



# Bishop Douglass Catholic School

## **Exclusion Policy**

---

### **1. Aims**

Our school aims to ensure that:

St Thomas More school remains a well-disciplined school with a reputation for excellent pupil behaviour and remains a safe environment. Exclusion is a sanction within the school's Behaviour Policy and the Governors aim that:

- The exclusions process is applied judiciously, consistently, and justly.
- Records are kept.
- Parents are aware of their right to make representations.
- The exclusions process is understood by governors, staff, parents and pupils.

### **2. 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](#)

This policy complies with our funding agreement and articles of association.

### **3. Who takes a decision to exclude a child?**

Only the headteacher, or acting headteacher (in the case of Bishop Douglass, this is the Head of School or Deputy Headteacher), can exclude a pupil from school.

The governors and senior staff are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. Exclusions will be recorded in the pupil register.

### **4. What are the grounds for exclusion?**

A decision to exclude a pupil will be taken only on disciplinary grounds. The behaviour of a pupil outside school can be considered grounds for exclusion. The school is not a court of law and applies the civil standard of proof, ie reaching judgements on the balance of probabilities. We are cognisant of our public sector equality duty to eliminate discrimination, harassment, victimization and other conduct that is prohibited and will monitor the pattern of exclusions.

A decision to permanently exclude will only be taken, in response response to serious 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 others.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will take account of whether there are contributing factors which might have caused poor behaviour eg mental health issues, family problems, whether the child has special educational needs, an EHCP or is Looked after etc.

In certain circumstances it might be appropriate to consult or make use of outside agencies or professionals such as the Traveller Education Services or SEN services as the school is aware that certain groups of pupils nationally have higher rates of exclusions than others.

### **5. The role of the governing board**

Responsibilities regarding exclusions is delegated to a Disciplinary Committee of governors consisting of at least 3 governors.

The Disciplinary Committee has a duty to consider the reinstatement of a permanently excluded pupil and will comply with statutory guidance. If a fixed period exclusion brings the pupil’s total number of school days of exclusion to more than 15 in a term, the disciplinary committee will consider representations made by parents within fifty school days and will consider whether to hold a meeting.

In the case of a permanent exclusion, a governors disciplinary meeting will be held within 15 schools of the exclusion being issued. If the exclusion is upheld by the governing body and the pupil is not

reinstated, there is a further right of appeal to an independent appeal panel within 15 school days of receiving notice of the governors' decision.

In the case of a fixed term exclusion, there is a right to make representations to the governors disciplinary committee which will be considered within 15 school days. If the number of days of exclusion is more than 5 days in a term but less than 15 in a term, the governing body will consider reinstatement of the pupil within 50 school days if a parental request is received. If a fixed term exclusion would bring the number of days to more than 15 in a term, the governors disciplinary committee will consider reinstatement. If meetings are convened with governors, the Headteacher or a representative will attend and parents may bring one friend.

## **6. Informing parents and carers**

After a decision to exclude parents/carers will be provided with the following information, in writing in relation to their child.

The reason(s) for the exclusion

The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent

Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this

Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The school will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

In the rare event that a child is excluded for more than five days, the school will arrange suitable full time education. Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## **7. Informing the governing board and local authority**

The school will within 24 hours notify the governing board and the local authority (LA) of:

A permanent exclusion, including when a fixed-period exclusion is made permanent.

Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will notify the governing board and LA once a term.

**This policy will be reviewed annually with the School's Behaviour Policy**

Approved by the Pastoral and Ethos Committee 4<sup>th</sup> March 2020