

Exclusions Policy

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The Trust requires everyone to show respect, tolerance and understanding towards others. These principles are underpinned by our ethos which is outlined to students and parents as part of our culture in our schools.

The Trust will adopt a series of high expectations of behaviour, based on individual responsibility and mutual respect in order to generate an environment where positive relationships between students and staff and students are encouraged to flourish.

Decisions to exclude a student for a fixed term period will only be taken on the balance of probabilities in response to breaches in the school's behaviour policy, including persistent disruptive behaviour.

Decisions to permanently exclude a student will only be taken in response to serious breaches of the school's behaviour policy and if the decision for the student to remain would seriously harm the education or welfare of another student or others.

A decision to exclude a student permanently is recognized by the Trust as serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success.

There will, however, be exceptional circumstances which in the Headteachers judgment may result in permanent exclusion as a result of a first or 'one off' offence. The following list is not exhaustive but is indicative of the severity of offences that may lead to permanent exclusion:

- supplying or taking an illegal drug
- supplying or drinking alcohol
- serious actual or threatened violence against another student or member of staff
- carrying an offensive weapon, for example, a knife, scissors, a hammer, with intent to threaten or harm
- sexual abuse or assault of a student or member of staff
- ongoing persistent bullying (cyber)
- damage to property

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1. Aims

Our Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils and staff 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
- Sections 64-68 of the School Standards and Framework Act 1998

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

This policy complies with our funding agreement and articles of association.

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.

Our Trust 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 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 breach (a serious one-off incident) or breaches (repeated or persistent incidents) of the school's behaviour policy **and** if allowing the pupil to remain in school would seriously harm the education or welfare of others. (These are the two legal tests)

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, without delay, 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 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 legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

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 day, 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, without delay, notify the governing board and the local authority (LA) of:

- A permanent exclusion.
- 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 board

Responsibilities regarding exclusions is delegated to the student disciplinary sub committee

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

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The 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

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination.

The governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Trust to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- 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 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member/director of the Trust, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the Trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. 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 pastoral and/or senior staff, as appropriate.

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

- Completing re-integration form which outlines targets and support for the student to reduce the risk of reoffending.
- Consideration of planning a review of any PSP, BCP, referral onto outside agencies.
- Consideration of a referral to the school counsellor.
- Plan a restorative meeting, when appropriate, with staff or students.
- Go on report card to pastoral/senior staff as appropriate.
- Time in internal exclusion if appropriate.
- A risk assessment, if required.

10. Monitoring arrangements

The Deputy Headteacher (Pastoral) monitors the number of exclusions every term and reports back to the Headteacher/SLT. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher/SLT every two years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our: -

- Behaviour policy
- SEN policy
- Equalities policy

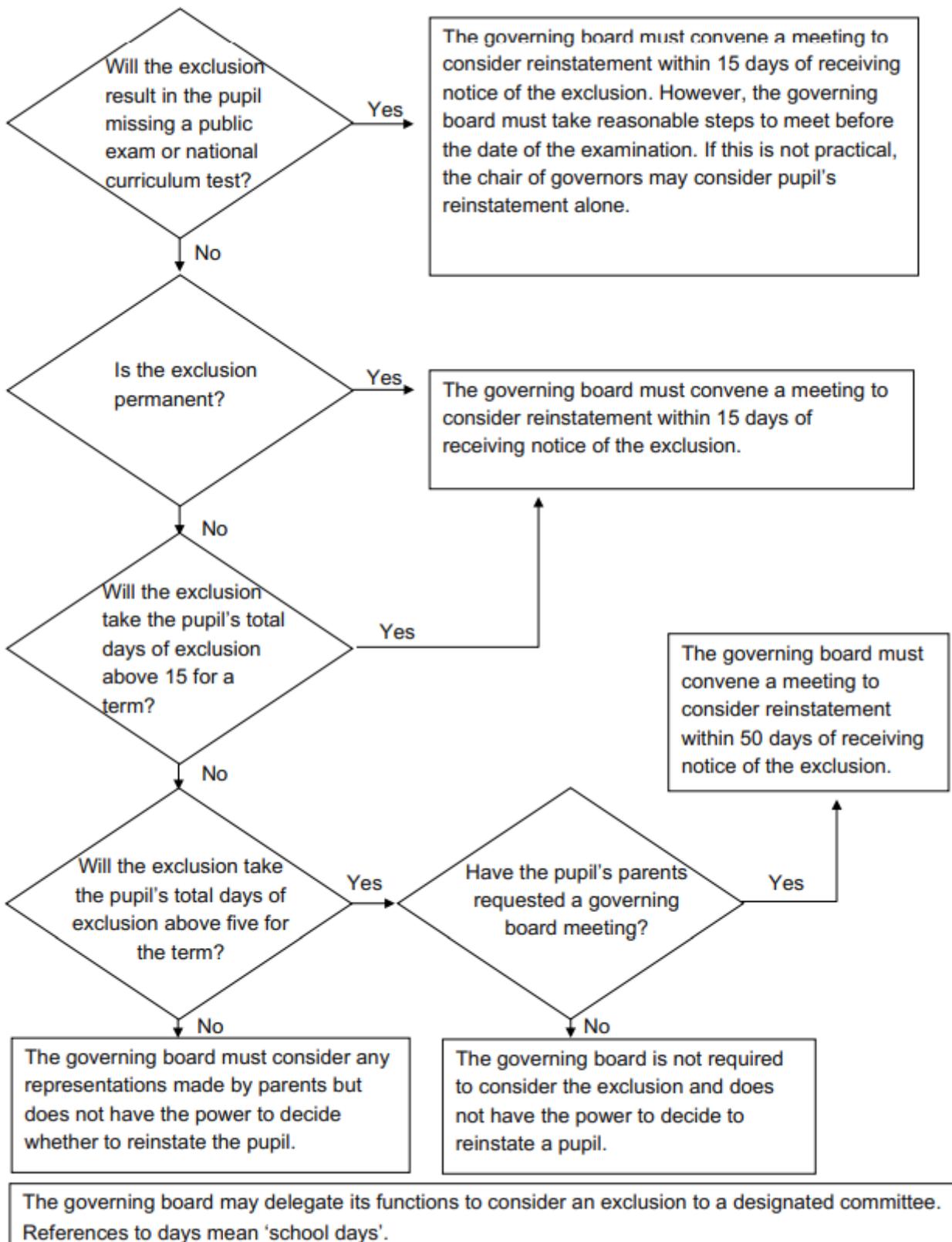
Appendix 1: Independent review panel training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: A summary of the governing board's duties to review the headteachers exclusion decision



Appendix 3: Headteachers checklist

Taking the decision

The Headteacher must take the decision whether to exclude (you cannot delegate this).

Things to consider

- ✓ Have I investigated specific incidents with all parties in a sensitive and fair way?
- ✓ Did I consider factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account?
- ✓ Is exclusion the most appropriate and reasonable sanction, and consistent with the school's behaviour policy?
- ✓ Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust?
- ✓ Is relevant evidence properly recorded/retained/documented? (e.g. summaries of interviews, past behaviour, sanctions and support provided.)

Checklist of appropriate evidence/procedure (dependent on circumstances)

Incident happens

- ✓ Consider safety/first aid for all involved
- ✓ Collect statements from staff witness
- ✓ Collect statements from students
- ✓ Collect perpetrators statement/interview where possible
- ✓ Check for any available CCTV or other evidence

Following incident

- ✓ Place student in a safe space (IE) pending investigation
- ✓ Student remains in IE while evidence is being collected and considered. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- ✓ Where possible, Headteacher informs parents of decision to PX on the day. This may go onto the next school day where evidence is still being collected. Student will return to school the next day until a final decision is made

Communication

- ✓ Parents informed first preferably by phone or in person in the first instance. Clear reasons for exclusion are given.
- ✓ When a permanent exclusion has been issued, Devon Inclusion are informed 'without delay'
- ✓ Inform Chair of Governors without delay.
- ✓ Permanent Exclusion letter given/emailed/posted to parents on the same day as final decision which clearly states the reason which meets the two legal tests.
- ✓ Annex G completed within 24 hours of final decision where possible.

Appendix 4: Example letters to parents for FTE and Permanent Exclusion

For the range of Model letters please see link to Devon Inclusion:

- Model letter 1 - fixed term exclusions of 5 days or less
 - Model letter 2 - fixed term exclusions of 5 days or more
 - Model letter 3 - fixed term exclusion of 15 days
 - Model letter 4 - notifying parents of a permanent exclusion (January 2018)
 - Model letter 5 - notifying parents that a decision to exclude has been upheld
 - Model letter 6 - notifying parents of a discipline committee meeting (example below)
 - Model letter 7 - notifying parents that a pupil has been reinstated after a permanent exclusion
- <https://www.devon.gov.uk/supportforschools/services-and-contacts/education-inclusion-service>

Example Model 6 Letter

[DATE]

[PARENT ADDRESS]

Dear [PARENT/CARERS NAMES]

[Name of Student, DOB], [Type of Exclusion]

I am writing to let you know that a meeting of the Discipline Committee of the Governing Body will be held at the school at [TIME] on [DATE]. The purpose of the meeting is for the Governors to consider the exclusion and to decide whether or not to reinstate [STUDENT NAME] at the school.

You are entitled to attend the meeting and to be accompanied by a friend or legal representative. [STUDENT NAME] may attend if you wish. I have invited a representative from the Local Authority and the Headteacher will also be present.

It is important that everyone who will be attending the meeting has the chance to read through any written documents beforehand. If you wish to provide a written statement or letter for the Discipline Committee to consider, please let me have it no later than [DATE]. I will circulate copies of all the documents I received to each party before the meeting.

Please could you let me know by [DATE] whether:

- You will be attending the meeting;
- You will be bringing a friend or legal representative;
- [STUDENT NAME] will be attending; and
- If you will be sending a written statement or letter.

I look forward to hearing from you.

Yours sincerely

Clerk to the Discipline Committee

Email:

Tel:

cc: Headteacher

Chair of Governors

DCC Inclusion Officer – County Hall, Exeter, Devon

Appendix 5: Checklist for Governor Review of Exclusions

References from DfE Guidance 2017 - Exclusion from Maintained Schools, Academies and Pupil Referral Units in England: A guide for those with legal responsibilities in relation to exclusion (DfE Statutory Guidance)

- **Balance of probabilities** the standard of proof in civil cases, demanding that the case that is the more probable should succeed. This is the kind of decision represented by the scales of justice. The court weighs up the evidence and decides which version is most probably true. Thus, the actual truth may never be known. All that is done in the Anglo-American system is to choose which of the combatants has presented the most probable version. **If both seem equally balanced, then the person pursuing the case loses** on the basis of the maxim melior est conditio defendentis, 'better is the position of the defender'.
- **Any decision** of a school, including exclusion, must be made in line with the principles of administrative law, i.e. that it is: **lawful** (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); **rational; reasonable; fair; and proportionate**
- **It is unlawful to exclude** for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- **Big Picture**
 - Are Governors satisfied that due care and consideration has been given to the DfE Statutory Guidance on School Exclusions September 2017?
 - Is it clearly established that a breach of the school's behaviour policy has occurred; are the details of what happened comprehensive?
 - Do Governors feel that there is sufficient evidence that an outcome which results in the pupil remaining at the school would, on the balance of probabilities, be likely to harm the welfare or education of the pupil or others within the school?
 - Are exclusions in accordance with the school's other published policies, e.g. the Inclusion policy and the SEND policy (where relevant)? Have parents seen these and other appropriate policies such as exclusions policy?

Issues to Consider:	Evidence:
Were parent/carers, governing board and LA (including home LA) informed of the exclusion and within stated timescales?	
Was the appropriate information provided in writing?	
Has the school taken steps to set & mark work or arranged alternative provision from day 6 of a longer exclusion?	
<p>Were the papers (written evidence and information) sent at least 5 school days before the meeting, including a copy of the school's Behaviour Policy?</p> <p>Does documentation include:-</p> <ol style="list-style-type: none"> 1. Witness statements regarding individual instances in the case of 'persistent breaches' of school policy? 2. All related policies e.g. behaviour, exclusions, SEND... 3. Reintegration meeting documentation <p>Is there evidence that parents/carers/students have contributed to the PSP? Signatures to support this?</p>	

Issues to Consider:	Evidence:
<p>Were the parent/carers, head and LA officer invited to the meeting (A parent may invite a representative of the local authority to attend a meeting of an Academy's governing board as an observer; that representative may only make representations with the governing board's consent.)</p>	
<p>Has a clear reason for the exclusion decision been given? Is it clear whether the exclusion was for a 'one-off' serious breach or persistent breaches of the school's behaviour policy?</p> <p>If a Permanent Exclusion was the decision taken:</p> <ul style="list-style-type: none"> • in response to a serious breach or persistent breaches of the school's behaviour policy; and • where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school? <p>DfE Statutory Guidance Para 16/17 page 10</p>	
<p>The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.</p> <p>DfE Statutory Guidance Para 3 page 8</p> <p>Has the Headteacher written to the parents explaining the reasons for the permanent exclusion?</p> <p>DfE Statutory Guidance para 26-28 page 12</p>	
<p>The behaviour of a pupil outside school can be considered grounds for an exclusion.</p> <p>Whether the exclusion was for behaviour on or off the school premises?</p> <p>Disciplining beyond the school gate covers the school's response to all noncriminal bad behaviour and bullying which occurs anywhere off the school premises and which is witnessed by a member of staff or reported to the school. The governing body must be satisfied that the measures proposed by the headteacher are lawful.</p> <p>DfE Statutory Guidance, Behaviour & Discipline in Schools (Guidance of governing bodies) Para 14</p>	
<p>Whether the police were involved? How does this affect the evidence and decision? (Evidence may be limited by a police investigation or criminal proceedings)</p> <p>DfE Statutory Guidance Para 190-194 page 45</p>	
<p>Has the pupil been enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding? (The decision on whether to exclude is for a Headteacher to take. However, where practical, Headteachers should give pupils an opportunity to present their case before taking the decision to exclude.)</p> <p>What measures have been taken to enable the student to fully express their feelings and views regarding exclusions and the events leading up to them?</p> <p>Has the student taken any action which demonstrates he/she/they understand the impact of their behaviour and subsequent consequences?</p>	
<p>Has the headteacher taken into account of any contributing factors that are identified after an incident of poor behaviour has occurred? (E.g. where it comes to light that a pupil has suffered bereavement, or has mental health issues or has been subject to bullying.)</p>	

Issues to Consider:	Evidence:
Governors should consider the chronology of events, proportionality of sanctions together with the support and interventions provided.	
<p>Has the school taken account of pupils with additional needs, Education Health Care Plans or Looked After Children? (Headteachers should, as far as possible, avoid excluding permanently any pupil with an EHCP or a Looked After child (see DCC Protocol for Children in Care); Where a pupil has an EHCP, schools should consider requesting an early annual review or interim /emergency review)</p> <p>Has the school's Assess, Plan, Do review cycle been robust?</p> <p>How has the student's progress been monitored and has external support been sought in a timely manner?</p> <p>Where there has been alternative provision, have the aims been shared and monitored, risk assessments appropriate and transition/reintegration arrangements suitably considered?</p> <p>How has the student's progress been monitored and has external support been sought in a timely manner for example, Speech and language, CAHMS, educational psychologists, early help referral, SEMH referral.</p>	
<p>Has the headteacher had regard to the Equality Act 2010?</p> <p>DfE Statutory Guidance Para 9 Page 9</p> <p>Is there evidence of discrimination, harassment or victimisation because of: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment? Has the school taken any positive action to deal with particular disadvantages affecting one group?</p> <p>DfE Statutory Guidance page11 para 21/22</p>	
Has the Headteacher taken account of their statutory duties in relation to special educational needs (SEN), including the SEN Code of Practice? (For disabled children, this includes a duty to make reasonable adjustments to policies and practices)	
Has the school engaged proactively with parents/carers and the local authority?	
<p>Has the school tried to identify whether there are any causal factors and intervened early in order to reduce the need for a subsequent exclusion e.g. a multi-agency assessment that goes beyond the pupil's educational needs, including seeking to identify mental health or family problems? (Disruptive behaviour can be an indication of unmet needs) DfE Statutory Guidance Page 49</p> <p>Has the student been screened for any unmet needs? Governors should look at progress and attainment documentation over time.</p>	
<p>Is there evidence that the Headteacher has considered extra support needed to identify & address the needs of pupils in order to reduce the risk of exclusion? (Early intervention including multi-agency assessment e.g. Early Help/'Rights for Children', local authority SEMH)</p> <p>Has the support offered been in line with the student's level of maturity, understand and ability to engage?</p>	
Is there clear evidence of the strategies used and support provided by the school – do the papers include current and recent plans with dates, reviews and outcomes e.g. an Individual Education Plan, Integrated Support Plan, Pastoral Support Programme? (Are there identified targets and clear outcomes?)	

Issues to Consider:	Evidence:
Where the PSP identifies areas of concern, how have these concerns informed further assessments of need and subsequent support and has the school supported the pupil to address these areas?	
LA or other agencies/services involved e.g. Educational Psychology, Behaviour Support Team, PRU (Schools Company), Special Educational Needs, Youth Offending Team, Social Care, Ethnic Minority and Traveller Achievement Service, CSW. (Are details provided of the referrals to other services or professionals, the support provided and dates of plans/reviews and outcomes?)	
<p>Have alternatives to exclusion been considered? For example:</p> <ol style="list-style-type: none"> 1. Mediation, restorative justice, internal exclusion 2. Curriculum alternatives at Key Stage 4 – college placement or other form of alternative provision 3. Temporary placement in an in-school Learning Support Unit 4. Temporary or part-time placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider 5. A Managed Move to another school 6. Assessment of special educational needs. DfE SEN Code of Practice para 6.14 	
<p>Have you (the governing body):</p> <ul style="list-style-type: none"> • Considered the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and had regard to the interests of other pupils & people working at the school • Considered any representations made by parents/carers, the Headteacher and a representative of the local authority. (in the case of a maintained school or PRU) • Established the facts 'on the balance of probabilities'. (see para 1 on page 1 of this documents) • Considered whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties. (In reaching a decision on whether or not to reinstate a pupil) • Decided to direct reinstatement of the pupil immediately or on a particular date • Where legally required to consider an exclusion, notified parents/carers, the Headteacher and the local authority of your decision, giving reasons, in writing and without delay. (Also inform the pupil's 'home authority') • Informed parents, if a Permanent Exclusion, of their rights to apply for an Independent Review of your decision and to make a discrimination claim. • Ensured that clear minutes of the meeting were taken as a record of the evidence that was considered. (These minutes should be made available to all parties on request) • Noted the outcome of your consideration on the pupil's educational record, along with copies of relevant papers for future reference. • Made arrangements to retain records and evidence relating to an exclusion for at least six months in case a discrimination claim is made. • Also: (Where recommended or directed by an Independent Review Panel) reconsidered your decision and notified parents, the Headteacher and local authority of your reconsidered decision, and the reasons for it, in writing and without delay. 	

Appendix 5: Disciplinary Committee Agenda Template

	ITEM	
1	The Chair invites the Headteacher to make a statement to the Committee to expand on, or summarise, the points in his/her written report	
2	The Chair invites the parents/carers (or representative speaking on their behalf) to ask the Headteacher questions about the report and statement	
3	If the Headteacher has called any person to provide information, the Chair should now invite that person to make a statement to the Committee	
4	The Chair invites the parents/carers (or their representative) to ask this person questions	
5	The Chair invites the parents/carers to make their statement to the Committee	
6	The Chair invites the Headteacher to ask the parents/carers questions	
7	If the parents/carers have called any person to provide information, the Chair should now ask that person to make a statement to the Committee	
8	The Chair invites the Headteacher to ask this person questions	
9	The Chair invites the local authority officer to make a statement to the Committee	
10	The Chair invites the Headteacher to ask the LA officer questions	
11	The Chair invites the parents/carers (or their representative) to ask the LA officer questions	
12	The Chair invites members of the Discipline Committee to question the Headteacher, parents/carers and LA officer. In considering whether to direct reinstatement, the Committee should seek the LA Officer's views as to what support could be made available to assist with reintegrating the pupil	
13	The Chair asks the Headteacher to make a closing statement to summarise his/her position	
14	The Chair asks the parents/carers (or their representative) to make a closing statement	
15	The Chair asks the LA officer to make a closing statement	
16	The Chair asks the Headteacher, the parents/carers (or their representative), the LA officer and anyone called to give evidence to leave the room, while the Discipline Committee makes its formal resolution which will be minuted by the Clerk. (The clerk does not need to minute the discussion leading to the decision, but will minute the decision reached and the reasons for that decision).	
17	The Clerk asks all parties to return to the meeting for the Chair to notify them all of the decision. This decision must be confirmed in writing, detailing the appeal process if the decision was not to reinstate the pupil. (A model letter is available)	

Appendix 7: Checklist of documents for 'exclusion bundle'

Documentation	Page
Information about the permanent exclusion	
Permanent exclusion form – Annexe G	
Permanent exclusion letter to parents	
Headteacher/Principal's statement	
Chronology of Events	
General exclusion/attendance information	
Record of all past exclusions – Annexe Bs	
Behaviour logs	
Letter to parents regarding all past exclusions	
Reintegration meeting minutes from past exclusions	
Record of Attendance	
Evidence relating to the permanent exclusion	
Pupil's statement(s)	
Witness statements	
Risk Assessments	
Behaviour Policy	
Exclusions Policy	
SEN/D Support – plans should be signed to reflect those involved	
SEN/D Policy	
Annexe R	
SEN/D statement	
SEN/D Reviews	
IEP - Individual Education Plan	
IBP – Individual Behaviour Plan	
PSP – Pastoral Support Plan/Relational Support Plan	
PHP – Positive Handling Plan	
Educational Psychologist Report (attached with parental consent)	
Provision Map	
External agency support	
Early help referrals and plans	
Team around the family referrals and plans	
External support such as YSmart/CAHMS	
Records of discussion with external professionals and their recommendations	
Academic records	
Progress and attainment documentation	
Annual reports	

Appendix 8: Model reintegration meeting record

FIXED TERM EXCLUSION – Reintegration Meeting - Please return form to reception

Date of Exclusion:

Student:

SEND:

Tutor Group:

Period of Exclusion (number of days):

Physical assault against pupil Article 19 (Protection from all forms of violence): Children have the right to be protected from being hurt and mistreated, physically or mentally		Persistent or general disruptive behaviour Article 28: (Right to education): All children have the right to an education,	
Physical assault against adult		Theft Article 16 (Right to privacy): Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.	
Verbal abuse/threatening behaviour against pupil Article 19 (Protection from all forms of violence)		Drug related/alcohol related/tobacco related Article 33 (Drug abuse): Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.	
Verbal abuse/threatening behaviour against adult		Sexual misconduct Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse	
Bullying Article 19 (Protection from all forms of violence)		Damage to school or personal property Article 29 (Goals of education): The convention should also help them learn to live peacefully, protect the environment and respect other people.	
Use or threat of use of an offensive weapon or prohibited item		Racist abuse Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. No child should be treated unfairly on any basis.	
Abuse against sexual orientation and gender identity (for example LGBT)		Abuse relating to disability	
Damage		Inappropriate use of social media or online technology	

Re-integration Meeting

Return Date:

Time of Meeting:

Student Name:

Signature

Parent/Carer:

Signature

Meeting with SSO/SLT/HT

Targets to be addressed/expected behaviour:

1.

2.

3.

Support/Actions agreed by the school:

.

.

.

Monitoring Report (Colour/date to review):

Report to Pastoral/SLT:

Other factors to review/support reintegration:

Have we/do we need to: (add details as necessary)

- ✓ Completing re-integration form which outlines targets and support for the student to reduce the risk of reoffending.

- ✓ Consideration of planning a review of any PSP, BCP, referral onto outside agencies.

- ✓ Consideration of a referral to the school counsellor.

- ✓ Plan a restorative meeting, when appropriate, with staff or students.

- ✓ Go on report card to pastoral/senior staff as appropriate.

- ✓ Time in internal exclusion/isolation if appropriate.

- ✓ A risk assessment, if required.

- ✓ Send quick checker or another SEND assessment needed.

Other:

Appendix 7: Guide/Support for parents:

(This section is copied from the Exclusion from maintained schools, academies and pupil referral units in England document September 2017) see link for whole document:

- <https://www.gov.uk/government/publications/school-exclusion>

Parent/Carer Guide on Exclusion

Disclaimer

This non-statutory document is not replacing the statutory guidance on exclusion and is intended only to support parents' understanding of the exclusion process.

The exclusion legislation applies to maintained schools; pupil referral units (PRUs); and academies/free schools - other than 16-19 academies. It applies to all pupils at these schools, including those who are above or below compulsory school age, for example where a school also has a nursery or a sixth form. It does not apply to fee-paying independent schools, stand-alone nurseries, stand-alone sixth form colleges and other post-16 provision, such as Further Education colleges. These have their own exclusion arrangements.

If you are unsure in which category your child's school fits, you can find this information in Edubase: <http://www.education.gov.uk/edubase/about.xhtml>

Glossary

The term '**must**' refers to what head teachers/governing boards/Trust trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, '**parents**' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term '**governing board**' includes the governing body of a maintained school, the management committee of a PRU and the Trust trust of an Trust.

Fixed-period exclusion: when a pupil is barred from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: This refers to the education arrangements made for excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision can be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour.

Reasons for exclusion

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded, and the decision to exclude lies with the head teacher. Head teachers can only exclude a pupil for a disciplinary

reason (e.g. because their behaviour violates the school's behaviour policy). They cannot, for example, exclude a pupil for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A head teacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

Schools have the power to send a pupil to another education provider at a different location to improve their behaviour without the parents having to agree.

A school can also transfer a pupil to another school – a process called a 'managed move' - if they have the agreement of everyone involved, including the parents and the admission authority for the new school.

Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded (see below). Any fixed-period exclusion must have a stated end date.

Exclusion process

What happens when my child is excluded?

Please go to section 2 entitled 'What happens when your child is excluded' on the gov.uk website. <https://www.gov.uk/school-discipline-exclusions/exclusions>

What are the legal obligations on a school when excluding a pupil?

When a head teacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the length of the exclusion;
- the parents' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved; and
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Is there a limit to the number of times my child can be excluded?

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more; and also they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools. Lunchtime exclusions - where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

Scrutiny of the exclusion

Can I question the decision to exclude my child?

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE) or a national curriculum test (e.g. a key stage 2 test taken at the end of primary school). For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision.

Information on school discipline and exclusions issued by the Department for Education can be found here <https://www.gov.uk/school-discipline-exclusions/exclusions>.

What can I do if I feel my child is being discriminated against in the exclusion process, for example because he/she has a disability?

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the governing board.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. When making their request parents can ask for a Special Educational Needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion: www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm. The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through http://www.childrenslegalcentre.com/index.php?page=education_legal_practice.

- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: <http://www.autism.org.uk/services/helplines/school-exclusions.aspx>
- Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

You may also wish to access the following sources of advice from the Department for Education:

- Departmental advice on setting the behaviour policy
<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>
- The Department's guidance to schools on exclusion
<https://www.gov.uk/government/publications/school-exclusion>.
- 'School discipline and exclusions' and 'Complaint about a school or childminder':
<https://www.gov.uk/school-discipline-exclusions/exclusions> and
<https://www.gov.uk/complain-about-school>.

Arrangements for my child after exclusion

Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion.

From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements). If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their exams or national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education provided from the sixth day of exclusion (unless they have arranged suitable alternative education themselves).