



Exclusion Policy

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Signed

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Introduction

The School Local Committee, on behalf of the Trustees has the delegated power under their terms of reference to review all exclusions as required by law.

Pupil exclusion, in appropriate circumstances, is a sanction that may be used in school to promote good behaviour and discipline and secure a safe and orderly environment for pupils and staff. (See Pupil Behaviour Policy).

The Headteacher and Local Committee follow the statutory DfE Guidance for exclusion from school, which was published in September 2017. This states that:

Headteachers, Principals, governing bodies, Academy Trusts, LA's, independent review panel members and clerks, and SEN experts must by law have regard to this guidance when deciding:

- whether to exclude a pupil;
- whether to uphold an exclusion;
- whether to direct reinstatement;
- whether to recommend or direct that the Local Committee considers the exclusion again.

Exclusion should only be used as a last resort when a range of other strategies have been tried and exhausted. Most exclusions are the result of persistent breaches of the school's discipline policy. A permanent exclusion for a serious breach (e.g. a one-off or first offence) should only happen in the most serious of circumstances.

Maintained schools and academies have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school/academy as part of a 'managed move'. The latter requires the consent of the parent/carer.

Any decision of a school or academy in relation to exclusion must be made in line with the principles of administrative law i.e. that it is lawful (with respect to the European Convention on Human Rights and the Equality Act 2010), rational, reasonable, fair and proportionate.

Any reference in this document to parent(s) includes all those with parental responsibility.

Types of Exclusion from School

The procedures in the DfE Exclusion Guidance apply to all maintained schools, Academies, Free Schools, maintained nursery schools and Pupil Referral Units and all registered pupils in them, whether below or above compulsory school age. They do not apply to independent schools, city technology colleges or sixth form colleges, which have separate exclusion procedures.

There are two types of exclusion:

1. Fixed period exclusion

This is an exclusion for a **fixed number of days** during which the child must remain at home up to the first 5 days and receive full time education provision from the 6th day. A maximum of 45 days applies across each school year for any pupil, and work should be set and marked in all cases by the school. A pupil is entitled to return to school once the period of exclusion has ended.

A pupil may be excluded during **lunchtimes** only for a **fixed number of days**. Each lunchtime exclusion is equivalent to half a day fixed period exclusion. Arrangements should be made to provide a lunch if the pupil is entitled to free school meals. If a parent refuses to co-operate with a properly given lunchtime exclusion by refusing to collect (or arrange to have collected) his or her child, the school must have due regard for the pupil's safety in deciding what action to take.

2. Permanent Exclusion

This is where the Headteacher's intention is that the pupil should not be allowed to return to the school. The decision should only be taken:

- in response to a serious breach/persistent breaches of a school's discipline policy and;
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

In most cases, this will be after a wide range of alternative strategies have been tried without success, however, there will be exceptional circumstances where, in the Headteacher's judgement, it might be appropriate to permanently exclude a child for a serious breach (one-off or first offence). These might include serious actual or threatened violence, sexual abuse/assault, supplying an illegal drug or carrying an offensive weapon.

3. Unofficial exclusions

Formal exclusion is the only legal method of removal if a pupil is sent home for disciplinary reasons (including lunch times). ***"Informal or unofficial exclusions are illegal"*** regardless of whether they are done with the agreement of parents or carers.

The Decision to Exclude

Only the Headteacher, (or, in their absence, the acting Headteacher, or teacher in charge) can exclude a pupil. The Headteacher may consult others, but not anyone who may later have a role in reviewing the Headteacher's decision.

Exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

The decision on whether to exclude is for a Headteacher to take. Where practical, the Headteacher should ensure that a thorough investigation has been carried out and allow and encourage pupils to present their case before taking the decision to exclude. Establishing facts will be decided on the balance of probabilities.

Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying or provocation.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Headteacher should also consider the use of a multi-agency assessment (including CAF) for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs, but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

Fixed Term or Permanent

In many cases investigation may not be immediately possible if, for example, the incident is complex, and a number of witness statements are required.

In this case, the Headteacher may issue a fixed term exclusion for a short period (a maximum of 5 days is advised);

- to allow investigation to take place;
- to give opportunity for a reasoned decision.

In this case the letter informing of the fixed term exclusion should clearly state that the reason for the fixed term exclusion is **“to allow investigation into an incident which may result in permanent exclusion”**. The letter should not state that the fixed term exclusion is, in itself, punishment for the incident under investigation. Once the investigation is complete, a further letter should be sent containing one of the following;

- notification for the pupil to return to school;
- an extension to the fixed term exclusion;
- notification of a permanent exclusion.

In exceptional cases, usually where further evidence, not available at the time of the investigation, has come to light a fixed period exclusion may be extended or converted to a

permanent exclusion. Similarly, the Headteacher may choose to withdraw an exclusion in the light of new evidence.

Pupils from Vulnerable Groups

Pupils with Special Educational Needs (SEN)

Schools and governing bodies have a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has SEN and to avoid excluding permanently any pupil with a statement of SEN. Where a pupil has a statement of SEN and is at risk of exclusion, schools should request an early annual review or interim/emergency review.

Disabled Pupils

Schools have a legal duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to permanent and fixed term exclusions.

Race Relations

The law places a general duty on all maintained schools to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The law also places a number of specific duties on schools, including duties to assess the impact of policies and to monitor the operation of those policies on pupils, parents and staff from different racial groups.

Looked After Children

Looked After Children are at risk of low attainment in school and exclusion. Schools should be especially sensitive to exclusion issues where Looked After Children are concerned. Schools should try every practicable means to avoid exclusion and should seek LA and other professional advice as appropriate.

Behaviour outside School

There are situations where a pupil may be excluded for behaviour outside school. The Headteacher should seek advice in these instances.

Police Involvement and Parallel Criminal Proceedings

The process of disciplinary exclusion from school and criminal proceedings can and should run parallel, however decisions should not be postponed merely because the police investigation has not been concluded.

Responsibilities of the Headteacher

The Headteacher should follow the procedures set out in the DfE Exclusion Guidance, which has been designed to ensure fairness and openness in the handling of exclusions.

Informing parents

Once a decision to exclude has been reached, the parent must be notified without delay, ideally by telephone, followed up with a letter preferably within one school day which will include the information required as detailed in Paragraph 27 of the government guidance.

Informing the Local Committee and the LA

Without delay, preferably within one school day, the Headteacher must inform the local committee and LA of;

all permanent exclusions (if the pupil resides in another authority, the home LA should also be informed);

exclusions that would take the termly total to more than five days;

exclusions that would result in the pupil missing a public examination.

All other exclusions should be notified termly. The schools must keep a record of all exclusions for reporting to the DfE Census or as otherwise requested by the Secretary of State.

Registers

Pupils should be marked as Code 'E' during a period of exclusion. Other codes may be used if alternative provision has been made.

Pupils who have been permanently excluded should not be deleted from the school roll until the independent review panel process is completed, or the deadline for review is reached.

Education provision for excluded pupils

The school's obligation to provide education continues while the pupil is on roll. In all cases of exclusion work should be set from day one and marked.

Where a pupil is given a fixed period exclusion of six school days or longer, the school must provide full time educational provision from and including the sixth day of exclusion. This should be day 1 where possible for pupils with SEN and looked after children.

During the initial period of up to five school days, the parents are solely responsible for the child and must ensure that he/she is not present in a public place during normal school hours without reasonable justification.

From the sixth day of a permanent exclusion, the home LA is statutorily responsible for ensuring that suitable full time education is provided. The school must ensure that the LA is notified on day one of any permanent exclusion.

Reintegration interviews

It is school policy that parents are expected to attend with the excluded pupil for a reintegration interview following a fixed-term exclusion.

Exclusion Review Panel Meetings

If a Pupil Discipline Panel meeting is to be held, the Headteacher should prepare all supporting papers for the exclusion and pass them to the Clerk for circulation to all parties at least five days in advance of the meeting.

Responsibilities of Trustees and the Local Committee

It is a legal requirement that the appropriate governing board must review certain exclusions and must consider any representations about an exclusion made by the parents of the excluded pupil. The Trustees of Cranmer Education Trust have delegated this function, in respect of exclusions, to Blue Coat's Local School Committee –who form a panel, as required.

The Local Committee's role is to review exclusions imposed by the Headteacher. They can uphold an exclusion, or direct reinstatement immediately or by a particular date. A period of fixed term exclusion cannot be extended or be substituted with a permanent exclusion.

The panel which meets to consider any exclusion must be made up of at least three committee members, none of whom have any connection with the pupil or incident that would affect their ability to act impartially. The Chair has the casting vote in all cases where an even number of committee members are considering the case.

The local committee should appoint a Clerk to Exclusion Review Panels to handle the administrative arrangements.

When a meeting should take place

The panel has a duty to meet within 15 school days and consider each exclusion if;

the exclusion is permanent;

it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or

it would result in a pupil missing a public examination or national curriculum test*.

* The panel should make all efforts to hold the meeting before the exam/test, but if this is not possible the Chair of the Local Committee can consider the exclusion independently and decide whether or not to reinstate the pupil. Parents still have the right to make representations.

If requested to do so by the parents, the panel must meet and consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than 5 school days, but not more than 15, in a single term.

In the case of one or more fixed term exclusions totaling 5 days or less in a school term, the panel must consider any written representations from the parent. They cannot direct reinstatement in this case.

In all exclusion cases, the Local Committee will comply with the statutory time limits but are not relieved of their obligation to carry out the relevant duty if they fail to do so. Accordingly, their decision will not be invalid simply on the grounds that it was made out of time.

Prior to the meeting

The Local Committee Panel will invite the parent, and Headteacher to the meeting, at a time and place convenient to all parties. The parent can be accompanied by a friend or legal representative at their request.

A parent may invite an LA Representative to attend the meeting as an observer, but representations can only be made by the LA with the consent of the Academy's Local Committee.

The pupil is also entitled to attend the meeting, and should be encouraged to participate, taking into account their age and understanding.

The Exclusion Review Panel will consider:

- any representations made by the parent, the pupil and the LA;
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State's Guidance on Exclusion;
- on the balance of probabilities, has the pupil done what they are accused of;
- has there been a serious breach of the School's Behaviour Policy. (Other policies may be relevant and should be taken into account, for example, a drugs policy);

and

- would allowing the pupil to return harm the education/welfare of themselves or others;

and, in most cases,

- that a wide range of possible strategies to improve a pupil's behaviour were tried and have failed. Strategies could include the use of a Pastoral Support Programme or an alternative curriculum in the case of a pupil in KS4.

Committee members forming the Panel will have particular regard to:

- the needs of children with Special Educational Needs and those with disabilities (refer to the Equality Act 2010);
- the needs of Looked After Children.

Exclusion Review Panel's Decision

The Local Committee Exclusion Review Panel must inform the parent, Headteacher and the LA of their decision, in writing without delay, within one school day of the meeting, stating their reasons. Where the pupil resides in a different LA, they will also inform the pupil's 'home' LA.

A note of the Local Committee Panel's views on the exclusion will be placed on the pupil's school record with copies of relevant papers.

If the Panel directs reinstatement, this should take place as soon as possible. No conditions can be attached to any direction to reinstate the pupil.