



## **Exclusions Policy February 2022**

### **RATIONALE**

At All Saints' CE(A) First School we believe staff and children are entitled to a safe and secure environment in which to learn and succeed. The safety and well-being of all the members of the school community is therefore paramount. This policy relates to the policy and practice regarding the use of Exclusions. A child will be excluded from our school only as a last resort.

### **AIMS AND EXPECTATIONS**

- To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed
- To reduce the need to use exclusion as a sanction by positively encouraging and recognising acts of respect and consideration to others.

The decision to exclude a pupil may be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour Policy or of criminal law.
- If allowing the pupil to remain in school may harm the education or welfare of other persons or the pupil him/herself in the school

Exclusion is an extreme sanction and only the Headteacher has the power to exclude a child from Manor Primary school. Exclusions, whether for a fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are breaches of the school's Behaviour Policy.

- Refusal to carry out reasonable instructions issued by a member of the school staff
- Verbal abuse directed at staff, professionals working within school or other pupils
- Physical abuse/assault of staff, professionals working within school or other pupils
- Actual or threatened violence against staff, professionals working within school or other pupils
- Inappropriate behaviour of a sexual nature
- Theft
- Possession or misuse of drugs or other illegal/dangerous substances
- Racial abuse
- Vandalism of the school site

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This list is not exhaustive and there may be other circumstances where the Headteacher makes the judgement it would be appropriate to exclude a child in school.

## **TYPES OF EXCLUSIONS**

There are two types of exclusion:

### **Fixed Period Exclusion**

A fixed period exclusion is where a child is temporarily removed from school for a specific period of time. The DFE regulations outline that this can be for up to 45 school days in one school year, even if a child has changed schools. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day.

If the fixed period exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth day, e.g. a pupil referral unit.

### **Permanent Exclusion.**

A permanent exclusion means that a child is being removed from the school roll. However, the head teacher must not remove a pupil's name from the school admissions register until the outcome of the Independent Review Panel (if this route is followed by parents).

## **EXCLUSION PROCEDURE**

The decision to exclude a child will be lawful, reasonable and fair. Every effort will be taken to ensure early intervention be used to address the underlying causes of any inappropriate behaviour before an exclusion is considered.

If a child is to be excluded, parents will be notified immediately by telephone and by letter as soon as possible without delay. The parent/carer will be informed:

- If the exclusion is permanent
- If the exclusion is fixed term, the precise period of the exclusion
- The reasons for the exclusion
- The parent's right to make representations to the governing body, and how the pupil can be involved in this;
- Who to contact about making such representations
- The arrangements made by the school for the pupil to continue their education during the first five days of the exclusion, including setting and marking of work. (It is the parents' responsibility to ensure that work sent home is completed by the pupil and returned to school)

- The school days (or school day from) which the pupil will be provided with alternative suitable education.

Exclusions can start on the same day but school will work in partnership with parents to collect their child as we appreciate that this may not be able to happen immediately. During the first five days of a period of exclusion (whether fixed term or permanent, the parents must ensure that the child is not present in a public place during school hours, unless there is reasonable justification.

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 (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion. This duty is set out in section 100 of the Education and Inspections Act 2006.

For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 of the Education Act 1996.

**All Saints' CE(A) First School will follow the timetable to review exclusions (as detailed at the end of this document) and will use the county model letters to communicate with relevant parties. If the timetable and model letters are changed by the local authority, the school will use the latest letters available.**

## **TIMETABLE TO REVIEW EXCLUSIONS**

### **Informing the Governing Body and LA**

The Headteacher must inform the governing body and the LA without delay, of:

- (a) permanent exclusions
- (b) fixed period exclusions of six days or more (or more than 10 lunchtimes)
- (c) exclusions which would result in the pupil missing a public examination

### **For all fixed period exclusions**

- During the first five school days of any exclusion the school must set work to be completed at home by the pupil;
- From the sixth school day (not cumulative) of a fixed period exclusion the governors must arrange for suitable alternative full-time education until the pupil returns to school;

### **Fixed period exclusion of 5 days or less**

- Unless the exclusion will result in the pupil missing a public examination, the Headteacher is only required to report such exclusions to the governors and LA once a term;
- Governors do not need to meet to consider the exclusion;

- If representations are received, the governors must consider them but are not required to meet and cannot direct re-instatement;
- The government guidance gives no indication as to when this meeting should take place, but advises that the governing body should respond promptly to any request from the parents;
- Update pupil's information on SIMS. Copy of exclusion letter to parents placed on pupil's file;

#### **Fixed period exclusion of 6 - 15 days (or cumulative)**

- The governors do not need to meet, unless the parents wish to make representations;
- The government guidance states that governors must meet to consider any such representations within 50 school days of receiving notice of the exclusion but, again, should respond promptly to any request from the parents;
- The governors can uphold or overturn the exclusion but cannot increase its length;
- Update SIMS. Copy of exclusion letter to parents should be forwarded to your District Inclusion Officer, as well as being placed on pupil's school file;
- If the parents make representations, following the meeting, the governing body must inform the parents without delay of its decision in writing, stating the reasons. Copy of this letter should be sent to your District Inclusion Officer.

#### **Fixed period exclusion of 16 - 45 days (or cumulative) or permanent exclusion**

- Exclusion notification form should be completed and emailed to [inclusion@staffordshire.gov.uk](mailto:inclusion@staffordshire.gov.uk) together with a copy of the exclusion letter to parents;
- Governors must meet within 15 school days of receiving notice of the exclusion and must decide whether or not to uphold the exclusion;
- Parents and LA must be invited to the meeting. Meeting must take place even if parents do not wish to attend;
- Taking into account pupil's age and understanding, he/she should be enabled and encouraged to attend;
- The governors can uphold or overturn the exclusion, but cannot increase the length of a fixed period exclusion;
- Following the meeting the governing body must inform the parents without delay of its decision in writing, stating the reasons. Update SIMS.
- Where the governors uphold a permanent exclusion, the parents have the right to ask for the decision to be reviewed by an independent review panel.

**NB:** If any exclusion would cause the pupil to miss a public examination, the school should consult with the Education Service, in order to explore possible alternatives.

## CHALLENGING AN EXCLUSION

Parents have the right to ask the Governing Body to consider their representations about an exclusion. This will depend on the length and nature of the exclusion.

The Governing body will consider the reinstatement of an excluded child within 15 schools days of receiving the notice of exclusion 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 term; or
- The exclusion mean's the child will miss a public exam or national curriculum test

### Fixed Term Exclusions – Meetings Protocol

Days excluded per term	Right to make representations.
Up to 5 days in a term	<p>Parents can make representations and governors must consider the information. However, they do not have to meet with parents.</p> <p>The governors do not have the power to reinstate the pupil and it is likely that the pupil will be back in school anyway.</p> <p>As the exclusion will have happened, it cannot be deleted from the school record. However if the governors agree the exclusion was not justified, they may put a note on the school record.</p>
Between 5 ½ and 15 days in a term	<p>The governors must meet to consider the exclusion if the parent requests it. The meeting must take place within 50 school days.</p> <p>The governors can reinstate a pupil either immediately or on a specified date</p>
More than 15 days in a term	<p>The governors will automatically meet to consider the exclusion.</p> <p>This must be within 15 school days. The governors can reinstate a pupil either immediately or on a specified date</p>

There must be at least three governors and none of them should have any involvement in the case that might lead them to favour one side above another.

A clerk to take notes and advise on procedure is normal practice but is not a legal requirement. The following people must be invited to the meeting:

- Head teacher - to explain the school's case for excluding your child

- Parents – to make the case for the child. They have the right to be accompanied by a representative
- The local authority must be invited and may make representations. They may not always attend, particularly for shorter exclusions.

*(If the school becomes an Academy parents may ask for a local authority representative to be invited to the meeting however they can only act as an observer. A SLA can be agreed if the school wish to invite the LA The pupil has the right to attend if so wished.)*

## **Constitution and conduct of independent appeal panels**

Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

Parents must lodge their application for a review:

- Within 15 school days of notice being given to the parents by the Governing Body of their decision to uphold a permanent exclusion; 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.

These are strict deadlines and any application made outside of the legal time frame must be rejected.

All Saints' First School will be responsible for carrying out the functions of the Local Authority, as specified in the guidance, for the management of the appeal procedure. The Appeal Panel must be impartial and must constitute either three or five members:

- A lay member to chair the panel
- One (or two for a 5 member panel) school governor who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or the Headteacher during this time, and
- One (or two for a 5 member panel) Headteacher or individual who has been a Headteacher within the last five years.

A clerk will also be present to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions. The clerk does not take part in the decision making process.

The role of the panel is to review the Governing Body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel can decide to:

- Uphold the exclusion decision;
- Recommend that the governing body reconsiders their decision, or
- Quash the decision and direct that the governing body considers the exclusion again.

When considering the Governing Body's decision, the panel should apply the following tests which need to be satisfied to quash the decision:

- Illegality - did the head teacher and / or governing body act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality - was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a responsible person could have made?
- Procedural impropriety - was the process of exclusion and the governing body's consideration so unfair or flawed that justice was denied?

If any of these criteria are met, then the panel can quash the decision of the governing body and direct that they consider the exclusion again. Where the criteria for quashing a decision have not been met the panel should consider whether it would be appropriate to recommend that a governing body reconsiders their decision not to reinstate the pupil. This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the panel believe justify a reconsideration of the governing body's decision. In all other cases the panel should uphold the exclusion.

There is no further right of appeal against the decision of an Independent Review Panel. However, if you feel that the review panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned.

### **Monitoring, Evaluation and Review**

The Governing Body will review this policy at least every five years, or when the statutory regulations regarding exclusions change, and assess its implementation and effectiveness.

## **THE RESPONSIBILITIES OF THE EXECUTIVE HEAD TEACHER/HEAD OF SCHOOL**

It is the responsibility of the Headteacher to:

- Implement the policy consistently and fairly.
- Make the decision to exclude having checked all evidence.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and within 24 hours by letter.
- Send details of the exclusion to the Chair of Governors and the LA (when appropriate).
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to Governors.

## **THE RESPONSIBILITIES OF THE CLASS TEACHER**

It is the responsibility of the Class Teacher to:

- Keep appropriate records of incidents that may lead to the decision to exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Use the time of the exclusion to review provision e.g.: seating arrangements, differentiation, and behaviour support.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

## **THE RESPONSIBILITIES OF THE GOVERNORS**

It is the responsibility of the Governors to:

- Review the policy in the light of monitoring.

- Attend Exclusion hearings as required.

## **EQUALITY**

All children will be treated equally and fairly throughout the implementation of this policy. The Headteacher will monitor incident logs and ensure that any apparent inequality is entirely attributed to the behaviours of those children.

## **TRAINING**

Whole staff and individual training needs will be identified through our self-evaluation process and staff appraisal.