



Exclusion Policy October 2016



Our Vision

Everyone loves learning and succeeds without limits

Our Values

We show **respect**

We are **kind**

We are **resilient**

We are **responsible learners**

We **work as a team**

We are **aspirational**

Our aims

Help all children achieve their full potential

Teach a curriculum that is challenging and fun

Provide a safe and nurturing environment

Encourage children to understand themselves and others

Inspire children to be the best they can...

Adopted by Staff and Governors
October 2016

Next Review date: October 2017

When is exclusion appropriate?

A decision to exclude a child for a fixed period or permanently should only be taken:

- In response to serious breaches of a school's discipline policy.
- If a range of alternative strategies (using the Formal Sanctions Procedure has been tried and the unacceptable behaviour continues to present itself.
- If allowing the pupil to remain in class would seriously harm the education and welfare of the pupil or other members of the school community.

Only the Headteacher can exclude a child from the school. In the Headteacher's absence, authority is delegated to the Assistant Headteacher.

Before the decision to exclude is taken the Headteacher (or Assistant Headteacher) will take the following steps

- Take time to consider all relevant facts
- Allow the pupil(s) concerned to give their version of events
- Check whether an incident appeared to be provoked by racial, verbal, emotional or physical harassment.

There are **3 types of exclusion**, these are;

Fixed term for 15 school days or less.

If your child is excluded for 15 days or less there is no legal right of appeal.

However, the Governing Body has a duty to listen to any representation a parent may wish to make, although they cannot overturn any exclusion of less than 6 days.

Fixed term for 16 - 45 school days

For fixed term exclusions exceeding 15 days and permanent exclusions, the clerk to the governors must convene a meeting to consider the exclusion. (Including any amalgamation of more than 15 day exclusion in any term). The school remains responsible for setting and marking work during the exclusion process. When exclusions exceed 15 school days the LA will liaise with the school to ensure educational provision is being provided, and will assist with these arrangements if necessary.

Permanent

A permanent exclusion means that a child is not anticipated to return to that school. During an exclusion of any length it is important that the child does not go onto the school site **at any time**, unless invited to for a Meeting.

A decision to exclude a pupil permanently should be taken only

- in response to serious breaches of the school's behaviour policy
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. Permanent exclusion will usually be the final step in the disciplinary process.

However, there will be exceptional circumstances when a pupil may be excluded for a first or one off offence such as violence, sexual assault, supplying an illegal drug or carrying an offensive weapon.

What happens when a decision is made to exclude a pupil?

After the decision is taken to exclude (**fixed term of 15 days or less**) the Headteacher will:

- Notify the parents immediately, ideally by telephone and send a letter within one school day.
- Inform the LGB and the LEA immediately if the exclusion means that in total the pupil has missed more than 5 school days in a term or will miss a public examination.

- Collate all the relevant evidence

After the decision is taken to exclude (**fixed term more than 15 days, or an aggregate of more than 15 days in any one term**) the Headteacher will:

- Notify the parents immediately, ideally by telephone and send a letter within one school day.
- Inform the LGB and the LEA immediately
- Collate all the relevant evidence

After the decision is taken to **permanently** exclude after consulting with the Chair of Governors the Headteacher will:

- Notify the parents immediately, ideally by telephone and send a letter within one school day.
- Inform the LGB and the LEA immediately if the exclusion means that in total the pupil has missed more than 5 school days in a term or will miss a public examination.
- Complete and collate all relevant evidence, including a PEX form.

Parents have the right to appeal against the decision to exclude the child if the child is excluded for more than 5 days. Parents should contact the school and ask to speak to the Clerk to Governors.

Responsibilities of school and parents following an exclusion

Parents should be informed immediately, ideally by phone followed by a letter within one school day. The letter will set out the reason for and length of the exclusion and how parents can access advice.

In addition it will explain:

- Parents have a duty to ensure their child is not present in a public place in school hours during an exclusion of up to five days in length.
- Work will be set by the school for a pupil to complete at home during an exclusion of up to five days in length.
- The school will be responsible for providing full time education off site from the sixth day of any fixed period exclusion and the Local Authority from the sixth day of any permanent exclusion.
- A re-integration interview with parents will be arranged following the expiry of any fixed period exclusion of a pupil.
- How parents can make representations to the governors of the school who have a duty to review exclusions.

In all cases, headteachers should keep a written record of their actions.

How are exclusions reviewed?

There are different rights for specified periods of exclusions:

- 0.5 - 5 days - The governing body are not required to meet but must consider any representation made by parents.
- 5.5 - 15 days - The governing body must meet to review the exclusion but only if requested to do so by a parent.
- Exclusions totalling over 15 days in one term and permanent exclusions - The governing body must meet to review these exclusions between the 6th and 15th day after notification of the exclusion.

Who attends these meetings?

- There are usually a minimum of 3 governors representing the governing body who have had no involvement with the incident that has taken place.
- A clerk to take notes and advise the governors on procedures.

- The headteacher
- Witnesses, if appropriate
- Parents and pupil can attend and are encouraged to do so, but the meeting for longer fixed period exclusions and permanent exclusions must take place whether a parent attends or not. Parents can be accompanied at the meeting.

What happens at the meeting?

The headteacher first presents the case for exclusion and can be questioned by parents and governors. Parents then present their case and in turn can be questioned by the headteacher, and governors. After both sides have been given a further opportunity to sum up their case, everyone leaves the governors to consider the evidence and make their decision.

What decision can the governors make?

There are only two decisions open to the governing body

- To uphold the exclusion or
- Direct the pupil's reinstatement either immediately or by a particular date.

For exclusions of fewer than five days in one term, the governing body cannot direct reinstatement but instead they can place a copy of their findings on the pupil's school record. If the governing body uphold a permanent exclusion, then parents are advised of a right to independent appeal at which the exclusion will be reviewed again.

Independent Review Panels

Under the arrangements introduced in February 2015, the process for challenging a school's decision to permanently exclude a pupil changed. The system of independent appeal panels was replaced by independent review panels.

Where requested by a parent, an SEN expert will be appointed by the academy trust to advise the independent review panel.

The independent review panel is able to uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider will be limited to circumstances where a panel decides that the school has acted illegally, irrationally or in a procedurally flawed manner.

Where a governing body decides not to reinstate a pupil following a direction from a panel to reconsider its decision, the panel will be expected to require an adjustment to a school's budget/payment of £4,000 towards the cost of alternative provision.

Where a parent alleges discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, they will also be able to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

This policy should be read in conjunction with the following school policies: Behaviour, Anti-Bullying and Anti-Discrimination.

Signed: _____ (Headteacher)

Signed: _____ (Chair of governors)