

EXCLUSION OF PUPILS POLICY

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1. INTRODUCTION

- 1.1. Good discipline in schools is essential so that all pupils can benefit from the opportunities provided by education and so that the school is a safe environment for pupils, staff and visitors. Against this background, there may be occasions when it is necessary to consider exclusions. However, permanent exclusions should only be used as a last resort and only in response to either a serious breach, or persistent breaches of this school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education and/or welfare of others within the school.

2. AUTHORITY TO EXCLUDE

- 2.1. Only the Headteacher and CEO has the authority to exclude a pupil. This is the case whether the exclusion is permanent or for a fixed period (up to a maximum of 45 days). If the Headteacher is absent from school, the acting Headteacher has the power to exclude.

3. THE PROCESS

- 3.1. The Headteacher will investigate potential breaches of the school's Behaviour Policy prior to making a decision to exclude a pupil unless there is a risk that allowing the pupil to remain in school would threaten the safety of pupils or others in the school.
- 3.2. The investigation should include consideration of all available and relevant evidence and encompass interviewing the pupil at risk of exclusion and any other relevant witnesses. The Headteacher will produce a written Investigation Report which will include the evidence considered and a summary of their findings.
- 3.3. Where the Headteacher and CEO takes the decision to exclude a pupil they will, without delay, inform the parents/carers/guardians of the fact of the exclusion, the reasons for it and the period of the exclusion. They will also confirm in writing:
- a) the reasons for the exclusion
 - b) the period of a fixed period exclusion or, for a permanent exclusion, the fact that is permanent
 - c) the parents/carers/guardians' right to make representations to the Local Governing Body and how the pupil may be involved in this process
 - d) how any such representations should be made
 - e) the fact that where there is a legal requirement for the Local Governing Body to consider the exclusion, that the parents/carers/guardians have a right to attend a meeting, to be represented (at their expense) and to be accompanied by a friend

- f) what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupils return to school
- g) the relevant sources of free information available to parents/carers/guardians including:

a link to the statutory guidance on [exclusions](#)

a link to Coram Children's Legal centre www.childrenslegalcentre.com and their telephone number 08088 020 008 and

where the Headteacher considers it relevant links to local services such as the local parent partnership

- 3.4. If the excluded pupil is of compulsory age, the Headteacher will also notify the parents/carers/guardians without delay and by the end of the session, that the first five school days of the exclusion, parents/carers/guardians are legally required to ensure that their child is not present in a public place during school hours without reasonable justification and that the parents/carers/guardians may be given a fixed penalty notice or prosecuted if they fail to do so.
- 3.5. If alternative provision is being arranged, the parents/carers/guardians should also be informed of the arrangements to include the start date, start and finish times, where the provision will take place and who the pupil should report to on the first day.
- 3.6. If a pupil has a social worker, or if a pupil is looked-after, the headteacher must, without delay after their decision, notify the social worker and/or Virtual School Head (VSH), as applicable. When a head teacher suspends or permanently excludes a child, they must, without delay after their decision, notify the Local Authority.
- 3.7. Where the Headteacher takes a decision to exclude permanently, or to exclude for a period of five or more days (10 or more if lunchtimes) in a term, or where the exclusion would result in the pupil missing a public examination or national curriculum test, they will also, without delay, notify the Trust Board and Local Authority. Notifications should include the reasons for the exclusion and the length of any fixed-period.

4. FACTORS TO BE CONSIDERED

Alternatives to exclusion

4.1 Prior to taking a decision to exclude a pupil, the Headteacher will first consider whether any alternative actions might be appropriate including:

- a) internal exclusion which may include a lunchtime exclusion
- b) a managed move to another school
- c) mediation

4.2 The Headteacher will take into account any contributing factors including where the pupil has suffered bereavement, has mental health issues or has been the subject of bullying when considering whether an alternative action might be more appropriate than an exclusion.

Pupils with a disability

4.3 Pupils with a disability may be particularly vulnerable to the impacts of exclusions. Therefore, particular care will be taken when considering the exclusion of a pupil with a disability. The Headteacher will ensure that reasonable adjustments have been considered prior to taking a decision to suspend.

Pupils with Education Health Care Plans (EHCPs) and looked after children

4.4 Pupils with Education Health Care Plans and looked after children are also particularly vulnerable to the impacts of exclusion. Therefore, the Headteacher will, as far as possible, look to avoid excluding these categories of pupil. The school should engage proactively with parents/carers/guardians and co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child.

4.5 Where the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an Educational Health Care Plan or a looked after child it will, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an Educational Health Care Plan, the school will consider requesting an early annual review or interim / emergency review.

5. REVIEW BY THE GOVERNING BODY

5.1. The Local Governing Body or Review Panel appointed by the Trust Board has a duty to consider any parent's representations in respect of an exclusion of their child. They will review all cases where:

- a) the exclusion is permanent,

- b) the exclusion is for a fixed period which would bring the pupil's total number of school days of exclusion to more than 15 in a term or
 - c) the exclusion would result in the pupil missing a public examination or national curriculum test
- 5.2. The Review Panel should have regard to and consider the Department for Education Guidance "Exclusion from maintained schools, Academies and pupil referral units in England" when reviewing any decision to exclude a pupil. The primary function of the Review Panel is to consider all of the evidence and decide whether, in their opinion, the decision of the Headteacher was a fair one.
- 5.3. When considering the decision of a Headteacher, the Review Panel will request any written evidence in advance of the review meeting and where possible, circulate any written evidence and information, including a list of those who will be present at the review meeting, to all parties at least 5 days in advance of the meeting.
- 5.4. Where any parent appeals a decision to exclude their child, they will be invited to a review meeting along with the Headteacher and are entitled to be accompanied by a friend or representative (at their expense).
- 5.5. Where the child is looked after or has social care involvement, the social worker and Virtual School Head (VSH) should be invited to the review and they make their decision whether to attend or not. They will be invited by email to this meeting.
- 5.6. The Review Panel will identify any steps they might take to enable and encourage the excluded pupil to attend the review meeting and how the excluded pupil might make representations if it is not possible for them to attend.
- 5.7. At the review meeting, when making any findings of fact, the Governing Body will decide on matters based on the balance of probabilities i.e. whether something is more likely than not.
- 5.8. The Review Panel must decide whether to **uphold** the Headteacher's decision or **direct reinstatement** of the pupil. The Review Panel will notify the parents/carers/guardians, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing without delay.

Exclusion Upheld

If the Review Panel upholds the Headteacher's decision to exclude, they must write to the parents/carers/guardians and confirm:

- the fact that the decision to exclude was upheld

- the reasons for their decision
- the parent's /carer's/guardian's right to appeal to an independent review panel
- the name and address to whom an application (and any written evidence) should be submitted
- that any application should set out the grounds of appeal, the date by which any appeal needs to be submitted and where relevant, how the pupil's special educational needs were relevant to the exclusion
- the parent's/carers'/guardian's right (regardless of whether the pupil has recognised special educational needs) to appoint an SEN expert to attend
- the review, details of the role of the expert and the fact there would be no cost to the parents/carers/guardians in this regard
- that parents/carers/guardians must make it clear if they wish for an SEN expert to be appointed
- that parents/carers/guardians may, appoint someone (at their expense) to make written and/or oral representations and that they may also be accompanied by a friend
- that if parents/carers/guardians believe any form of discrimination has taken place that they have the option of pursuing a claim under the Equality Act and that any such claim must be issued within 6 months of the date on which the alleged discrimination occurred

5.9. Upon decision to uphold the exclusion, parents/guardians have the right to an independent review from the Trust Board.

- A parent must indicate that they would like a review within 15 working days of notice from the governing body.
- If applied for by parents within the legal time frame, the Trust will, at their own expense, arrange for an IRP (independent review panel) hearing to review the decision of a governing board not to reinstate a permanently excluded pupil.
- The Trust will ensure that the meeting is held within 15 days of notification from the parents and must, where possible, ensure all parties are able to attend at the stated time.
- The panel will consist of 3-5 members and must include a chair who has not had paid employment in a school, a head teacher and current serving governors or trustees. Where possible, these will not be members of Horizon Multi Academy Trust.
- The Trust may, where required, appoint a clerk to provide advice to the panel and record minutes of the meeting.

- Following the panel meeting, the panel can decide to: a) uphold the governing body decision, b) recommends the governing body reconsiders reinstatement, c) quash the governing body decision and recommend reinstatement.

5.10. Head teacher right to cancel exclusion

Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VSH.

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

6. DUTY TO ARRANGE EDUCATION

- 6.1. For the first five days of either a fixed-term or permanent exclusion, we will set and mark work that the pupil should complete at home under parental/carer/guardian supervision.
- 6.2. If the exclusion is permanent, the Local Authority will arrange for alternative provision to begin no later than the sixth day of exclusion. If the exclusion is for a fixed-period, we will arrange for alternative provision to begin no later than the sixth day of exclusion.

7. Managed Moves

- 7.1. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school
- 7.2. When considering a managed move, the head teacher will contact the local authority prior to the move. The school, parents and local authority must be in agreement.

- 7.3. The school must share all information with the receiving school, including all planned support, multi-agency involvement, etc.
- 7.4. If a parent believes they are being pressured into a managed move, they must follow the School's/Trust's complaints procedures.

EXCI

EXCLUSION OF A PUPIL

Education, Participation & Skills

Inclusion, Attendance and Welfare



Please complete and return for the attention of the Inclusion Manager and email to:

IAWS@plymouth.gov.uk

Name of Pupil			Male / Female
Date of Birth		Year Group:	
UPN		Looked After child: YES / NO	
School/College			
Parent Details: Name & Address			
Parent Tel No.			
	Exclusion details		
Type of exclusion Please put 'X' in the box	Lunch	Fixed term	Permanent
Start date:	End date:	Number of Days out:	
Reasons for exclusion – as per exclusion reason codes on reverse			
Day 6+ arrangements			

Please refer to the [DfE Statutory Guidance on Exclusions](#) for details on exclusions regulations:

<http://media.education.gov.uk/assets/files/pdf/s/exclusion%20from%201%20sep%202012%20guide%20for%20those%20with%20legal%20responsibilities%20in%20relation%20to%20exclusion%20june.pdf>

Signature of Headteacher/Principal:	
Date:	

National standard list of reasons for exclusions

This list provides descriptors of reasons for exclusions. The 12 categories should cover the main reasons for exclusions and the 'other' category should be used sparingly. The further detail suggesting what the descriptors cover should be used as a guide and this list is not intended to be used as a tick-list for exclusions.

Physical assault against pupil

Includes:

Fighting
Violent behaviour
Wounding
Obstruction and jostling

Verbal abuse/threatening behaviour against pupil and

Verbal abuse/threatening behaviour against adult

Includes:

Threatened violence
Aggressive behaviour
Swearing
Homophobic abuse and harassment
Verbal intimidation
Carrying an offensive weapon

Racist abuse

Includes:

Racist taunting and harassment
Derogatory racist statements
Swearing that can be attributed to racist characteristics
Racist bullying
Racist graffiti

Drug and alcohol related

Includes:

Possession of illegal drugs
Inappropriate use of prescribed drugs
Drug dealing
Smoking
Alcohol abuse
Substance abuse

Damage

Includes damage to school or personal property belonging to any member of the school community:

Vandalism / Arson / Graffiti

Persistent disruptive behaviour

Includes:

Challenging behaviour / Disobedience / Persistent violation of school rules

Physical assault against adult

Includes:

Violent behaviour
Wounding
Obstruction and jostling

Bullying

Includes:

Verbal bullying
Physical bullying
Homophobic bullying
Racist bullying

Sexual misconduct

Includes:

Sexual abuse
Sexual assault
Sexual harassment
Lewd behaviour
Sexual bullying
Sexual graffiti

Theft

Includes:

Stealing school property
Stealing personal property (pupil or adult)
Stealing from local shops on a school outing
Selling and dealing in stolen property

Head Teacher Report

Permanent Exclusion

Pupil Name: *****

Year Group - **

SEN Status - ****

Ethnic Origin – *****

Exclusion Governing Body Meeting

Date/time

Part 1: Pupil Information

Summary details (that are appropriate to individual pupil):

Academic achievement (e.g. subject focused)

Social skills (eg. peer relationships)

Emotional development

Behavioural patterns:

Medical needs

Strengths/aptitudes/interests:

Part 2: Exclusion Profile

Summary of the incident that resulted in exclusion

Witness statements/supporting evidence

Support Strategies

Including attachment of current EHC Plan, ISP

Conclusion