



### EXCLUSIONS POLICY

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### 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
- 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.

Headteachers, governing bodies, local authorities (LAs), academy trusts, independent review panel members, independent review panel clerks and special educational needs experts must have regard to this guidance.

Except in relation to pupils in PRUs, or where specifically stated, the requirements of the guidance apply in relation to all pupils, including those who may be below or above the statutory school age, such as those attending nursery classes or in sixth forms.

Key points within the guidance, which summarise government views on the use of exclusion and which are reflected in the model policy below, are:

- Good discipline in schools is essential. However, the government supports headteachers in using exclusion where it is warranted. Permanent exclusion, however, should only be used as a last resort.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics and to give particular consideration to pupils from groups who are vulnerable to exclusion.
- There should always be early intervention when a pupil displays disruptive behaviour. The causes of that behaviour, which may be the result of un-met needs, should be sought and followed up as appropriate by possible recourse to external multi-agency assessment.
- There should be an agreed strategy for the re-integration of pupils after fixed term exclusion.
- Work must be set and marked by the school for an excluded pupil during the first five days of that exclusion and alternative provision must be arranged from the sixth day.
- LAs are required to arrange educational provision after the fifth day of exclusion for excluded pupils of compulsory school age from all institutions, including those to whom the guidance does not otherwise apply.
- Parents (and any excluded pupil over 18) may challenge exclusion by asking for a review from an independent review panel. If discrimination is alleged, then they have the right of recourse to a first-tier tribunal or county court.
- Parents (and any excluded pupil over 18) can request the presence of a special needs expert on the review panel, whether or not the excluded pupil is deemed by the school to have SEN.
- From 1<sup>st</sup> September 2023, parents can request for a meeting to be held remotely, meetings may be held remotely in extraordinary circumstances, and Headteachers can cancel suspensions /exclusions if they have not yet started.
- The excluded pupil should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.
- The independent review panel does not have the power to direct a governing body to re-instate an excluded pupil. It can uphold the exclusion decision, recommend that the governing body reconsiders their decision or quash the decision and direct the governing body to consider the exclusion again. A decision to redirect can only be made if the panel decides that the school has acted illegally, irrationally or where there are significant flaws in procedure.
- If the governing body still decides not to re-instate the pupil, then the school will be ordered to make an additional payment of £4,000. This is a contribution towards the cost of providing alternative provision.

- If they have been recommended or directed to reconsider, the governing body must inform the parent, the headteacher and the LA or home LA of the outcome of their reconsidered decision and the reasons for it in writing and without delay.
- If the governing body decides to offer to reinstate the pupil following a recommendation or direction to reconsider received from the independent review panel, but the parents refuse the offer, no readjustment need to be made to the school's budget.
- The governing body must comply with any direction by the panel to place a note on the pupil's record. The note must include the fact that if a child is not reinstated after a panel's direction to reconsider, this does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice already.

#### **4. Our Policy**

Our school is committed to the philosophy and practice of inclusion. Therefore, we believe our policies should be true to the school's vision and aims. Consequently, all policies set out to make clear the importance of:

- Leadership.
- The culture within the school.
- Policy and practice.

The leadership team has agreed that the shared vision will be given high priority and all stakeholders will be aware of our whole school commitment.

We aim to provide a stimulating learning environment that varies according to the age of the learner across the whole curriculum. We recognise that the curriculum is subject to imposed and developing change. We also aim to be in a position to maximise individual potential and ensure that pupils of all ability levels and staff at differing stages in their career are well equipped to meet the challenges of education, work and life.

#### **This will be achieved by:**

- Designing a curriculum to promote a full range of learning, thinking and life skills.
- Providing a broad, balanced and relevant curriculum.
- Using flexible and responsive teaching and learning styles.
- Equipping pupils with the skills, knowledge and attitudes necessary to succeed as responsible and valued members of society.
- Developing a close partnership within and with the whole community, including all stakeholders.

We aim to be an inclusive school and offer equality of opportunity and diversity when needed to all groups of pupils within school. These groups include:

- Boys and girls.
- Pupils from minority faiths, ethnicities, travellers, asylum seekers, refugees.
- Pupils who have English as an additional language.
- Pupils who have special educational needs.
- Pupils who are academically more able.
- Pupils who are looked-after children.
- Pupils who are at risk of disaffection or exclusion, young carers, sick children, children from families under permanent or temporary stress.

We aim to provide a differentiated curriculum that meets the needs of all pupils, persons and groups by:

- Setting suitable learning challenges.
- Responding to pupils' diverse learning needs.
- Overcoming potential barriers to learning and assessment.

We aim to provide a happy, healthy and safe school by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our pupils and staff members.
- Providing high quality pastoral care, support and guidance, driven by the leadership team.
- Safeguarding the health, safety and welfare of pupils and staff.
- Listening and responding to the concerns of learners and parents.
- Taking care to balance the needs of all members of the school community.

We will secure inclusive education for our pupils by constant review and evaluating what is done through the following questions:

- Does each pupil achieve as much as they can?
- Are there differences in the achievements of different groups of pupils?
- What is in place for pupils who are not achieving their potential?
- Are our actions effective?
- Are all our pupils happy to be in school?
- Are all our staff members happy to be in school?
- Are all members of our community valued, do they feel secure and are they offered opportunities to learn? Are structures in place to support inclusion if they cannot?

We will do everything possible to avoid the need for exclusion by:

- Carrying out early intervention strategies, especially in the case of a pupil with SEN to ascertain that the pupil is receiving appropriate provision and support.
- We will consider the use of multi-agency assessment of pupils who demonstrate persistent disruptive behaviour.
- We will check whether there are mental health or family problems.
- We may request an early review of a pupil's SEN statement – or from September 2014 of the pupil's Education, Health and Care (EHC) plan – or we may ask for an interim/emergency review.

If nevertheless it becomes necessary to exclude a pupil, the statutory guidelines and regulations will be stringently followed.

### **Exclusion will be used in the following cases**

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon, we need not postpone taking a decision on exclusion solely because a police investigation is underway. Our decision will be taken on the evidence available to the school at the time. The headteacher will give particular consideration to the fairness of exclusion if he/she is aware that some evidence is being withheld by the police.
- Where allowing a pupil to remain in school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff or of the pupil him/herself.
- More usually it follows a series of breaches of the school's disciplinary code and after an exhaustive range of strategies to resolve the pupil's disciplinary problems have been tried and have failed.
- When the behaviour of pupils outside school is such that it can be considered as grounds for exclusion.

### **The principles of our exclusion policy:**

- Only the headteacher or acting headteacher can exclude a pupil, and this will only ever be on disciplinary grounds.
- This power may not be delegated to anyone else.

- The headteacher may withdraw an exclusion that has not been reviewed by the governing body.
- In line with the principles of administrative law,( including the European convention on Human Rights) any decision the headteacher makes to exclude a pupil must be:
  - Lawful.
  - Rational.
  - Reasonable.
  - Fair
  - Proportionate.
- When establishing the facts in relation to a possible exclusion, the headteacher will always apply the civil standard of proof, that is, on the balance of probabilities.
- We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.
- The school will always have due regard to its public sector equality duty.
- We will not exclude any pupil for non-disciplinary reasons.
- Exclusion will never be used informally or unofficially. This is against the law.
- The headteacher does, however, have the right to direct a pupil for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason. This will only be considered when there has been full consultation and agreement with parents and the receiving institution. The threat of exclusion will never be used to influence parents to remove their child from the school.
- Where practical, the headteacher will give the pupil an opportunity to present his/her case before taking the decision to exclude.
- When considering exclusion, the headteacher will take into account:
  - Possible short term mitigating circumstances, such bereavement, mental health issues etc.
  - Where it comes to light that the pupil has been subject to bullying.
  - Whether the pupil comes into a category that is known to be a particularly vulnerable group (for example, pupils with SEN, FSM pupils; looked-after children; certain groups or a group with disproportionately high levels of exclusion; traveller children) and whether all preventative strategies have been fully used.
  - Whether a pupil has already had a number of fixed-term exclusions which appear to be ineffective.

## **Duration of exclusions**

The headteacher may exclude a pupil for one or more fixed periods not exceeding a total of 45 days in any one school year or permanently.

If a pupil is excluded for lunchtimes only, each lunchtime counts as a half day.

The headteacher may exclude a pupil permanently if he/she judges that the circumstances warrant it.

## **Action following any exclusion**

### **Informing parents**

Following any exclusion of whatever type or duration, the headteacher will:

- Inform parents of the period and nature of the exclusion.
- Give the reasons for the exclusion.

- Advise parents about rights of representation about the exclusion to the governing body and how these representations may be made.
- Take account of his/her legal duty of care when sending a pupil home following exclusion. 'Holding' arrangements until the pupil can be collected may be necessary. (The school cannot force parents to collect an excluded child straightaway.)
- We will inform parents what arrangements we have made to provide education for the pupil during the first five days of the exclusion. Work will be provided that is accessible and achievable by pupils outside of school.
- Make arrangements to provide suitable full time education from the sixth day onwards for pupils who have been given a fixed period exclusion lasting longer than five days. Once alternative provision has been arranged from the sixth day of the exclusion, the headteacher must by law inform the parents without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start. It is then the responsibility of the parents to make sure the pupil attends the alternative provision..

This information will be put in writing and will be sent either by email, by text, by delivering a letter directly to the parents, leaving it at their last known address or by posting it to this address. The information can also legally be sent home with the excluded pupil, but in this case we will always send a duplicate copy by a reliable alternative method. The information provided to parents will be clear and free of unnecessary jargon. Consideration will be given to translating the letter if the parent's first language is not English.

The school will explain to parents in writing that they can challenge to the governing body concerning:

- Fixed term exclusions of more than five school days in a term or if any exclusion will mean that the pupil misses a public examination or national curriculum test.
- Permanent exclusions.

If the governors agree with the exclusion then parents can then appeal to the LA or the academy trust.

Parents may make a claim to a court or tribunal if they believe the pupil has been discriminated against. The Equality Advisory Service will supply help and advice.

Where the excluded pupil is of compulsory school age, the school will also notify parents without delay and by the end of the afternoon session that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so.

Parents will be informed where fixed term exclusion has been extended or converted to a permanent exclusion. In such cases, the headteacher will write again to the parents explaining the reasons for the change and providing any additional information required.

### **Informing other bodies**

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the headteacher will also:

- Notify the local authority (LA) giving the details of the exclusion and reasons for it.
- Notify the governing body giving the same details.
- For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher must also inform the 'home authority' of the exclusion without delay.

- If any exclusion of even one day would cause a pupil to miss a public examination or national curriculum test, the headteacher will inform the LA and the governing body.

The headteacher will make a termly report to the governing body on all exclusions, covering:

- The number and type of exclusions.
- The reasons, gender, ethnicity and age of pupils and whether they were already on individual education programmes or pastoral support programmes.
- Repeated exclusions and the school's response to them.
- Links with parents.
- Truancy, punctuality and attendance figures.
- Follow-up action, including what has subsequently happened to permanently excluded pupils.

In addition, within 14 days of a request, we will report to the LA and Education Secretary information about any exclusion within the last 12 months.

## 5. 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 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 (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 immediately 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
- 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 afternoon session on 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 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 made permanent
- 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 a 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 Full Governing Body. The Full Governing Body has a duty to consider the reinstatement of an excluded pupil.

The governing body may review all the various categories of exclusions and will consider any representations made by the parents of the excluded pupil.

The governing body has no power to increase the severity of exclusion. It can, however, uphold exclusion or direct the pupil's reinstatement, either immediately or by a particular date.

However, in the case of fixed term exclusion that does not bring the pupil's total number of days of exclusion to more than five days in a term, the governing body cannot direct reinstatement and is not required to arrange a meeting with parents.

## **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 Body 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 Full Governing Body 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 Full Governing Body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Full Governing Body will consider the exclusion and decide whether or not to reinstate the pupil.

*The Full Governing Body 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 Full Governing Body 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 Full Governing Body 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 Full Governing Body 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.

## **Conduct of the meeting**

The meeting will be conducted as follows:

- No party to the review will be alone with the committee before, during or after the meeting.
- The clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold an exclusion or re-instate the pupil.
- The school representative, usually the headteacher, will present the school's case.
- He/she can be questioned by all the other parties.
- The parents will be asked to give their reasons for appealing.
- Very often it is the friend/advisor (who may well be a lawyer) who presents the parents' case.

- The parents and the pupil, if present, will still be asked if they have anything to add.
- The other parties may question the parent and/or comment on what the family has said.
- In maintained schools, an LA representative will provide information on support for pupils in the LA and how similar incidents have been dealt with by other schools, and can be questioned on these, but may not comment on the specific case being discussed. An academy is not obliged to have an LA representative present but may wish to do so.
- The school sums up its case.
- The parents or their representative sum up their case.
- All the parties except the committee and the clerk leave.

The committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the pupil. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

## 7. An independent review

If parents apply for an independent review, the school 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 Body 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 or Governor of the excluding school trust
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the school, 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 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 below 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.

## **Independent review panel training**

The school 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

## **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 senior staff and other staff, where appropriate. 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*
- *A phased reintegration*

## **10. Monitoring arrangements**

The Business Manager monitors the number of exclusions every term and reports back to the headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded pupils. This policy will be reviewed every 2 years by the governing board.

## **11. Links with other policies**

This policy should be read in conjunction with the procedures adopted by the governing body for the management of pupil exclusion. It should also be read in conjunction with the following policies:

- Teaching and learning.
- SEN policy and information report
- Equal opportunities.
- Health and safety.
- Behaviour Policy
- Anti-discrimination.
- Child protection.

- Sex and relationships education.
- Admissions.

### **The decision – fixed term exclusion**

The clerk may help the committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards.

In reaching that decision, the committee should be mindful that the government does not allow that exclusion to be justified for:

- A breach of uniform or appearance, except for persistent defiance.
- Minor incidents, such as failure to complete homework or to bring in money owed.
- Poor academic work.
- Lateness or truancy.
- Pregnancy.
- Misdeeds by a child who has special educational needs, except for very serious offences.

In the case of fixed term exclusion, it is possible that the exclusion may already have expired and the pupil is back in school. In that case:

- The committee will decide whether the headteacher's decision to exclude the pupil was justified, based on the evidence.
- The outcome should be added to the pupil's record for future reference.

In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the committee should simply record whether or not they believed that the headteacher's decision was justified. This view should be recorded and sent to the parents. If the fixed term exclusion is still operative:

- The committee will decide whether or not the headteacher's decision to exclude was justified.
- They can either uphold the exclusion, which will have to run its course, or
- Direct the pupil's reinstatement either immediately or on a named date.

The committee through the clerk must inform the parents and the headteacher of their decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the headteacher to reinstate the pupil.

The school has in place established procedures both for the return to school of a pupil whose fixed term exclusion has been upheld, and for the reinstatement of a pupil whose exclusion has been overturned. On their return, a pupil first has a meeting with the headteacher or another senior member of staff, responsible for the pupil's welfare, along with his/her parents.

### **The decision – permanent exclusion**

We follow government guidance which sets out reasons why it would normally be inappropriate to reinstate a pupil. These are:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying illegal drugs.
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules.

When the committee decides to uphold a permanent exclusion, a letter to the parents (or to the pupil if aged 18 or over) will state:

- Their reason for the decision.
- The right of the family to refer the case to an independent review panel, together with the name and address of the person to whom any request for a review should be sent.
- The date by which any request for a review should be lodged.
- That any request for a review must set out the grounds on which the request is made.
- That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a first-tier tribunal or a county court.

If the committee decides to overturn the exclusion, as with fixed term exclusions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the governing body's views on the exclusion will be placed on the pupil's school record with copies of relevant papers.

## **Follow up**

Where an application for an independent review has been made within 15 school days, the pupil will remain on the school roll until the review has been held and its outcome known. The headteacher will, however, remove the name of a permanently excluded pupil from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold the permanent exclusion.
- The parents have stated in writing that they will not be applying for an independent review.

If the parents go on to make a discrimination claim which is upheld by either a first-tier tribunal or the county court, the pupil must be re-instated.

Should the LA place an excluded pupil with us, we will not refuse to take such a pupil unless we are full. However, if the child has already been excluded from two or more schools, then our governing body may refuse to take him/her.

## **Parenting orders**

Under the Anti-Social Behaviour Act 2003, LAs have powers to apply for a parenting order to help address children's behaviour in school. If necessary, we will request the LA to make an application for a parenting order if we feel it necessary to help us address a child's behaviour in school. A parenting order is a court order which compels parents to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.

Parenting orders will only be considered following a permanent exclusion or a second fixed term exclusion within 12 months, particularly if parents have not responded to the opportunity to meet with us or the governor's committee.

## **Financial implications of exclusion**

Should a pupil be permanently excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain in the school budget for a little longer if the parent chooses to appeal to a governors' committee and then an independent review panel.

If an independent review panel requires the governing body to reconsider a permanent exclusion but they uphold that exclusion, the school will be required to make an equivalent payment to the LA in which the academy is sited. The money will not be deducted if the parents decline a reinstatement offered by the school.

This is to ensure that the money follows the child to whatever form of education he/she receives after the exclusion. Special arrangements can be made if the child moves to another LA or would be about to move anyway from one phase of education to another, for example, at age 11.