

Exclusions Policy



Approved by: Governing board	Date: June 2022
Signed by: 	Position: Chair of Governors
Last reviewed: June 2022	Next review due: June 2024

Monitoring arrangements

This policy will be reviewed by the Headteacher every 2 years. At every review, the policy will be approved by the Governing Body.

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1. Aims

The school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and learners
- Learners in school are safe and happy
- Learners do not become NEET (not in education, employment or training)

2. Legislation and 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](#)

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. Inclusion School statement on exclusions

Inclusion School seeks to avoid exclusions. We have the highest concern for safety and wellbeing of each learner and the whole school community and we work to ensure that our learner-centred, positive and proactive approach creates an environment that nurtures learning and wellbeing and reduces the number of exclusions.

Further details of how we use the quality of our relationships, the quality of our provision and the quality of our staff to ensure that learners feel safe, cared for and able to learn can be found in our Behaviour Policy.

Exclusion is a sanction to be used only as a last resort and they take place only for the most serious incidents that lead us to conclude that Inclusion School is no longer able to meet the needs of the learner or is the inappropriate environment for their education.

4. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a learner from Inclusion School, whether fixed term or permanently. 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 Inclusion School's Behaviour Policy, **and**
- If allowing the learner to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a learner, either permanently or for a fixed period, the headteacher will:

- Ensure that the school has undertaken a thorough investigation
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked, for example in the case of peer-on-peer abuse, racial or sexual harassment
- Allow the learner to give their version of events
- Speak with parents/carers
- Consider the special educational needs (SEN) of the learner and other relevant contextual information (for example, whether they are a Looked After Child, a group who is particularly vulnerable)
- Keep a written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

5. Roles and responsibilities

5.1 The headteacher

Uphold confidentiality

The school will deal with all cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

Informing parents

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

- 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'/carers' right to make representations about the exclusion to the governing board and how the learner may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a learner, 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 the governing board and local authority

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

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a learner
- Exclusions which would result in the learner being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the learner missing a public examination

For a permanent exclusion, if the learner lives outside the LA in which the school is located, the headteacher will also immediately inform the learner'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 LA once a term.

5.2 The governing board

The governing board has a duty to consider the reinstatement of an excluded learner (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the relevant Local Authority with information about any exclusions in the last 12 months.

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

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 learner

The governing board 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 learner missing a public examination or national curriculum test

If requested to do so by parents, the governing board will consider the reinstatement of an excluded learner within 50 school days of receiving notice of the exclusion if the learner 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 learner missing a public examination, the Governing Board will consider the reinstatement of the learner before the date of the examination. If this is not practicable, they will consider the exclusion and decide whether or not to reinstate the learner.

The governing board 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 governing board 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.

The governing board will notify, in writing, the headteacher, parents/carers and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents/carers' 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
 - If appropriate, reference to how the learner's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded learner has recognised SEN, parents/carers have a right to require the Local Authority to appoint an 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/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents/carers 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/carers 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/carers apply for an independent review, the Local Authority 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 [the governing board 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 headteacher 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 volunteers
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 year

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

- Are a Trustee of Inclusion Hampshire, 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 Local Authority or school, or the governing board/Trustees, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with Inclusion Hampshire, the Local Authority, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- 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 learner's name from the register.

Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where an excluded learner is not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a reintegration meeting will be held involving the learner, parents/carers, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a learner returns from a fixed-term exclusion:

- Agreeing a review of a learner's Ambitions & Intentions
- Agreeing a behaviour contract
- Identifying additional support to prevent future occurrences
- Additional time with Mental Health & Wellbeing Practitioner

10. Monitoring arrangements

The Headteacher monitors the number of exclusions every term and reports back to the Governing Body. The Headteacher also liaises with the local authority to ensure suitable full-time education for excluded pupils.

11. Links with other policies

This policy is linked to our:

- Behaviour Policy