

## **Sutton Veny CofE School**

### **Exclusion Policy**

We have a duty at Sutton Veny School to ensure that all the children all benefit from a calm and orderly environment. This is to safeguard their health and welfare and to ensure that their education is not disrupted or harmed in any way. The school has a positive Behaviour Policy that clearly states the way in which sanctions and exclusions will be applied.

Exclusions will often be the end of a disciplinary process, preceded by other sanctions and efforts to modify behaviour. Occasionally, the behaviour of a pupil will be such that exclusion will be an immediate response to the breach of the school's Behaviour Policy. The headteacher also reserves the right to exclude when the safety, welfare and education of others is threatened.

#### **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

#### **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 a '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. A permanent exclusion can be given for a first offence. For example, violence, but only when the headteacher has had further opportunity to fully consider the incident in question.

The school must maintain discipline and good conduct to secure an orderly and positive learning environment so that effective teaching and learning can take place. We will therefore need to adopt a range of strategies, including exclusion, to ensure that we are providing a sound learning environment for all pupils.

Sutton Veny School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusion procedures to ensure that every child receives an education in a safe and caring environment.

Any decision to exclude must be:

1. **lawful** (with respect to the legislation relating to exclusions and to a school’s wider legal duties)
2. **rational**
3. **reasonable**
4. **fair**
5. **proportionate**

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 or a disability (SEND)

#### **4. Definition**

For the purposes of exclusions, a 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 provide the following information, in writing, to the parents of an excluded pupil. The letter will be sent within 24 hours of the exclusion and will inform the parents that a Penalty Notice can be issued if they fail to ensure their child is not in a public place during school hours, for the first 5 days of any exclusion.

- 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 the 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 to the governing body

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
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Informing the governing board and local authority**

The headteacher will immediately notify the governing board and the local authority (LA) 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 (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

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

## **5.2 The Governing Body**

Responsibilities regarding exclusions are delegated to Pupil Welfare and Curriculum Committee, consisting of at least 3 governors.

When considering the decision of a head teacher to exclude (see Appendix 1) a pupil, the governing body will:

- ask for any written evidence in advance of the meeting and where possible, circulate this evidence and information, including a list of those who will be present, to all parties at least five school days before the meeting
- identify ways to enable the excluded pupil's view to be heard, whether the pupil is attending the meeting (Section 176 of the Education Act 2002 - schools to have regard to statutory guidance on pupil voice)
- not discuss the exclusion with any party outside of the meeting

In cases where the governing body considers parents' representations but does not have the power to direct a pupil's reinstatement, they may place a note of their findings on the pupil's educational record.

The governing body has a duty to consider the reinstatement of an excluded pupil (see section 6).

## **5.3 The Local Authority (LA)**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## 6. Considering the reinstatement of a pupil

In reaching a decision on whether to reinstate a pupil, the governing body will consider whether the decision to exclude the pupil was lawful, reasonable, and procedurally fair, taking account of the head teacher's legal duties.

When establishing the facts in relation to an exclusion, the governing body must decide whether the facts are true 'on the balance of probabilities' rather than 'beyond reasonable doubt.'

The following parties must be invited to a meeting of the governing body's disciplinary committee (GDCM) to consider an exclusion and be allowed to make representations:

- parents and pupils who may be accompanied by a friend or representative
- the head teacher and
- a representative of the Council (Local Authority Representative who will usually be an Education Welfare Officer) in the case of a maintained school, and at an academy at the request of the governors. A parent may also invite the Council representative to attend a meeting of an academy's governing body as an observer. The Council representative may only make representations with the governing body's consent

The LA representative will prepare a report for governors to assist them with their consideration of the headteacher's decision.

At the GDCM the Council representative will not give a view on the merits of the exclusion but can draw the attention of governors to:

- issues where there is a lack of clarity
- where more information may be needed
- where guidance appears to have been ignored.

The governing body can either:

- uphold an exclusion (decline to reinstate) or
- directly reinstate the pupil immediately or on a specified date.

The governing body will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

If the pupil has already returned to school following the expiry of a fixed period exclusion, or if the parents make it clear that they do not want their pupil reinstated, the governing body will still consider whether the decision to exclude the pupil was justified.

The governing body will ensure that the minutes are available to all parties on request.

The governing body will ask all parties to withdraw before deciding. Where present, a clerk may stay to help the committee by referencing the notes and with the wording of the decision letter.

Where legally required to consider an exclusion, the governing body will notify parents, the head teacher and the LA of their decision, and the reasons for their decision, in writing and without delay. Notice is considered to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

If the governors decide to uphold a permanent exclusion, the notification will say that it is permanent along with parents' right to ask for the decision to be reviewed by an Independent Review Panel. It will also include the following information:

- the contacts to whom an application for a review should be made
- the date by which an application for a review must be received
- the grounds for the review including how the pupil's special educational needs may be relevant
- the parents' right to request a SEND expert, regardless of whether the pupil has recognised special educational needs, and details of the role of such an expert
- the parents' right to appoint, at their own expense, their own representative to the panel and their right to bring a friend to the review
- the parents' right to make a claim 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 within 6 months of the day of the exclusion
- relevant sources of free and impartial information that will allow them to make an informed decision on whether to seek a review of the decision and the process to be followed. The school will ensure that these sources of information are checked regularly and updated as required.

## **7. An independent review**

If parents apply within the legal time frame, the LA, at their own expense, must arrange for an Independent Review Panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

Following the meeting an Independent Review Panel can decide to:

- uphold the exclusion decision or
- recommend that the governing body reconsiders their decision or
- quash the decision and direct that the governing body considers the exclusion again.

The guidance states that the SEND expert should be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND and disability. The Council or Academy Trust will need to ensure that the individual has a good understanding of current practice and the legal requirements on schools in relation to SEND.

## **8. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. The purpose of the meeting with parents and a pupil following an exclusion is to support the child to have a successful return to school.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Pastoral support plan
- Pupil at risk of permanent exclusion meeting

## **9. Monitoring arrangements**

The headteacher monitors the number of exclusions every term and reports back to the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed every 2 years. At every review, the policy will be approved by the Senior Leadership team and the Pupil Welfare and Curriculum Committee.

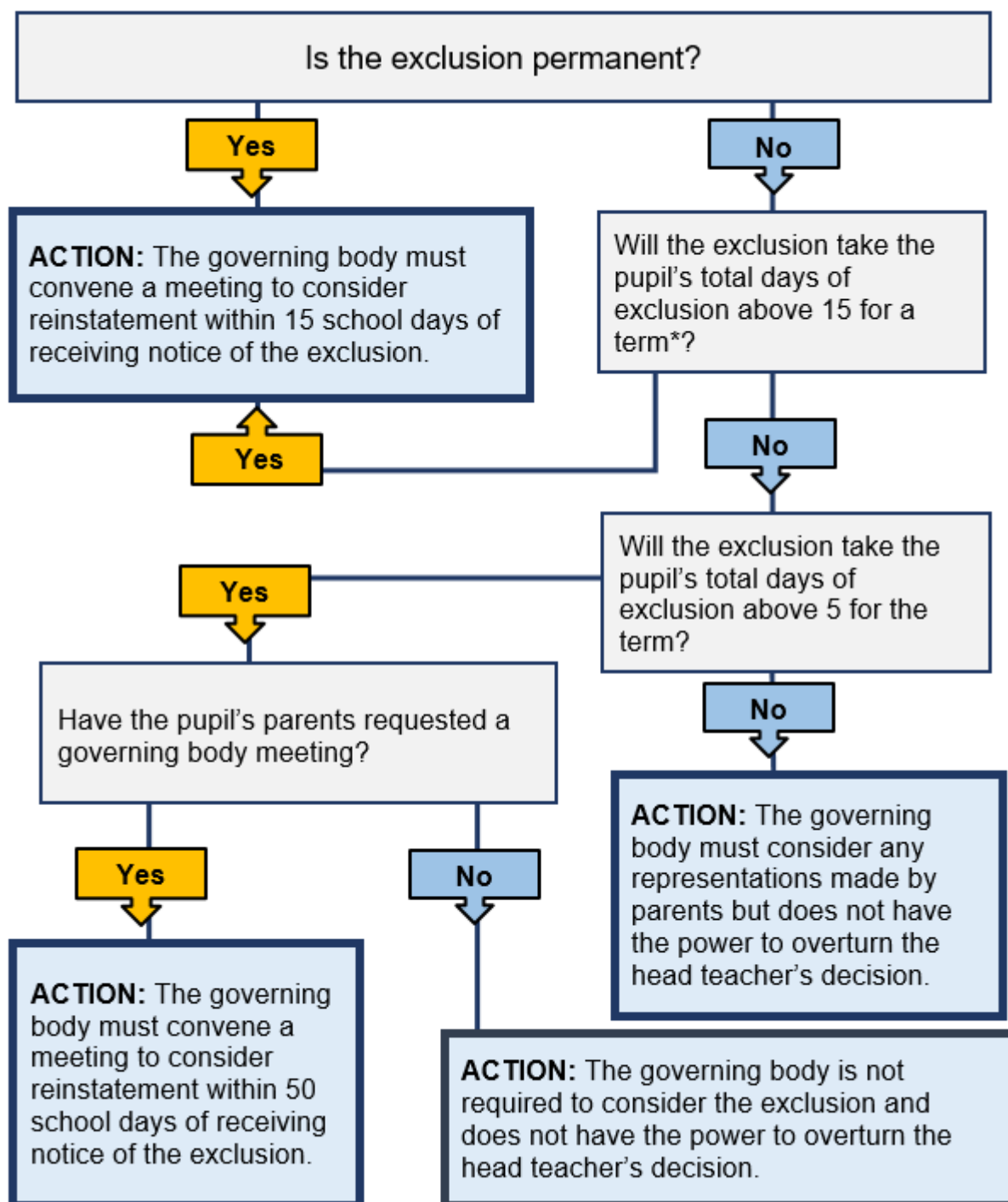
## 10. Links with other policies

This Exclusion Policy is linked to our:

- Behaviour Policy
- Anti-Bullying Policy
- SEND Policy and Information Report

<b>Approved by:</b>	Adam Lewis, Leah Gee, Sallie Boyd	<b>Date:</b> October 2021
<b>Last reviewed on:</b>	October 2021	
<b>Next review due by:</b>	October 2023	

Appendix 1: Governors' review of exclusions<sup>1</sup>



<sup>1</sup> The governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of an exclusion which will result in the pupil missing a public exam or national curriculum test. The governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.