

# ***Thurlton Primary School***

# ***Exclusion Policy***



### ***Policy Consultation & Review***

This policy is referred to in our School Prospectus, is available on request from the School Office and is also on our website.

We inform Parents/Carers about this policy when their children join our school and through our school newsletter.

This policy will be reviewed in full by the Governing Body on an annual basis.

This policy was reviewed and ratified by the Governing Body on: 1.3.2021

Signature      *Ms Hambley*      Headteacher      Date: 1.3.2021

Signature      *J Howell*      Chair of Governors      Date: 1.3.2021

At Thurlton Primary we believe staff and pupils are entitled to a safe and secure environment in which to learn and succeed, the safety and well-being of all the members of the school community is paramount.

This policy relates to the policy and practice regarding the use of exclusions. A child will only be excluded from Thurlton Primary School only as a last resort as a result of violence, unacceptable breaches of the Behaviour Policy or of the criminal law.

## ***AIMS AND EXPECTATIONS***

- To ensure the safety and well-being of all members of the school community and maintain an appropriate educational environment in which all can learn and succeed
- To reduce the need to use exclusion as a sanction by positively encouraging and recognising acts of respect and consideration to others.
- Pupils do not become NEET (not in education, employment or training)
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils

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

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

## ***TYPES OF EXCLUSIONS***

### ***INTERNAL EXCLUSION***

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This would normally take place in a room within Thurlton Primary school but in consultation with Parents/Carers and Clarion Trust an appropriate room in a building within the Trust may be used. An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external or fixed-term exclusion. Typically, a pupil receiving a consequence of this level should be receiving

additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (behaviour chart to address specific behaviours causing a problem; support from the learning mentor etc)

### ***FIXED- TERM EXCLUSION***

A fixed-term exclusion is when a pupil is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

### ***PERMANENT EXCLUSION***

A permanent exclusion is when a pupil is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with the Chair of Governors as soon as possible in such a case.

### ***REASONS FOR EXCLUSION***

At Thurlton Primary School the decision to exclude a child will be lawful, reasonable and fair. Any decision to exclude a pupil, either internally, for a fixed-term or permanently is seen as a last resort by the school. The physical and emotional health of our pupils and staff is our primary concern and we therefore accept that, in some serious situations, exclusion may be necessary, if all other strategies have been exhausted.

## **THE DECISION TO EXCLUDE**

Exclusion is an extreme sanction, a permanent exclusion will only be taken as a last resort.

Only the Headteacher has the power to exclude a pupil from Thurlton Primary School.

Exclusions, whether for a fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are breaches of the school's Behaviour Policy

Thurlton Primary School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

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

We are committed to following all statutory 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 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
- There may be other circumstances that could arise when the Headteacher makes the judgement it would be appropriate to exclude a pupil in school

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the following will be considered by the Headteacher:

- 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)

## **ROLES AND RESPONSIBILITIES**

### **INFORMING PARENTS**

At Thurlton Primary School the decision to exclude a child will be lawful, reasonable and fair. Every effort will be taken to ensure early intervention be used to address the underlying causes of any inappropriate behaviour before an exclusion is considered. If a pupil is to be excluded, Parents/Carers will be notified immediately by telephone.

They will be provided with the following information in writing as soon as possible:

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 Parent/Carers' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations to the exclusion should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that Parent/Carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

Parents/Carers will be notified 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/Carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/Carers 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 Parent/Carers 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 available by the end of the afternoon session, it may be provided in a later 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/Carers consent.

### ***INFORMING THE GOVERNING BOARD AND LOCAL AUTHORITY***

The Headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

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

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

### ***THE GOVERNING BOARD***

Responsibilities regarding exclusions are delegated to the Local Governing Body (LGB). The LGB has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the Governing Board will provide the secretary of state with information about any exclusions in the last 12 months.

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

### ***THE LOCAL AUTHORITY (LA)***

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

### ***CONSIDERING THE REINSTATEMENT OF A PUPIL***

The LGB 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 or national curriculum test

If requested to do so by Parents/Carers, the LGB 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 statutory assessment, the LGB will consider the reinstatement of the pupil to participate in the assessment. If this is not practicable, the LGB will consider the exclusion and decide whether or not to reinstate the pupil.

*The LGB 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 LGB 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 LGB will notify, in writing, the Headteacher, Parents/Carers and the LA of its decision, along with reasons for its decision, without delay.

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

- The fact that it is permanent
- Notice of Parents/Carers' 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/Carers have a right to require the Clarion Academy Trust (CAT) 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/Carers for this appointment
- That Parents/Carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That Parents/Carers may, at their own expense, appoint someone to make written and/or oral representations to the panel and Parents/Carers may also bring a friend to the review
- That if Parents/Carers 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

### ***AN INDEPENDENT REVIEW***

If Parents/Carers apply for an independent review, CAT 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/carers by the LGB 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/Trustee of CAT, 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 CAT 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 CAT, school, governing board, Parents/Carers 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 2 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.

## ***SCHOOL REGISTERS***

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

- 15 school days have passed since the Parents/Carers 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/Carers 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.

## ***RETURNING FROM A FIXED-TERM EXCLUSION***

After fixed term exclusion the pupil and Parent/Carer will be requested to attend a reintegration meeting with the Headteacher and other staff (where appropriate). At this meeting the behaviour leading to exclusion will be discussed and targets will be set for improvement. Support around behaviour will be also be discussed. The meeting will be recorded on the school re-integration form and a copy retained by the Parent/Carer, pupil and school.

## ***MONITORING ARRANGEMENTS***

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

This policy will be reviewed by the LGB every year and at every review the policy will be approved by the Clarion Trust.

## ***LINKS WITH OTHER POLICIES***

This Exclusions Policy is linked to our

- Behaviour policy
- SEN Policy and information report

## ***LEGISLATION AND STATUTORY GUIDANCE***

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines ***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.

**DEFINITION**

For the purposes of exclusions, the **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.

**INDEPENDENT REVIEW PANEL TRAINING**

CAT 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