



## **Minsterley Primary School** **Policy for the Exclusion of Pupils**

A decision to exclude a pupil, either for a fixed period or permanent, 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.

At all times the School will pay appropriate regard to the DCSF document *Improving Behaviour and Attendance Guidance on Exclusion from Schools and Pupil Referral Units (September 2007)*. No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

### **Reasons for Exclusion:**

- Serious and/or persistent breach of the School's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the School
- Verbal or physical assault of a student or adult which is considered to be serious or unprovoked
- Persistent and repetitive disruption of lessons or the learning of others
- Extreme misbehavior which is deemed outside the remit of the normal range of sanctions

Any exclusion will be at the discretion of the Head teacher and will, unless in very rare and extreme circumstances will be following other strategies having been explored with the parents and child.

### **Fixed Term Exclusion**

A fixed term exclusion should be for the shortest time necessary; OfSTED evidence suggests that 1-3 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 5 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 (support from the learning mentor/family support worker),
- discussions with parents,
- target setting,
- checking on any possible provocation,
- detention,
- mediation,
- counselling,
- Early help or targeted support through compass/strengthening families,
- internal seclusion.

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**

A 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 investigate 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 his/her version of events and the Headteacher will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary the Headteacher will consult a Chair of Governors.

## **Permanent Exclusion**

A permanent exclusion is a very serious decision and the Headteacher will consult with a Chair of Governors before enforcing it. As with a fixed term exclusion, it will follow a range of 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 an offensive weapon,
- persistent bullying/ disruptive and non-conforming behaviour, or
- persistent racial harassment.

## **The Decision to Exclude**

If the Headteacher decides to exclude a pupil she/he will:

- 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,
- plan how to address the pupil's needs on his/her return, and
- plan a meeting with parents and pupil on his/her return.

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 trips, at sports fixtures, is subject to the School's behaviour policy. Bad 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. It is rare for Head teachers to be involved in behaviour out of school hours unless it has a direct effect on the school. This will be done in consultation with the Chair of Governors and any other agencies involved such as the police or Local Authority.

## **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 under the *Disability Discrimination Act 1995* as amended 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 prevent 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.

## **Marking Attendance Registers following Exclusion**

When a pupil is excluded temporarily, he or she will be marked as absent in the Attendance Register using the appropriate code.

## **Managed Moves**

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 at the end of a term. 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.

## **Involvement of the Governing Body in Hearing Appeals**

The Governing Body is required, in the case of a fixed period exclusion of 5 school days or fewer in one term (and which does not bring the pupil's total number of days of exclusion to more than 5 in one term), to consider any representations made by the parent. If representations from the parent are received the Governing Body will consider them, but they cannot direct reinstatement, although they can place a copy of their findings on the pupil's school record. In such cases the Governing Body has discretion to agree to a meeting if the parent requests a meeting to discuss the exclusion. No statutory time-limits apply to the consideration of such exclusions, but the Governing Body will respond promptly to any request from the parent.

In the case of a fixed period exclusion of more than 5, but not more than 15 school days in one term (which does not bring the pupil's total number of days of exclusion to more than 15 in one term), the Governing Body will, convene a meeting between the 6th and the 50th school day after receiving notice of the exclusion, to consider the exclusion, but only if the parent requests such a meeting.

In the case of a fixed period exclusion of more than 15 school days in one term (or which brings the pupil's total number of days of exclusion to more than 15 in one term) or a permanent exclusion, the Governing Body will convene a meeting between the 6th and the 15th school day after the date of receipt of notice to consider the exclusion. If a pupil's total number of days of fixed period exclusion exceeds 15 school days in one term, any subsequent fixed period exclusion(s) of the pupil in the same term will again trigger the governing body's duty to consider the circumstances of the exclusion; In such cases the Governing Body will invite the parent or guardian, the Headteacher and a Local Authority officer to the meeting at a time and place convenient to all parties (but in compliance with the relevant statutory time limits). In advance of this meeting the Governing Body will ask for any written statements (including witness statements) and will circulate, at least five days in advance of the governing body meeting, any written statements (including witness statements) and a list of those who will be present at the meeting to all parties, including the pupil if it is known that they are to attend the meeting.

*Note: the legislation deems a lunchtime exclusion to be a fixed period exclusion equivalent to half a school day. This should be taken into account for the purposes of a) and b) above. For example, if a pupil were to be excluded at lunchtime for 15 school days in the same term this would be the equivalent of seven and a half full days and a) above would apply.* It should be noted that the Governing Body's role is to review exclusions imposed by the Headteacher, who alone has the power to exclude. It follows that the Governing Body cannot increase the severity of exclusion, for example by extending the period of a fixed period exclusion or by imposing a permanent exclusion in substitution for a fixed period exclusion.

The Governing Body can uphold exclusion; or direct the pupil's reinstatement, either immediately or by a particular date. If the Governing Body cannot direct reinstatement because the period of exclusion has expired and the pupil has returned to school, they can place a copy of their findings on his or her school record. Governors will bear in mind that, in the case of a permanent exclusion, if an appeal is lodged the independent appeal panel will not just review the governors' decision; it will re-hear all the facts of the case including any fresh evidence.

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