

Exclusion Policy



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1. Aims

Our school aims to ensure that:

- › The exclusions process is applied fairly and consistently.
- › The exclusions process is understood by directors, staff, parents and pupils.
- › Pupils in school are safe and happy.
- › Pupils do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education.

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

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.

Our school is 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.

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 were 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 exclusion or, for a permanent exclusion, the fact that it is permanent.
- › Information about parents' right to make representations about the exclusion to the directors and how the pupil may be involved in this.
- › How any representations should be made.
- › Where there is a legal requirement for the directors 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 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.

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

- › 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing directors and local authority

The headteacher will immediately notify the managing director of education services and the local authority (LA) of:

- › A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil.
- › 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 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 directors and LA once a term.

5.2 Directors

Directors have a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, directors will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, directors will liaise with the pupil's funding LA to arrange suitable full-time education for the pupil. The responsibility of providing suitable full-time education sits with the LA.

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.

5.3 The LA

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

6. Considering the reinstatement of a pupil

The managing director of education services 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 exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term.
- › It would result in a pupil missing a public examination or national curriculum test.

If requested to do so by parents, the managing director of education services will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the managing directors of education services will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the managing director of education services will consider the exclusion and decide whether or not to reinstate the pupil.

The managing director of education services can either:

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

In reaching a decision, the managing director of education services will consider whether the exclusion 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.

Where an exclusion is permanent, the managing director of education services 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.

7. Independent review

If parents apply for an independent review, the school will arrange for an independent panel to review the decision of the managing director of education services 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 the managing director of education services of its decision to not reinstate a pupil.

A panel of 3 members will be constituted with representatives from each of the categories below.

- A lay member to chair the panel who has not worked in the education division of the Horizon Care and Education Group.
- Headteachers outside of the school who have served as a headteacher at least 6 consecutive months in the last 5 years.

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

- Are a member of staff from the excluding school.
- Are the headteacher of the excluding school, or have held this position in the last 5 years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the managing director's decision.
- Recommend that the managing director reconsiders reinstatement.

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

Through links with the local communities and families we also have available information on recommended local contacts who may act as translators for pupils and families, if considered appropriate.

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, directors 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 exclusion

Following a fixed-term exclusion, 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 exclusion:

- Agreeing a behaviour contract.
- Putting a pupil 'on report'.
- Internal isolation.
- Staged reintegration plan.

9. Approval

This policy will be reviewed as guidance from the DfE is updated, and as a minimum annually by the headteacher. At every review, the policy will be approved by directors.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy