parents/carers apply for an Appeal, the Local Authority will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded pupil.

Applications for an Appeal must be made within 15 school days of notice being given to the parents/carers by Governors' Pupil Discipline Committee of its decision to not reinstate a pupil.

### **Arrangements for Monitoring and Evaluation**

The Governors' Pupil Welfare Committee will evaluate the impact of this policy by receiving data from the Headteacher or Acting Headteacher analysed by year group, gender and ethnicity on:

- number and range of rewards for good behaviour each term
- fixed-term and permanent exclusions – number of and analysis of behaviour
- number of detentions and analysis of behaviour
- instances of bullying and action taken
- support provided for the victims.