



## **Edison Primary**

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# **Exclusions and Appeals Policy**

**Approved by Trustees: January 2016**

**Consultation with Staff: September 2016**

**Date for Review: September 2017**

## **Exclusion policy**

### **Rationale**

A decision to exclude a pupil, either for a fixed period or permanently is seen as a last resort by the school.

The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation. The investigation may be carried out by the Headteacher or by a person delegated by the Headteacher.

### **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.
- Breakdown of the relationship between the school and parents.

Any exclusion will be at the recommendation of the Headteacher.

### **Fixed term exclusion**

A fixed term exclusion should be for the shortest time necessary; Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse educational consequences.

### **Persistent or cumulative problems**

Exclusion for a period of time from half a day to five days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies. These could include

- discussion with the pupil
- mentoring
- Arbor record
- discussions with parents
- target setting
- checking on any possible provocation
- detention
- mediation
- counselling
- internal exclusion
- involvement of external agencies
- completion of a CAF.

Exclusion will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules), except where these are persistent and defiant.

### **Single incident**

Fixed term exclusion may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases the Headteacher will initiate the investigation of 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 their version of events and a check will be made as to whether the incident may have been provoked, for example by bullying or racial harassment.

The Headteacher will inform the Chair of Governors. In certain circumstances, a fixed term exclusion may become permanent after full investigation.

### **Permanent exclusion**

A permanent exclusion is a very serious decision and the Headteacher will consult the Chair of Governors as soon as possible. As with a fixed term exclusion, it will follow a range of behaviour management 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
- carrying or use of an offensive weapon
- persistent bullying
- persistent racial harassment.

If the Head decides to exclude a pupil (fixed term or permanent exclusion) they will

- communicate with the Chair of Governors
- 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 fixed term 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. Parents will be asked to sign on receipt
- plan how to address the pupil's needs on their return
- plan a meeting with parents and pupil on their return
- consider restorative justice.

An exclusion should 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.

### **Behaviour outside school**

Pupils' behaviour outside school on school business e.g. on school visits or at sports fixture is subject to the school's Behaviour Policy. Poor behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school business, the Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the 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 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. 'Reasonable steps' could include

- differentiation in the school's behaviour policy
- developing strategies to modify the pupil's behaviour
- requesting external help with the pupil
- staff training.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason or if there are serious health and safety issues that put the school community at risk.

### **Marking attendance registers following exclusion**

When a pupil is excluded for a fixed term, they should be marked as absent using Code E.

### **Managed move**

In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the school or members of its staff unreasonably the Headteacher may require the parents to remove the pupil. This is not exclusion and in such cases the Headteacher will assist the parents in placing the pupil in another school.

### **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 an appeal**

If parents wish to appeal against the decision to exclude, the matter will be referred to the Governing Body. The Headteacher will offer to refer the matter to the Chair of Governors. Alternatively, parents may wish to write directly to the Chair. The matter will then be referred to the Pupil Discipline Committee for consideration. The Committee will consist of at least three people who were not directly involved in the matters detailed in the

complaint. Where there is a hearing of an appeal, this will include two people who will be independent of the management and the running of the school. Each of the Committee members shall be appointed by the Chair of Governors, who on behalf of the Committee, will then acknowledge the appeal and schedule a hearing to take place as soon as practicable and normally within 14 working days. If the Committee deems it necessary, it may require that further particulars of the incident or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 7 working days prior to the hearing.

The parents may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. If possible, the Committee will resolve the parents' appeal immediately without the need for further investigation.

Where further investigation is required, the Committee will decide how it should be carried out.

After due consideration of all facts they consider relevant, the Committee will reach a decision and may make recommendations, which it shall complete within 14 working days of the Hearing. The Committee will write to the parents (where possible, a copy will also be sent by e-mail) informing them of its decision and the reasons for it. The decision of the Committee will be final. The Committee's findings and any recommendations will be sent in writing to the parents, the Head and the Governors.

Those findings are available for inspection on the school premises by the Chair of Governors and the Headteacher.

Parents can be assured that all concerns will be treated seriously and confidentially. The School keeps a written record of all appeals and of whether they are resolved. A record is kept for at least 3 years.

All correspondence, statements and records will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 162A of the 2002 Act, as amended, requests access to them, or where any other legal obligation prevails.

Should any aspect of the appeals procedure remain unresolved, it is possible for parents to bring such matters to the attention of Ofsted and/or the Independent Schools' Inspectorate. These organisations may be contacted at:

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

[www.isi.net](http://www.isi.net)

All exclusions will be reported to the Governors and details will be recorded.

Note: If the Chair of Governors is not available the Vice Chair or a Committee Chair will deputise.