

# EXCLUSIONS POLICY

## Contents

1. Aims .....	2
2. Legislation and statutory guidance.....	2
3. The decision to exclude .....	2
4. Definition .....	3
5. Roles and responsibilities .....	3
6. Considering the reinstatement of a pupil.....	4
7. School registers.....	6
8. Returning from a fixed-term exclusion.....	6
9. Monitoring arrangements .....	6
10. Links with other policies .....	6

## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

## 2. Legislation and statutory guidance

This policy is based on the 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
- 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'
- 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

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

3.2 We are committed to following all statutory exclusions procedures.

3.3 Fixed term exclusions will be used where

- there is a serious misbehaviour in breach of the School's behaviour policy e.g. physical violence, bullying, abuse of teachers, smoking, damage to school property, or
- where the pupil repeatedly breaches the School's behaviour policy, or
- where a pupil fails to follow the behavioural guidelines of the School's inclusion centre, and
- no other sanction is considered suitable

### 3.4 Permanent Exclusions will be used where

- there is serious misbehaviour in breach of the School's behaviour policy e.g. assault of a staff member, pupil or member of the public, carrying and/or using a weapon, carrying, using or selling drugs, bullying, or
- in response to repeated breaches of the School's behaviour policy, and
- no other sanction is deemed suitable, and
- where allowing the pupil to remain in School would seriously harm the education or welfare of the pupil or others in the school.

### 3.5 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 the special educational needs (SEN) of the student

## 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

- **Making the decision to exclude**
- **Informing parents**

The headteacher will 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 governing board and how the pupil may be involved in this
- if there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, that this is the case, and that the parents have a right to be represented at that meeting (at their own expense)

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

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

- a permanent exclusion, including when a fixed-period exclusion is made permanent
- exclusions which would result in the pupil being excluded for more than 15 school days 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 inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will inform the governing board and LA once a term.

## **5.2 The governing body**

- Responsibilities regarding exclusions is delegated to Exclusions Panel of the governing body (The Exclusions Panel) consisting of at least 3 governors (excluding staff governors).
- The Exclusions Panel has a duty to consider the reinstatement of an excluded pupil (see section 6).
- Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any exclusions in the last 12 months. The governing body have delegated this task to the headteacher.

## **6. Considering the reinstatement of a pupil**

6.1 The Exclusions Panel 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

6.2 If requested to do so by parents, the Exclusion Panel 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.

6.3 In the case where the exclusion would result in a pupil missing a public examination, and it is not practicable for the Exclusion Panel to meet prior to the exam, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

6.4 The Exclusions Panel of the governing body can either:

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

6.5 In reaching a decision, the Exclusions Panel of the governing body will consider

- whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties.
- the evidence provided and 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'.

6.6 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.

6.7 Exclusions Panel will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision.

6.8 Where an exclusion is permanent, the Exclusions Panel decision will also include in their notification to parents 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 special educational needs (SEN) are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA 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 must make clear if they wish for an SEN expert to be appointed in any application for a review that parents 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 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. 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 Exclusions 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 headteacher will wait until that review has concluded before removing a pupil's name from the register.

## **8. 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'

## **9. Monitoring arrangements**

The School monitors the number of exclusions every term and reports to the full governing body each term.

This policy will be reviewed and approved by the headteacher and the governing body annually.

## **10. Links with other policies**

This exclusions policy is linked to our:

- Behaviour policy
- SEND policy and SEND Information Report