



# **The Pines Primary School**

## **Exclusions Policy**

Policy Name	Exclusions Policy
Person Responsible	Headteacher
Reviewed By	Governing Body
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## 1. Aims

Our school aims to ensure that:

- the exclusions process is applied fairly, consistently and only as a last resort;
- the exclusions process is understood by governors, staff, parents/carers and pupils;
- pupils in the school are safe and happy.

## 2. Legislation and statutory 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](#) and Sections 64-68 of the [School Standards and Framework Act 1998](#).

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' and
- 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](#).

This policy complies with our funding agreement and articles of association.

## 3. Definition

'Excluded' status is not the same as short-term isolation or removal from mainstream lessons. Exclusion is noted on a pupil's 'record' and has to be reported on transfer to other schools. It can be for a fixed term or permanent (please see below).

**Fixed term exclusion** is a serious sanction and can be given for a period of 1 – 5 school days depending on the seriousness of the incident. In exceptional circumstances, a pupil could be fixed term excluded for more than 5 days, but the school would make education provision from the 6th day of exclusion. 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.

A fixed-term exclusion can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be excluded from the school premises for the duration of the lunchtime period. The legal requirements relating to exclusion, such as the Headteacher's duty to notify parents, apply in all cases. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered.

Following a fixed term exclusion, parents/carers are invited to a re-admission meeting before a pupil is reinstated in mainstream lessons. However, where a parent/carer refuses to come to a meeting, the school would not further punish the pupil for that parents'/carers' action.

The kinds of behaviour that could result in an exclusion are:

- stealing;
- causing damage to the school environment and property of The Pines/members of its community;
- verbal/physical abuse including racial, sexist, religious and homophobic abuse towards pupils/staff;
- despite all sanctions, persisting to demonstrate a blatant disregard of The Pines Code of Conduct and behavioural expectations;
- extreme defiance towards school staff;
- being caught in possession of alcohol, weapons or illegal substances;
- tampering with fire safety equipment;
- bringing the school into disrepute.

Permanent exclusion (from the mainstream setting at The Pines Primary School) means a decision has been made by the Headteacher to exclude a pupil permanently from the school. A permanent exclusion can be issued as a last resort following a significant and extreme one-off event or in response to a culmination of behaviours (for example dangerous, disruptive and defiant behaviour described above in non-exhaustive lists) and where allowing the pupil to remain in the school would seriously undermine the learning and safety of members of the school community. This may include, but is not limited to the following behaviours to be considered on a case by case basis:

- significant theft/environmental damage;
- repeated defiance towards members of staff and deliberate flouting of school expectations, despite sanctions and support;
- persistent/extreme disruption to pupils' learning;
- persistent/extreme verbally abusive/threatening behaviour towards a pupil/adult;
- malicious behaviour/damage intended to undermine the safety of the school community;
- persistent bullying behaviour, including racial, sexist, religious and homophobic abuse towards pupils/staff, despite sanctions and support;
- carrying/using a weapon; possession/use of illegal substances on school premises;
- significant physical assault/injury against a pupil/adult;
- sexual misconduct towards a member of the school community; and
- criminal behaviours.

This could mean that any of the following could result in:

- permanent exclusion could be avoided because the school, the LA and parents/carers agree a managed move to another school using the Managed Move Protocol;
- the pupil's case could be referred to the County Inclusion Support Service to determine an education placement outside of the school;
- the school could provide an alternative education via an IAEP (Individual Alternative Education Plan) and EIO (Education Inclusion Officer).
- This may be provided on or off site (the provision will be designed and reviewed in partnership with the EIO and will take into account the educational needs of the pupil and what is practicable and possible to deliver); and,
- permanent exclusion from The Pines Primary School.

## **4. The decision to exclude**

Only the Headteacher, or acting Headteacher, can exclude a pupil from the school.

A decision to exclude a pupil will be taken as a last resort and only:

- in response to serious or persistent breaches of the school's Behaviour and Discipline Policy; and
- if allowing the pupil to remain in the school would seriously harm the education or welfare of others.

Before deciding whether to exclude a pupil, either for a fixed period or permanently, 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);
- review previous involvement of the school's Learning Support Teams and if there has been an Early Help Assessment completed and strategies deployed; and
- consider who else might need to be consulted (for example SENCo, ESLAC teachers, social worker, designated safeguarding lead).

## **5. Roles and responsibilities**

### **5.1 The Principal**

#### **Informing parents/carers**

A senior member of staff will contact parents/carers as soon as the decision to exclude has been made by the Headteacher. Within 24 hours, this will be followed up with a letter to the parents/carers of an excluded pupil in which the following information will be included:

- 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 pupil may be involved in this; and
- where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents/carers 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/carers 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/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers 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/carers 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; and
- any information required by the pupil/parent/carers 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'/carers' consent.

### **Informing the governing body and local authority**

The Headteacher will immediately notify the governing body and the local authority (LA) of:

- a permanent exclusion;
- exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term; and

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 governing body and LA once a term.

## **5.2 The governing body**

Responsibilities regarding exclusions are delegated to a Discipline Committee consisting of at least 3 governors.

The Discipline Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing body 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, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

### **5.3 The LA**

For permanent exclusions, the school 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 Discipline Committee 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;

If requested to do so by parents/carers, the Discipline Committee will consider the reinstatement (it would not be possible to reinstate as the exclusion will have long passed – all governors can do is decide whether or not they believe the exclusion was appropriate, and if they feel it was not then a letter stating that should be sent to parents and put into the pupil's file) 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 Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Discipline Committee will consider the exclusion and decide whether or not to reinstate the pupil. The Discipline Committee can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, a Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed his/her 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 Discipline Committee will notify, in writing, the Headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, a Discipline Committee'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;
  - 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;
  - that, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the Anglian Learning Trust 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/carers 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/carers 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 Anglian Learning Trust will arrange for an independent panel to review the decision of the governing body 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/carers by the Discipline Committee 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 volunteer.

- 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 years.

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

- are a member/director of the Anglian Learning Trust, or governing body 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 Anglian Learning Trust, or the governing board, of the excluding school (unless they are employed as a Headteacher at another school);
- have, or at any time have had, any connection with the Anglian Learning Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality; and
- have not had the required training within the last 2 years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the governing body's decision;
- recommend that the governing board reconsiders reinstatement; or
- 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/carers 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/carers 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 body 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/carers, a senior member of 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
- Monitoring a pupil's behaviour 'on report'
- Arranging for a period of internal isolation, including social times
- Additional 'bespoke' reintegration support
- Modifying curriculum arrangements
- Instigating Alternative Provision through an IAEP (Individual Alternative Education Plan) in partnership with the Education Inclusion Officer (EIO).

## **10. Monitoring arrangements**

The Senior Leadership Team monitors the number of exclusions every term and reports to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

## **11. Links with other policies**

This Exclusions Policy is linked to the following additional documentation:

- Behaviour and Discipline Policy;
- SEN Policy;
- Equalities Policy; and
- the County Inclusion Service.

**Appendix 1: Standard Fixed Period Exclusion Letter (up to and including 5 days in any 1 term)**

Square bracket sections to be included/omitted as appropriate

Dear (Mr and Mrs Smith)

***James Smith***

I am writing to inform you of my decision to exclude (James) for a fixed period of ..... days. He has been excluded for the following reasons:

.....  
.....

We have taken the following steps to try to avoid this exclusion:

[This brings the total days excluded this term to .....]

This means that (James) should not attend school until .....

[We are aware of (James') SEN. The following steps have been taken to make reasonable adjustments for this – include if appropriate .....]

I will arrange for (James) to have school work during his exclusion and for this work to be marked. Please contact [.....] regarding these arrangements.

[You are invited to a meeting to discuss how James will be supported on his return to school on ..... at .....]

You have a right to make written representations to the Discipline Committee of the governing body. If you wish to make representations you should contact The Clerk to The Governors Discipline Committee at the school.

You may see your child's school records in advance of any meeting of the Discipline Committee. If you do wish to view them, please contact the school office who will be able to make the necessary arrangements.

[You should also be aware that if you think the exclusion relates to your child's SEN or a disability your child has, and you think that discrimination has occurred, you have the right to appeal to the First-tier Tribunal (for disability discrimination), or to a County Court (for other forms of discrimination.)]

I must further advise you that during the period for which your child is excluded you are responsible for ensuring that he/she is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £50 issued by the Local Authority.

A Local Authority Officer with responsibility for exclusions who can provide you with advice on the exclusions process is: .....

The Children's Legal Centre also has a helpline on 0808 802 0008 or [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com). The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January.

Yours sincerely

Headteacher

cc. Chair of Governors