

EXCLUSION POLICY

This document should be read and understood with reference to the following documents:

School policies:

- Accessibility Plan
- Anti-Bullying Policy
- Behaviour Policy
- Physical Intervention Policy
- Safeguarding and Child Protection Policy
- Single Equality Policy

UK Government, Department for Education and Local Authority guidance:

- Equality Act (2010)
- [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A guide to those with legal responsibilities in relation to exclusion \(DfE September 2017\) \(App 1\)](#)
- [SEND Code of Practice](#)
- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 as amended in 2014
- Local Authority model letters and forms for school use

PRINCIPLES

- Christ Church Primary School is committed to valuing diversity and equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect and feel able to contribute to the best of their abilities.
- The Governing Body recognises that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age or sexual orientation. It is the governors' aim that no one at the school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.
- We aim not to exclude and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour and we strive to never 'give up' easily on a child as we recognise that each person has a unique contribution to make to the school life and we want to support them to achieve this.
- A decision to exclude a pupil, whether for a fixed-period or permanently is seen as a last resort by the school. The physical and emotional health of our children and our staff is a primary concern and we therefore accept that in some rare situations, exclusion may be necessary if all other strategies have been exhausted.

THE POLICY AND ITS AIMS

- The school's policy is based on the statutory guidance issued by the Department for Education (DfE): [Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A guide to those with legal responsibilities in relation to exclusion \(DfE September 2017\) \(App 1\)](#). This comprehensive document can be reached by clicking on the link or alternatively, can be obtained in hard copy from the school office.
- The DfE guidance is a comprehensive document which covers the law in relation to exclusions, the responsibilities of the various parties involved, together with the procedures to be followed, in which order and by whom.

- This aim of this policy is not to set out in great detail the information that is contained within that document but more to address the key points that parents and pupils should be aware of in the event of a child being excluded together with the responsibilities of the head teacher, the governing body, parents and pupils, and the local authority
- Annex C the DfE guidance is intended to provide a guide to parents on exclusions and to help parents understand the process.
- Parents and pupils are encouraged to approach the school directly if they do not understand any part of the process or have any questions regarding the contents of this policy.

KEY POINTS:

- Only the head teacher can exclude a pupil and can only exclude them on disciplinary grounds. As already stated, exclusion is viewed as a last resort after all fair and reasonable steps have been taken to intervene and support a pupil as well as to explore and address the many issues that might be significantly contributing to their poor behaviour, including those outside of school.
- These may include well known and long term issues related to a pupil's specific educational needs or other problems within school but might equally be due to recent events; such as bereavement, mental health issues or incidents of bullying, of which the school were unaware.
- The school may seek to identify the provision of any external support that might be available in certain circumstances. At all stages, the school will endeavour to work proactively with parents and external agencies to address the behavioural issues that could ultimately lead to an exclusion.
- In some instances it may be agreed (in partnership with parents, the local authority and external experts) that the pupil would benefit from an alternative placement for a period of time, but which might have to be preceded by fixed-term exclusion whilst that provision is being arranged. Please note however, that the head teacher has the power to send a pupil to another education provider at a different location without the parents having to agree but would always prefer that agreement can be reached in the best interests of the pupil concerned.
- Whilst the decision to exclude is for the head teacher, they should where practicable, give the pupil an opportunity to present their case before taking the decision.
- The behaviour of a pupil outside school can be considered grounds for exclusion.
- The decision to exclude a pupil must be lawful, reasonable and fair and are outlined in significant detail in the DfE guidance.
- 'Informal' or 'unofficial' exclusions such as sending a pupil home 'to cool off' are unlawful, even if the parents are in agreement.
- Any exclusion must be recorded and a pupil may be excluded for one or more fixed-periods (up to a maximum of 45 school days in a single academic year), or permanently.
- A fixed-period exclusion does not have to be for a continuous period (i.e. it could be for part of the school day such as lunch time) but the same legal requirements apply to all exclusions and must still be included in any records regarding the total number of school days missed. Lunch time for example counts as half a day and must be recorded as such.
- Schools should have in place a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.
- A decision to exclude a pupil permanently should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy and, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other in the school.

RESPONSIBILITIES:

Head teacher:

- The head teacher should ensure that they are familiar with the contents of the DfE guidance and their legal duties as outlined in that document.

- The head teacher must take account of their legal duty of care when sending a pupil home following an exclusion.

The head teacher's duty to inform parents:

- Where the head teacher has decided that either a fixed-period or permanent exclusion is necessary, s/he is required to provide parents with the following information in writing, delivered to their last known address (either by hand or post or electronically, where parents have given their written consent for this to be done):
 - the reason(s) for the exclusion
 - the terms of a fixed-period exclusion or, where applicable, that it is a permanent exclusion
 - full information on the parents' right to make representation to the governing body, the steps that must be followed in so doing and how the pupil might be involved in this process
 - where there is a legal requirement for the governing body to consider the exclusion (see section below on the 'Responsibilities of the governing body'), that parents have a right to attend that meeting, to be represented at the meeting (at their own expense) and to bring a friend
- As well as fulfilling the legal obligation to provide this information in writing when the child's exclusion begins, the head teacher will try, whenever possible, to contact parents personally in advance in order to give them the opportunity to ask questions or raise concerns directly.
- Where the excluded pupil is of compulsory school age, the head teacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. Parents who fail to comply with this duty without reasonable grounds are committing an offence and may be given a fixed penalty notice or be prosecuted. The head teacher must notify the parents on the days on which this duty applies without delay and, at the latest by the end of the afternoon session.
- In addition, where the decision has been taken to find alternative provision then the following information must also be included:
 - the start date for any provision of full time education that has been arranged for the pupil during the exclusion
 - 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 to identify the person they should report to on the first day
- However, where the information regarding any alternative provision is not available by the end of the afternoon session, it can be provided in a subsequent notice but no later than 48 hours before the provision is due to start. The only exception to this time scale is where the alternative provision is due to start before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice.

The head teacher's duty to inform the governing body and the local authority about an exclusion

- The head teacher must, without delay, notify the governing body and the local authority of:
 - any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
 - any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term
 - any exclusion which would result in the pupil missing a public examination or national curriculum test
- The head teacher must also notify the local authority and governing body once per term of any other exclusion not already notified, including the reason(s) for the exclusion and the duration of any fixed-period exclusion.
- For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

Governing Body

Responsibility to arrange for the education of excluded pupils

- For a fixed-period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion.
- Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period exclusion or more than one fixed-period exclusion.
- It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion.
- Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

The governing body's duty to consider exclusion

- At our school, the full governing body will appoint, as required, an 'Exclusion Committee' of at least 3 governors who will carry out the government duties as laid down by the DfE.
- There are certain circumstances under which the governing body must legally consider the reinstatement of an excluded pupil within 15 school days of receiving notice, which are if:
 - the exclusion is permanent
 - it is a fixed-period 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 (in which case the governing body should make every effort to consider the decision before the date of the examination or test)
- However, the governing body are also required to consider an exclusion that does not meet the above criteria (i.e. more than 5 days but less than 15 days in a term) should the parents of the pupil concerned make representations. Where this does occur the governing body has up to 50 school days to consider whether the pupil should be reinstated.
- [Annex A to the DfE guidance](#) (page 47) provides a clear illustration of this process and section 6 of this document lays out in great detail the procedures that must be followed in this process.
- Where legally required to consider reinstating an excluded pupil, the governing body must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay.
- Where the pupil resides in a different local authority area from the one in which the school is located, the governing body must also inform the pupil's 'home authority'.
- In the case of a permanent exclusion where the governing body decides not to reinstate the pupil, the governing body must also advise parents that they have the right to ask for their decision to be reviewed by an independent review panel (which will be arranged by the local authority) together with all the information they need to make their application for an independent review. In addition to the right to apply for an independent review, if parents believe that there has been unlawful discrimination in relation to the exclusion, then 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.

The governing body's duty to remove a permanently excluded pupil's name from the school register:

- The governing body must ensure that a pupil's name is removed from the school admissions register if:
 - 15 school days have passed since the parents were notified of the governing body'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 panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

Local authority

Duty to arrange educational provision after a permanent exclusion

- For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.
- This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.
- In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement
- The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

Duty to arrange an independent review panel

- If applied for by parents within the legal time frame, the local authority must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.
- The legal time frame for an application is:
 - within 15 school days of notice being given to the parents by the governing body of its decision not to reinstate a permanently excluded pupil, or
 - where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion
- Any application made outside of the legal time frame must be rejected by the local authority.
- The local authority must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.
- Parents may request an independent review panel even if they did not make representations to, or attend the meeting at which the governing body considered reinstating the pupil.
- The local authority must take reasonable steps to identify a date for the review that all parties, and any expert appointed to give advice in person, are able to attend. However, the review must begin within 15 school days of the day on which the parents' application for review was made.
- The local authority is responsible for arranging the meeting and must follow the steps outlined in the DfE guidance, which includes when and how parents will be kept informed of the process and the role of any experts.
- Following the meeting of the independent review panel, if the panel upholds the governing body's decision, the clerk to the panel will immediately inform the local authority, the parents and the governing body.

- However, should the panel direct or recommend that the governing body reconsider their decision, the governing body must meet again within 10 school days of being given notice of the panel's decision. Full guidance regarding this process can be found in the DfE document.
- This reconsideration provides an opportunity for the governing body to look afresh at the question of reinstating the pupil, in the light of the findings of the independent review panel.
- Any decision by the governing body to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record.
- The governing body's decision should demonstrate how they have addressed the concerns raised by the independent review panel and this should be communicated in standard English for all parties to understand.

REINTEGRATION MEETING:

- Depending on the length of time or reasons behind a fixed-period exclusion, parents and pupils may be asked to attend a reintegration meeting to discuss the way forward and the steps that all involved will be taking to support the pupil, to encourage a successful reintegration into school life and ways to manage the behaviour that was the cause of the exclusion in the first place.

EXCEPTIONAL CIRCUMSTANCES

- There may be occasions when the time frames within which review panels (be they by the governing body or by the Local Authority Independent Review Panel may have to be altered or panels may have to be held remotely.
- Where this is the case, the school will issue an addendum to this policy, which will be publicised, either on the school website or available in hard copy from the school office. Parents of any child who is excluded will also be notified.

Policy review:

- This policy will be reviewed every three years or earlier if required by any change in legislation.

Date ratified	21/04/21
Date to be reviewed	April 2023
Ratified by	Head Teacher