



Exclusions Policy.

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Contents

1. Aims	2
2. Legislation and statutory guidance	2
3. The decision to exclude	3
4. Definition	3
5. Roles and responsibilities	3
6. Exclusion procedures	4
7. Appeals	5
8. Monitoring arrangements	8
9. Links with other policies	8

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
- › Pupils do not become NEET (not in education, employment or training)

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

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

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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 the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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 if the pupil has special educational needs (SEN)

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

Informing parents

The headteacher will immediately 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
- How any representations should be made
- Where 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, 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 required to ensure that their child is not present in a public place during school hours without a good reason.

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
- Where the provision will take place

Informing the governing board and local authority

The headteacher will immediately notify the governing board of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days) in a term

The Headteacher will also notify the relevant Local Authority of a permanent exclusion.

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

5.2 The governing board

Where parents request an appeal, two members of the governing board and the independent Panel member should consider any representation(s) about an exclusion made by the parents of the excluded pupil.

6. Exclusion procedures

A formal meeting should always follow where the headteacher has identified a case for which permanent exclusion is a possible outcome.

Preparation for the meeting

The Head should convene a meeting to consider the matter and invite the pupil and his/her parents to attend the meeting. The Chair of the Governing Board should also be kept informed (but should not take part in the process). Prior to the meeting, certain documents should be made available to the pupil (as appropriate to their age and understanding) and their parents, wherever possible. These documents may include, but are not limited to:

- a statement setting out the points of concern;
- any written witness statements;
- notes of the evidence in support of the concerns;
- the relevant school policies and procedures;
- any investigation report if appropriate.

Due regard must be had to confidentiality owed to other pupils and/or families and compliance with the school's data protection obligations. Documents may therefore require redaction or a summary provided instead. Any written submission provided by, or on behalf of the pupil, should be passed to the Head before the disciplinary meeting. We recommend at least one full working day before the meeting to allow sufficient time for the Head to review.

The pupil should be in attendance throughout the disciplinary meeting and may be accompanied by a trusted adult (which may be a member of staff). The pupil's parents may similarly be accompanied, should they wish. Legal representation is not appropriate and should not be permitted. [Parents may take their own notes of the meeting but electronic recordings should not be permitted.] The Head should be informed of all attendees at least 24 hours before the disciplinary meeting.

Proceedings

The process to be followed at the disciplinary meeting shall be determined by the Head but should be as informal as possible. The meeting will be conducted in a manner appropriate to the age, understanding and maturity of the pupil/s involved, taking into account any additional needs of the pupil/s in all circumstances. Notes should be taken by the school during the disciplinary meeting. The meeting should be followed up in

writing, to confirm what was discussed. A copy of the notes can be provided to the parents, if they request this.

The pupil should have an opportunity to provide their account and both the pupil and his/her parents should be able to ask questions. The pupil/parents should also be able to address the Head on the issue of sanctions.

If the Head considers that further investigation is needed, the disciplinary meeting may be adjourned, and the reason for this adjournment should be explained to the pupil and their parents. If an adjournment is not necessary, the Head should communicate their decision in writing as soon as reasonably practicable following the meeting and in accordance with any timeframe(s) set out in school policies. The Head should include the reasons for their decision and the appropriate sanction. The pupil's previous disciplinary history may be taken into account, when reaching a decision.

Due regard must be had to any SEND the pupil may have and whether this may have contributed to the misconduct in question. Consideration must also be had to the school's obligations under the Equality Act 2010 where the pupil may be considered as having a disability.

Leaving status

If the Head decides that a pupil should leave the school, the pupil's parents may be consulted to determine the appropriate leaving status for that pupil (i.e. permanent exclusion, required removal or voluntary withdrawal by the parents). There is no obligation on the Head to consult with parents. If the decision is made by the parents to withdraw the pupil, there should be no right to appeal.

Pupils who have permanently left the school, irrespective of leaving status, should not be permitted to reenter school premises without prior consent from the Head.

The school may make arrangements for the transfer of any course and project work to either the leaving pupil, the parents or to another school.

Decision letter

The Head's decision letter should make clear to parents the disciplinary sanction that has been applied, the reasons for the decision (with reference to appropriate school policy and/or the terms of the contract, where applicable) and any right of appeal and how parents may exercise this.

Where a pupil is permanently excluded, the sanction that will be applied to the pupil will be that of a permanent exclusion. This means that the pupil is permanently excluded unless and until the decision is overturned (such as following a review by a Stage 3 Panel on appeal). This means that the excluded pupil will not be allowed back into school unless the permanent exclusion is reversed.

7. Appeals

Appeal Hearing

An appeal process is available to parents of a permanently excluded pupil or where the pupil is required to leave the school. The right to appeal does not extend to fixed term exclusions (whether pending an investigation or as a sanction) or where the pupil is withdrawn by the parents. The School will use the final (panel) stage of their Complaints Procedure (Stage 3).

If parents wish to appeal the Head's decision to exclude/require removal, DCHS recommends that parents must do so within 72 hours of the Head's decision. This supersedes the timeframes provided for in the Complaints Procedure as it relates to appeal against the permanent exclusion/required removal of a pupil.

If the School receives a request outside the specified period is not obliged to arrange an appeal, but it is recognised that there may be exceptional circumstances where an appeal may be accommodated.

Request for review

Upon notification of the Head's decision to exclude or require a pupil to leave the School, parents may wish to appeal the Head's decision and request a Panel hearing under Stage 3 of the Complaints Procedure. The process set out in the Complaints Procedure must be followed.

An application should be received by the Clerk to the Governing Board within 72 hours of the decision being notified to the parents and clearly set out the grounds on which parents are asking for a review and the outcome that they seek.

Review hearing (under Stage 3 of the Complaints Procedure)

The review should be undertaken by two members of the governing board and at least one person that is independent of the School. None of the panel should have detailed prior knowledge of the case. Parents should be notified in advance of the names of the members making up the review panel. The meeting should take place at the School premises and within the timeframes set out in the school complaints policy.

A review meeting is an internal procedure and all those involved, or who are concerned in the procedure, should be reminded to keep its proceedings confidential. Those present at the hearing will usually be:

- members of the review hearing and the Clerk to the governing board;
- the Head and any relevant members of staff whose presence the Head considers to be necessary to secure a fair outcome for the pupil; and
- the pupil (where appropriate)
- the pupil's parents and, if they wish, the parents may be accompanied by a friend or relation who is not legally qualified.

Conduct of the review hearing

The process of conducting a Panel Hearing is set out in the complaints procedure. In addition to ensuring compliance with their own complaints procedure, the School will also ensure the following arrangements are in place:

- The review hearing should be chaired by one member. As with the disciplinary meeting, the hearing should be conducted in an informal, non-adversarial manner appropriate to the age, understanding and maturity of the pupil involved, taking into account any additional needs of the pupil in all circumstances.

- Someone should be asked to take minutes of the hearing. This will usually be the Clerk.

A copy of the minutes can be provided to the parents after the meeting, if the parents so request.

- Parents may take their own notes of the meeting but electronic recordings should not be permitted.
- The Chair of the Panel should ensure that all those present have the opportunity to ask questions and make appropriate comment.
- The Chair of the Panel may at his/her discretion adjourn or terminate the hearing. If the hearing is terminated without a conclusion being reached, the original decision of the Head will stand.

Decision

The Panel will consider the grounds for the review and may decide to either:

- uphold the decision of the Head and, if minded to do so, with agreement of the Head, discuss the pupil's leaving status (i.e. permanent exclusion, required removal, or withdrawal) with a view to reaching an agreement; or
- if they wish, recommend the decision of the Head to be reviewed and, if minded to do so, recommend the Head reviews their decision including recommending an alternative sanction.

The decision should be notified, together with the reasons for the decision, to the parents by the Chair of the review hearing in writing within the timescales set out in school policy.

Confidentiality

All those participating in the application of this policy including parents and pupils are required to keep all statements, correspondence, notes and documents confidential except where legally required to disclose them.

Responsibilities of the school

The procedures followed will ensure fairness and openness in the handling of exclusions. The school will follow this guidance and individual school policies and ensure compliance with their Terms and Conditions.

Role of the Governing Board

Where parents request an appeal, two members of the LGB and the independent Panel member should consider any representation(s) about an exclusion made by the parents of the excluded pupil.

The panel's decision

As noted above, the Panel may decide to uphold an exclusion or recommend reconsideration by the Head. Only in very rare circumstances may a Panel decide to overturn the Head's decision and order reinstatement (either immediately or by a particular date). The Panel must inform the parent and the Head of their decision, in writing without delay and within the timescales set out in school policy, stating their reasons. A note of the Panel's decision should be placed on the pupil's school record with copies of relevant papers.

Role of the Clerk to the Governing Board

The panel may appoint a Clerk. The Clerk should not be a member of the governing body. The role of the Clerk is to handle the administrative arrangements for considering exclusions. The Clerk should not contribute to the meeting other than in an administrative capacity.

Deleting a pupil from the school roll

Where a pupil is permanently excluded or is required to leave, the pupil should not be removed from the roll until such time as the timeframe for appealing the Head's decision has passed and/or the outcome of any Panel review is known. This is important because a pupil can only lawfully be deleted from the admission register on the grounds prescribed in the Education (Pupil Registration) (England)

. These Regulations list the limited lawful grounds for removing a pupil from the roll. These include:

- The pupil has been registered at another school (unless it is agreed that the pupil should be registered at more than one school)
- The pupil is registered at more than one school, but has ceased to attend the school in question and a school at which the pupil is registered has given consent to the removal
- Written notification has been received from the parents that the pupil will be receiving education

otherwise than at school

- The pupil has been permanently excluded
- The pupil, who is not of compulsory school age, has ceased to attend the school

Remedies after the panel's decision

There are various courses of action disgruntled parents could take if they are unhappy with the decision to exclude and/or the management of the exclusions process. By way of example, these could include:

1. A complaint to the Department for Education, ISI and/or Ofsted if parents consider there are whole school issues that have not been addressed.
2. Breach of contract – if parents believe the school has acted in breach of the Terms and Conditions of the contract
3. Equality Act 2010 claim – if parents are of the view the decision is discriminatory and/or otherwise in breach of the Equality Act 2010

8. Monitoring arrangements

The headteacher monitors the number of exclusions every term and reports back to the governing board.

This policy will be reviewed by the headteacher every 3 years. At every review, the policy will be approved by the governing board.

9. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

