



## **Exclusion Policy**

### **Introduction**

Under Section 1 of the 2012 Act (Exclusion from maintained schools, Academies and pupil referral units in England) only the Principal has the power to decide whether or not to exclude a student. Exclusions can only be on disciplinary grounds and a student may be excluded for fixed periods that do not exceed 45 days in any one school year. A student may not be excluded for an indefinite period.

Under Section 79 Act the Principal must remove a student's name from the school admissions register if:

- 15 days of school have passed since parents were notified of the governing body's decision to uphold a permanent exclusion and no application has been made for an independent review panel.
- The parents have stated in writing that they will not be applying for an independent review panel

### **Reasons for Permanent Exclusions**

Permanent exclusion is an extremely serious step and is an acknowledgement by the school that it can no longer cope with a student. Therefore, any decision to exclude a student permanently will only be in response to:

- Very serious breaches of the School's discipline policy.
- As the final step in the process for dealing with disciplinary offences when all other strategies have been tried and failed.
- In exceptional cases where the exclusion is in response to a one-off very serious incident and where allowing the student to remain in school would be seriously detrimental to the educational welfare of the student or other students in the school.
- Severe and persistent cases of bullying, racial harassment or sexual harassment.
- The behaviour of pupils outside of school can be considered as grounds for exclusion (Section 89(5) of the education and inspections act 2006.) This will be a matter of judgement for the Principal in accordance with the school's published behaviour policy.

### **Responsibilities of the Principal**

Informing parents about the exclusion:

i. The Principal is not required legally to consult the parent prior to excluding the student, however where possible will do so. The Principal will warn the student and parent of the possibility of a fixed period or permanent exclusion if the student's behaviour does not improve, or where a student exhibits continuing poor behaviour, or as a consequence of a one-off serious incident.

- ii. The Principal will ensure that a senior member of staff notifies the parent of an excluded student immediately, preferably by telephone.
- iii. An exclusion will begin on the next school day. There may be exceptional circumstances, however, when the Principal may feel it is essential that the student be required to leave the school premises immediately. In such cases, the Principal will ensure that a senior member of staff checks with the parent to ensure the student is not left unsupervised. A formal letter of exclusion will follow the initial telephone notification to parents.
- iv. If the Principal decides to extend a fixed period exclusion or, exceptionally, to convert a fixed period exclusion into a permanent exclusion, the parent must be notified in writing.
- v. The Vice-Principal/Vice Principal will arrange for teachers to provide work as soon as a student is excluded for a fixed period. Parents must arrange for the work to be collected and returned.
- vi. Where the Principal is considering excluding a student for more than 5 days, consideration will be given to how this time will be used to address the student's problems and what arrangements will be put in place to secure the student's continuing education.
- vii. When establishing the facts in relation to an exclusion decision the Principal must apply the civil standard of proof ie. On the "balance of probabilities" it is more likely than not that a fact is true, rather than the criminal standard of "beyond reasonable doubt."

**Informing the Governing Body:**

The Principal will inform the Disciplinary Committee immediately of all permanent exclusions, all exclusions which result in a student missing more than 15 school days in total in any one term and of any exclusions which involve the loss of opportunity to take a public examination. Reasons for the exclusion must be provided at this time.

**Informing the LEA:**

- i) The Principal will inform the Local Authority immediately of all permanent exclusions, all fixed period exclusions of more than 15 days in total in any one term and any exclusions which would involve the loss of opportunity to take a public examination, including information on the reasons for the exclusion.
- ii) The Principal will also complete and return the appropriate Local Authority forms.

**Responsibilities of the Disciplinary Committee**

- i) The Disciplinary Committee will discharge the functions of the Governing Body in reviewing exclusions.
- ii) The Committee will be made up of 5 Governors except for the Principal and will include a range of different types of governor. The quorum for a meeting of the Committee will be three. At least one of the Governors should be from the Student Support Committee. Staff Governors cannot be members of the Disciplinary Committee.
- iii) Where a Governor has a connection with the student or the incident leading to exclusion which might reasonably raise doubts about their ability to act impartially in relation to the student, they should not serve at that particular hearing.
- iv) Where four members consider exclusion, the Chair has the casting vote.

- v) Each meeting of the Committee will be clerked by the Clerk to the Governors.
- vi) The role of the Committee is to review the use of exclusion with the school. In the case of exclusions of more than 5 days, the Committee must meet to consider the exclusion and, where practical, decide whether the student should be reinstated.
- vii) Where a student receives a series of exclusions of 5 days or fewer, the Committee will meet once the student has missed a total of more than 15 days due to exclusion. It will meet again to consider each subsequent exclusion.
- viii) Where an exclusion is for 5 days or fewer but would result in the student missing an opportunity sit a public examination, the Committee will meet before the public examination in question and the minimum time limits do not apply.
- ix) In the case of exclusions of fewer than 5 days in a school, the Committee has no power to direct reinstatement but must consider any representations from the parent.
- x) The Committee will be given regular information about shorter exclusions at their regular termly meetings.
- xi) In the case of exclusions of more than 5 days, the Committee will meet to consider the exclusion no earlier than the 6th school day and no later than the 15th school day from the date on which they were notified of the exclusion.
- xii) The Clerk will invite both the parent and LEA to attend a meeting to consider the exclusion.
- xiii) The Committee will allow the parent to have a relative or friend to accompany and help them at the meeting, and the parent should advise the Clerk in advance if they wish to be accompanied by a friend.
- xiv) The Clerk will ask for any written representations to be sent before the meeting to allow the Clerk to circulate this to all parties. Where the evidence includes written statements from students, the statements will be typed to conceal the identity of the students or statements will be photocopied with names blanked out.
- xv) The Chair of the Committee will allow the excluded student to attend the meeting if requested by the parent, unless there is a good reason to refuse, and allow the student to speak on their own behalf although the parent remains the appellant.
- xvi) Where the student is out of school at the time of the meeting, the main purpose of the meeting will be to consider whether or not to direct reinstatement. In reaching their decision, the Committee will consider the parents' and LA's representations.
- xvii) Where the Committee is minded to confirm the Principal's decision to exclude for more than 5 school days, they will consider what arrangements have been made or are in hand to ensure the student receives a suitable education during this period. The Committee will ensure that extra support such as home tuition or specialist services such as counselling have been arranged by the Principal at the school's expense.**
- xviii) If the Committee is minded to direct reinstatement, they will discuss with the LA whether extra short-term support is necessary to ensure a successful reintegration.
- xix) Where the Committee orders reinstatement, it will notify the parent and the LA of the decision within one school day of the date of the hearing, giving reasons for that decision. The Committee will not attach conditions to the reinstatement of the student.

xx) A note of the Governors' views on the exclusion will be placed on the student's record along with a copy of the Principal's exclusion letter. The school is under no obligation to comply with any request from parents to delete details of exclusion from a student's record.

xxi) Where the Committee upholds the Principal's decision to permanently exclude a student, they will immediately inform the parent in writing giving the reasons for the decision.

Where parents (or excluded students if aged 18 or over) dispute the decision of the governing body not to reinstate a permanently excluded pupil they can request the decision to be reviewed by an independent review panel that replaced exclusion appeals panels from 2012 (The Education Act 2012 DfE). However, this panel has no power to reinstate an excluded student.

### **Appointing a SEN expert to the review panel**

From September 2012 makes provision for parents (or excluded students if aged 18 or over) to request the presence of a special educational needs expert at an independent review panel. This right exists whether or not a school recognises that a student has SEN.

### **Appointing an Independent Review Panel**

The Academy must constitute the panel with either three or five members (as decided by the local authority / Academy Trust) representing each of the three categories below. A five member panel must be constituted with two members from each of the categories of school governors and head teachers.

- 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 five years, provided they have not been teachers or head teachers during this time.
- Head teachers or individuals who have been a head teacher within the last five years.

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

- are a member / director of the local authority / Academy Trust or governing body of the excluding school;
- are the head teacher of the excluding school or anyone who has held this position in the last five years;
- are an employee of the local authority / Academy Trust, or the governing body, of the excluding school (unless they are employed as a head teacher at another school);
- have, or at any time have had, any connection with the local authority / Academy Trust; school; parents or pupil; or the incident leading to the exclusion, which might
- reasonably be taken to raise doubts about their impartiality (though an individual must not be taken to have such a connection simply because they are a head teacher at another school); or
- have not had the required training within the last two years.

### **Guidance for attendance registers**

Whilst an excluded pupil's name remains on the schools' admission register the pupil should be marked using the appropriate attendance code. Where pupils are not attending alternative provision they should be marked absent using Code "E".

### **Allegations of discrimination**

Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion parents can make a claim to the first-tier tribunal (for disability discrimination) or a county court up six months afterwards.

The school will retain, where practicable, evidence relating to exclusions for at least six months after the exclusion.