Exclusion of Pupils Policy

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Document Control

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1	Nov 2018	Policy written	I.Webb
2	Nov 2020	Scheduled review	I.Webb
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4	April 2025	Scheduled review	I.Webb

Approval		
Meeting	**Date**	**Chair**
Teaching & Learning Committee	27.11.18	K.Schoenburg
This policy has not been presented to governors for approval as this is non-statutory, however governors are aware this has been updated 9.12.20		
Full Governors	12.1.23	Martin Counter
Full Governors	03.04.25	Wilam Hyde

1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)
- To ensure we work alongside the family to keep the child in school

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

3. The decision to exclude

Only the headteacher or acting headteacher can exclude a pupil from school. 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 will:

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

4. Definition

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.

5. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term suspension 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 headteacher 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 suspension, 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.

If alternative provision is being arranged, the following information will be included when notifying parents of an suspension:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LEA) of:

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination.

For a permanent exclusion, if the pupil lives outside the LEA in which the school is located, the headteacher will also immediately 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 LEA once a term.

5.2 The governing board

Responsibilities regarding exclusions is delegated to the Teaching and Learning Committee, consisting of at least 3 governors.
The Teaching and Learning Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6) within 14 days of receipt of a request, the governing board will provide the secretary of state and DCC with information about any suspensions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the governing board and DCC will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

5.3 The LEA

For permanent exclusions, the LEA is responsible for arranging suitable full-time education to begin no later than the sixth day of the suspension.

6. Considering the reinstatement of a pupil

Teaching and Learning Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, Teaching and Learning Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of

the suspension if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension would result in a pupil missing a public examination, Teaching and Learning Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

Teaching and Learning Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, Teaching and Learning Committee will consider whether the suspension was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.
Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.
Teaching and Learning Committee will notify, in writing, the headteacher, parents and the LEA of its decision, along with reasons for its decision, without delay.
Where an exclusion is permanent, Teaching and Learning Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
    - The date by which an application for an independent review must be made
    - The name and address to whom an application for a review should be submitted
    - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
    - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the DCC to appoint a SEN expert to attend the review
    - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
    - That parents must make clear if they wish for a SEN expert to be appointed in any application for a review
    - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the DCC will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by governing body of its decision to not reinstate a pupil.
A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the head teacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the Least 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the Least 5 years

A person may not serve as a member of a review panel if they:

- Are an employee/director of the DCC, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the DCC, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the DCC, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.
The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement

- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

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

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

Where an application for an independent review 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) or code D (dual registration) will be used on the attendance register.
Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. The following measures may be implemented when a pupil returns from a fixed-term suspension:

- *Agreeing a behaviour contract*
- *Putting a pupil 'on report'*
- *Internal isolation*
- *Support from behaviour support*
- *Referral to a PRU or alternative provision.*
- *Support from an Educational Psychologist.*
- *Reduced timetable- this must be agreed with other support agencies.*
- *Support from our family support worker or Early Help.*
- *Support from social services.*

10. Monitoring arrangements

Isabel Webb, headteacher, monitors the number of suspensions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Isabel Webb, head teacher, every two years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our:

- Encouraging Good Behaviour policy
- SEN policy and information report

Appendix 1: independent review panel training

The DCC must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.
Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2

Guide for those with legal responsibilities in relation to exclusion