



## EXCLUSION POLICY

2018/19

Document Control	
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**This policy has been formulated in direct relation to the document 'Exclusion from maintained schools, academies and Pupil referral units in England 2017'. The school and Board of Governors will ensure that they consult this documentation if required to exclude a pupil. This policy is not exhaustive of all aspects of law regarding exclusions in schools and the school will refer to the 2017 document to ensure that all aspects of law are followed.**

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 i.e. school behaviour policy for all pupils including those who are Looked After or whom have SEND. Disruptive behaviour can be an indication of unmet needs and interventions should be put in place to reduce the need for subsequent exclusions. This may include a multi-agency assessment.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation which may include taking photographs of injuries or weapons or items taken into school. It is unlawful to exclude for a non-disciplinary matter.

In such cases the Head will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies. The school will also ensure that Early intervention strategies are put in place to support pupils. The school also reserves the right to seek advice from external parties such as the local police for Drugs/weapons incidents.

The pupil will be encouraged to give his/her version of events and the Head will check whether the incident may have been provoked, for example by bullying or racial harassment or also special circumstances such as recent bereavement. The Head will also consider whether the pupil has Special Educational Needs or Mental Health concerns. If necessary, the Head will consult but the final decision to exclude is one for the HeadTeacher only (or Teacher in Charge). The decision will also be made by applying the civil standard of proof i.e. on the balance of probabilities rather than the criminal standard of beyond reasonable doubt.

At all times the welfare of all pupils will be provided for.

**Reasons for exclusion:**

- Serious breach or persistent breaches of the school's rules or policies in or out of school.
- Risk of harm to the education or welfare of the pupil or others in the school

Any exclusion will be the decision of the Headteacher and the Governing Body will be involved in different capacities at all stages.

The Headteacher must immediately inform the governing body and the LA of:

- (a) permanent exclusions
- (b) fixed period exclusions of six days or more (or more than 10 lunchtimes)
- (c) exclusions which would result in the pupil missing a public examination

**For all fixed period exclusions**

- Parents will be informed immediately (section 4 of the guidance).
- During the first five days of any exclusion the school should take all reasonable steps set and mark work to be completed at home by the pupil.
- The Board of Governors must be informed by the Head Teacher
- Do not have to be for a continuous period
- Can be for parts of the school day

***From the sixth school day (not cumulative) of a fixed period exclusion the school must provide suitable full-time education. This will continue until the end of the exclusion.***

A re-integration interview must be arranged following any fixed period exclusion of a primary-aged pupil and following a fixed period exclusion of 6 days or more for all pupils;

**See section 6, Section 7 and Annex A for Governing Body Responsibilities**

A pupil may be excluded for one or more fixed periods up to 45 days in one academic year or permanently. A fixed period does not have to be for a continuous period.

#### **Exclusion of 5 days or less**

- Unless the exclusion will result in the pupil missing a public examination, the Headteacher is only required to report such exclusions to the governors once a term;
- Governors do not need to meet to consider the exclusion, unless the parent wishes to make representations;
- If representations are received; the governors must consider them but cannot direct re-instatement;
- The DFE Guidance gives no indication as to when this meeting should take place, but advise that the governing body should respond promptly to any request from the parent;
- Update pupil's information on Integris. Copy of exclusion letter to parent placed on pupil's file.
- Take reasonable steps to set and mark work.
- Local Authority or Home Authority informed.

#### **Exclusion of 6 - 15 days (or consecutive fixed period exclusions totalling more than five days) or more than 10 lunchtimes (each lunchtime is a half day)**

- Inform the Board of Governors
- The governors do not need to meet, unless the parent wishes to make representations and cannot direct the reinstatement of a pupil;
- The DFE Guidance states that governors must meet to consider any such representations regarding a pupil excluded for more than 6 days but less than 15 school days, within 50 days of receiving notice of the exclusion but, again, should respond promptly to any request from the parent;
- The governors can uphold or overturn the exclusion but cannot increase its length;
- Update Integris.
- Copy of exclusion letter to parents should be forwarded to Inclusion Officer, as well as being placed upon the pupil's school records.
- The school will also organise alternative provision from the sixth day

#### **Exclusion of 16 - 45 days (or cumulative) or Permanent Exclusion**

A permanent exclusion is a very serious decision and the Headteacher will consult with a Governor before enforcing it but not the Full Governing Body. As with a temporary 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 or persistent breaches of school rules and policies or a disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Possession, supplying or use of, an illegal drug or alcohol on school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment

The Local Authority must arrange full time education from sixth day assessing the needs of the child, taking into account if a child has EHC or is a looked after child to ensure the right placement.

#### **The decision to exclude**

***Please see appendices 1 and 2 for Possible Agenda and Roles and Responsibilities of Governors at a Pupil Discipline Panel***

***The school will refer in detail to section 4 of the DFE exclusion guidance***

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

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents without delay and at the latest by the end of the afternoon session, explain the decision and ask that the child be collected

- should the child not be collected the school retains a duty of care until the end of the school day and will isolate the child monitored by a member of staff.
- send a letter to the parents which is clear and easily understood, confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return. It will also advise them of the days when children should not be in a public place during school hours. Parents who do not comply commit an offence.
- The Headteacher will also provide parents with relevant sources of impartial information to support them
- Advise them of their right to make representations to the Board of Governors and how these should be made
- Should parents return the child to school the following day and not heed the exclusion letter then the school will contact the Education Out of School Team and also ensure the welfare of the child is attended to whilst putting the child into isolation monitored by a member of staff.
- plan how to address the pupil's needs on his/her return
- Update Integris ;

### **Responsibility of the Board of Governors**

Governors have a duty to consider the representations of parents about an exclusion. They will comply with their legal duties as detailed in the 2017 guidance.

In our school, the Board will delegate this to a smaller sub-committee. Statutory time limits should be adhered to but the process is not invalid if not met.

Governors must meet within 6 to 15 days of receiving notice of the exclusion for a Pupil Discipline Committee meeting and must decide whether or not to uphold the exclusion if:

- more than 15 school days,
- it is permanent
- it would result in a pupil missing a public or national curriculum examination – in this case they should meet as soon as is reasonably practical before the examination.

Parents must be invited to make representations to that meeting, if they so wish, but even if they do not, the meeting must take place; Pupils will also receive the opportunity to state their views and the school will ensure that they are facilitated to do so.

The governors can uphold or overturn the exclusion, but they cannot increase the length of a fixed term exclusion or substitute a permanent exclusion for a fixed period exclusion;

They must be able to justify their decision.

### **Independent Review Panel – Sections 8 and 9**

Where the governors uphold a permanent exclusion, the parent has the right to appeal to the Independent Review Panel within 15 school days of receiving written notification of the governors' decision. This is a private meeting and its constitution along with the clerk's role will be in line with statutory guidance.

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct the governing body to reinstate an excluded pupil. However, where the school is aware that if the panel decides that the governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct the governing body to reconsider its decision.

If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Whether or not the school recognises that a pupil has Special Educational Needs (SEN), all parents (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice orally or in writing to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

## Pupil voice

Excluded pupils will be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

**NB:** If any exclusion would cause the pupil to miss a public examination, the school should consult with the Education Service, in order to explore possible alternatives.

We ensure we offer and implement a range of support and management strategies to ensure provision is appropriate to the needs of the pupil.

These could include:

- Discussion with the pupil
- Mentoring
- Home school book
- Discussions with parents
- Target setting
- Checking on any possible provocation
- Detention
- Mediation
- Counselling
- Internal exclusion
- Review of EHC or EPeP

Exclusion will not be used for minor incidents (e.g. failure to do homework, lateness, poor academic performance or breaches of uniform rules).

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 school has a legal duty of care to ensure the child's welfare is the priority.

## Equality Act 2010

The decision to exclude a pupil must be lawful, reasonable, rational, proportionate and fair. The school has a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race with particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

The school will take account of any special educational needs or disability when considering whether or not to exclude a pupil. We have a legal duty under the Disability Discrimination Act 1995 (Equality Act 2010) 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 or SEN.

'Reasonable steps' could include:

- Proactive workings with parents or foster carers
- differentiation in the school's behaviour policy
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training
- multi-agency assessment
- Early Annual Reviews

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.

## Appendices 1

### Suggested Agenda for Pupil Discipline Committee Meeting

*If the student attends the meeting Governors should consider the appropriate point in the meeting for the student to make any statement. This may be influenced by the age and individual circumstances. It may be reasonable to offer the option for a student to only attend for part of the meeting. However arrangements for monitoring the student outside of the meeting will also need to be considered.*

- 1. Chair introduces the Committee to parents and others and explains the procedure, and confirms the students attendance**
- 2. Head Teacher is invited to present the case**
- 3. Governors, Parents and LA may ask Headteacher questions**
- 4. Parents and young person invited to make their representations**
- 5. Governors, Headteacher and LA (*if present*) may ask parents and or student questions**
- 6. Representations made by Local Authority Officer (*LA school only*)**
- 7. All parties may ask Local Authority Officer questions (*LA school only*)**
- 8. Governors ask any final questions of those present**
- 9. Summing up by Headteacher, Parent, Student and LA**
- 10. Chair thanks everyone for their contribution and ask for parties to leave so that the deliberations of the Discipline Committee can commence in private. Clerk escorts parties from the room.**

## Appendices 2

### **ROLES AND RESPONSIBILITIES AT PUPIL DISCIPLINE COMMITTEE**

#### **The Clerk - *before* the Pupil Discipline Committee Meeting**

- Coordinator between the school, parent, Governors and Local Authority
- Responsibility for all correspondence
- Responsibility to provide policies and procedures to Governors
- Confirm the date, time and place of the PDC
- Advise parent they may bring representative/friend and request any information they would like to be circulated
- Advise parent that the student has the right to attend the meeting
- Take steps to ensure that the child view is sought ( this may be a written invitation direct to the student, with opportunity to reply to letter/send email comments etc. and any information they would like to be circulated.
- Circulate documentation to all parties in advance of PDC

#### **The Clerk – *during* the Pupil Discipline Committee Meeting**

- General housekeeping
- Escorting parties in and out of the meeting
- Taking minutes throughout the meeting, writing these up and obtaining Chairperson's signature
- Notifying the parent of the outcome

#### **The Governors – *before* the Pupil Discipline Committee Meeting**

- Read the documentation and consider potential questions/clarifications
- Identify a Chairperson
- Declare any conflicts of interest – act impartially
- Must not have discussed the case with the Headteacher before
- To objectively review the Headteacher's decision to exclude

#### **The Governors – *during* the Pupil Discipline Committee Meeting**

- Explain the procedure – taking care to ensure student is put at ease
- Follow set agenda - allow each party uninterrupted time to speak
- Adjourn if appropriate
- Ask appropriate questions
- The role of the Local Authority

### **The Governors decision**

- Only 2 options – to uphold or instruct re-instatement
- Balance of probabilities – civil standard of proof
- Lawful, rational, reasonable, procedurally fair and proportionate
- Provocation/mitigating circumstances
- Equitable
- Other alternatives considered
- Familiar with schools own behaviour policy
- Equality Act 2010