

ST. PETER'S
CHURCH OF ENGLAND
(VOLUNTARY AIDED)
PRIMARY SCHOOL
SOUTH WEALD



**For the children to realise their God-given gifts and talents,
and grow following the example of Jesus**

*Matthew 19:26- But Jesus looked at them and said, "With man
this is impossible but with God all things are possible"*

EXCLUSIONS POLICY

April 2019

ST PETER'S CE PRIMARY SCHOOL EXCLUSION POLICY

1. This policy should be read in conjunction with the school's Positive Behaviour Policy and the Equal Opportunities Policy.
2. Pupils, staff and all other adults are expected to act with consideration for others at all times.
3. When there are infringements of school discipline the school will operate a "least to most intrusive" approach to intervention.
4. However, where there are serious and/or persistent breaches of discipline the school may have to consider temporary or permanent exclusion of a pupil.
5. This policy defines when exclusion may be considered and sets out the procedures for carrying this out.

Exclusion of any kind will always be a last resort and in response to behaviour for which no other remedy can be found if the education, welfare and safety of other members of the school community are to be ensured.

In the event of an exclusion

The school will contact the parents or carers on the day of the exclusion to tell them that their child has been excluded and the reasons why. They will be informed by telephone or in person. This will be followed by a letter within one school day.

There are only two types of exclusion that the school use:

1) FIXED PERIOD EXCLUSION

This is sometimes called 'a suspension' and is for a limited time. The headteacher must tell parents how many days the exclusion is for at the beginning of the exclusion period and what the arrangements will be for setting and marking work for the child.

A pupil may be excluded more than once during an academic year but the total number of school days cannot be more than 45 in any academic year.

Parents have the right to tell the governing body what they think about the exclusion. This is called making **representations**. If the exclusion is fewer than 5 days, the governing body cannot direct re-instatement, but should convene a meeting to consider any representations from parents.

If the exclusion is over 5 days but no more than 15 days, in a school term and parents make representations, the governing body must review the fixed term exclusion and decide whether to reinstate the pupil or uphold the headteachers decision. Where no representations are made there is no need for the governing body to meet.

However, the governing body must review all fixed term exclusions of over 15 days in a school term, or where a pupil would miss a public examination.

Parents will be invited to attend the meeting and may be accompanied by a friend or representative. The LA should also be invited to send a representative. Meetings should take place within the following time scales:

Length of Exclusion	Time scale
Over 5 school days, but less than 15 school days (a meeting need only be called if the parents make representations).	Between the 6 th and 50 th school day from the date of the exclusion.
Over 15 school days.	Between the 6 th and 15 th school day after the notice of exclusion.
Where the child will miss an opportunity to sit a public examination.	Where possible before that examination takes place.

If the headteacher decides to extend a fixed term exclusion or, exceptionally, convert it to a permanent exclusion they must write again to the parent and they will again have the right to make representations to the governing body.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed period exclusion (equivalent to one half school day) and should be treated as such. Parents have the same right to be given information and to appeal. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for pupils who are entitled to free school meals. This may mean providing a packed lunch.

The LA, have no power to instruct a school to re-admit a child.
There is no legal right to a formal appeal against a fixed term exclusion.

2) PERMANENT EXCLUSION

Consideration by the Governing Body

The governing body will meet to consider the exclusion between the 6th and 15th school day after the notification of the exclusion. (This does not include school holidays). Parents will be invited to attend this meeting. Parents can take a friend or legal representative with them or somebody to speak on their behalf. If you prefer to parents may make your representations to the governors in writing. The LA should also be invited to send a representative to the meeting. The governors can instruct the headteacher to re-admit a child to the school.

After the meeting the governors must advise the parents and the LA of their decision within one school day of the meeting, giving their reasons.

The LA has no power to instruct a school to readmit a pupil.

If the governors confirm the permanent exclusion of any child they must advise parents of their right to appeal to an independent appeal panel. Parents have this right even if they did not make representations to the governing body.

The LA will also write to parents within three working days of the governing body meeting to confirm the details of your right of appeal.

(N.B. The governing body can delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee may be called the Discipline Committee).

During the initial five days of a permanent exclusion or fixed period exclusion of six days or longer, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be prosecuted, or may be given a fixed period penalty notice of £50 if they fail to do

this. The penalty payable increases to £100 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent is subject to prosecution for the original offence.

If the exclusion is for more than one day the school will make arrangements for excluded pupils to be set work to do at home and for the work to be marked. This applies both for fixed period and permanent exclusion until the 6th day following the head teacher's decision being notified to parents. The LA (Local Authority) will contact the parents of the child concerned about the arrangements for education for pupils who have been permanently excluded. There is a legal requirement on schools to provide full-time education for pupils who are excluded on a fixed term basis for six days or longer. This requirement applies from the sixth day following the notification of permanent exclusion being issued.

If any child should be sitting a public examination whilst excluded, then every effort will be made to make arrangements so that the opportunity is not lost.

Right of Appeal to an Independent Panel

If a parent wants to appeal they must write to the clerk to the appeal panel within **15 school days of the governors' decision**. The letter should explain the grounds of their appeal i.e. why they do not think that the decision is the correct one. The appeal should be sent to:

The Clerk to the Independent Appeal Panel
PO Box 11
Chelmsford
CM1 1LX

The appeal panel meets to consider whether the child should have been excluded and whether he or she should be reinstated at the school.

As the remit of the panel does not include 'clearing the pupils name', details of an exclusion may not be lawfully deleted from the pupil record, if an exclusion is a matter of fact. But the governing body must comply with any parental request to append their appeal statement to the pupil's record. It will be for the governing body to decide what details of the exclusion are included in the school record. Copies of the principal correspondence might be included and possibly minutes of the meeting to consider the exclusion and appeal panel hearings, if the governors and appeal panel respectively agree to this.

The appeal panel must meet within 15 school days after receiving the parents' letter. Parents will be told as soon as possible when and where the hearing will take place.

The appeal will be heard in private and the hearing will be as informal as possible.

If possible parents should try to attend the hearing. If they do not attend, and do not inform the clerk that they are unable to get there, the Panel will consider your appeal in your absence. If parents wish they may bring a friend or representative to put the case for them.

If the parent wishes to present documents or raise matters that are not covered in their letter of appeal they should submit them to the Clerk to the Appeal Panel in good time before the hearing.

If they decide that they do not wish to appeal they should notify the Children's Support Service at the LA of their decision in writing as soon as possible.

At the Hearing

There will be at least three people on the Panel. A clerk will also be present to record the Panel's decisions and to advise on law and procedures.

The Panel will have copies of the appeal, plus any statements or reports parents sent in beforehand, together with information from the headteacher about the reasons for the exclusion.

If parents attend, then the hearing will usually follow this pattern:

- The headteacher will explain the reasons for the exclusion. A representative of the governing body may also attend and be given the opportunity to make comments on behalf of the governing body.
- Parents, or their representatives, may ask questions. The Panel and the LA representative may also ask questions.
- Parents, or their representative, will be asked to present their case. Parents may call witnesses in support. (If they want to bring witnesses they must let the clerk know in advance).
- Parents may be asked questions by the Panel and by the school or LA representatives.
- The LA representative will make a statement.
- The school representative will summarise the case for exclusion.
- Parents, or their representative, will be given the opportunity to sum up.
- Both 'sides' and the LA representative will then be asked to leave the hearing.

The Panel will then consider all the information and evidence presented to it. It will weigh up, on the one hand, what is in the child's interests and, on the other, the interests of the school, the staff and other pupils. The Panel will then decide whether the child should be re-admitted. The Clerk to the Panel will write to you telling you of the decision and the reasons for it.

All Appeal Panels act independently and their decisions are binding.

Where can I get help or advice?

For advice on the exclusions and appeal procedure and what happens when the exclusion procedure is complete you should contact:

Essex County Council
Children's Support Service
Schools, Children and Families Directorate
PO Box 47
County Hall
Chelmsford
CM1 1LD Telephone: 0845 6037627

You may also contact the Advisory Centre for Education (ACE) on their helpline number:
0207 7049 822

This document can be made available in alternative formats on request.

Last Review: April 2019
Next Review: April 2023