

Policy Document Title: Exclusion Policy

To be read in conjunction with: Code of Conduct, Discipline, Rewards and Sanctions Policy

Reviewed: 09/20 To be updated: 09/21

Introduction

The Principal, local authorities (LAs) and Independent Appeal Panels (IAPs) must by law have regard to the DfE guidance (Exclusion from maintained schools, academies and pupil referral units in England) when making decisions on exclusions and administering the exclusion procedure. This means that, whilst the guidance does not have the force of statute, there is an expectation that it will be followed unless there is good reason to depart from it. The guidance is not exhaustive and judgments will need to take account of the circumstances of individual cases.

These procedures apply to all maintained schools and the pupils in them, (except for the requirements related to the arrangement of provision for pupils from the sixth day of their exclusion which applies only to pupils of compulsory school age). As a non maintained school, St Vincent's will show due regard to these procedures.

The DfE document remains the main source of general advice and covers all stages of the process.

What are the main changes?

- Change in the provision of suitable full-time education expected for pupils excluded from schools that
 were involved in the Behaviour Improvement Programme. Provision need not be made until the
 sixth day.
- This guidance now reflects the introduction of statutory management committees in PRUs from 1 February 2008 and the implementation of the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008, which came into force on 1 April 2008. The regulations impose similar duties on management committees in regard to exclusions from PRUs to those which apply to the governing bodies of mainstream schools, mainly in relation to reviewing decisions to exclude pupils. There are also some changes for teachers in charge in regard to whom they have to inform about exclusions.

^{*}This policy is available on school intranet and website www.stvin.com

- Following permanent exclusion, local authorities should arrange to assess the pupil's needs. This
 should involve undertaking a Common Assessment Framework (CAF) process where one has not
 already been carried out.
- Additional details, formerly only provided in the 2007 online version, have been added on the arrangements for money to follow pupils who have been permanently excluded from school.
- Guidance on statutory provision of suitable full-time education for excluded pupils, previously
 published separately, has been incorporated in this guidance.

How St Vincent's will use this new guidance

- 1. **DES Guidance**. The Principal, senior managers and governors will familiarise themselves with the DES documentation held on their website
- 2. **Governing Body/Discipline Committee**. The Governing Body will review certain exclusions and consider any representations about an exclusion made by the parents of an excluded pupil. The Governing Body will delegate some or all of its functions in respect of exclusions to a committee consisting of at least three governors and such a committee will be called the Learning and Environment sub committee (L&E), the Governing Body will continue to use L&E to fulfil this function and consider individual cases. The meeting of the L&E will follow guidance on the conduct of such a meeting as discussed in the DfE documentation.
- 3. **Exclusions Paperwork**. We will use documentation to reflect that available in the guidance document. This documentation will not only be used to inform parent/carers, but will also provide basic information to the L&E. Exclusions will be reported to the host LA.
- 4. **Model Letters**. The model letters will be developed from the relevant current guidance to reduce the chance of any successful legal challenge to the exclusion at a later stage.
- 5. Guidelines for Parents. The CBI is not able to provide support and advice to parents and carers. These guidelines aim to give parents the information they need and possible sources of further information/advice if needed. Parents will be directed as to were to find the appropriate. If parents have any queries they are advised to contact the Parent Partnership Officer (or equivalent) of the placing authority, for independent advice and support.
- 6. **Guidance on the Conduct of the PC&P and Proforma for the PC&P Statement**. Suitably detailed Minutes of what happened during the meeting, and a Statement detailing the issues considered by the Committee in reaching their decision, will be important pieces of evidence in the event of an appeal.

Pupils with Special Educational Needs (SEN)

Statutory guidance on identifying, assessing and making provision for pupils with SEN, including those with behavioural, social and emotional needs, is given in the Special Educational Needs Code of Practice. St Vincent's will have regard to this guidance. The governing bodies have a duty to do their best to ensure that the necessary provision is made for any pupil who has SEN. Early identification and intervention, accurate assessment and the arrangement of appropriate provision to meet pupils' SEN usually leads to better outcomes.

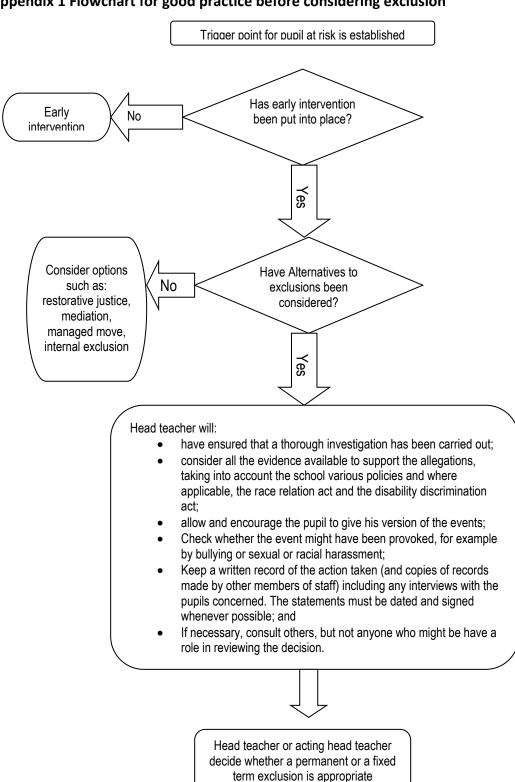
Other than in the most exceptional circumstances, St Vincent's will avoid permanently excluding pupils with statements. In most cases, the Principal will be aware that the school is having difficulty managing a pupil's behaviour well before the situation has escalated. The school will try every practicable means to maintain the pupil in school, including seeking host LA and other professional advice and support. For a pupil with a statement, where this process has been exhausted, the school will liaise with the host LA about initiating an interim annual review of the pupil's statement.

Where a child is permanently excluded, the Principal should use the period between his or her initial decision and the meeting of the governing body to work with the host LEA to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the head teacher should normally withdraw the exclusion.

It is extremely important that parents of children with SEN who are excluded from school receive advice on the options available for their child's future education. St Vincent's will advise parents that advice and information on SEN is available through their local SEN Parent Partnership. The Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

There follows a series of flow charts that describe the process in relation to exclusion.

Appendix 1 Flowchart for good practice before considering exclusion



Appendix 2: Flowchart for fixed term exclusion

Decision: Head teacher, acting head teacher, or teacher in charge of a PRU takes the decision to exclude a pupil for a fixed period.

Contact parent: The head teacher should ensure that a parent/carer has been contacted immediately, ideally by telephone and is available, if appropriate, to arrange collection and supervision of the pupil. The child's welfare must always be the prime consideration

Lunchtime exclusion: Pupils who are disruptive during the lunch time may be excluded just for the duration of the lunch time. Lunchtime exclusion will count as half a day for statistical purpose and for parents to make representation but are not counted in the school's 6th day duty to provide full-time

Exclusion during morning session: the exclusion takes effect from the afternoon session, notice must be given to the parent before the start of the afternoon session.

Exclusion during afternoon session: - if the exclusion takes effect from the next school day. Notice to the parent must be given before the start of that school day.

- If the exclusion takes place from that afternoon, the notice must be given at the end of the afternoon session

Written notice: The head teacher must give a written notice to the parents informing them of:

- the precise period and the reasons of the exclusion;
- the parent's duties during the first five days;
- the parents right to make representation to the Governing body and how the pupil may be involved in this;
- The person the parent should contact if they wish to make such representation;
- The arrangement made by the school to set and mark work for the pupil during the initial 5 days of the exclusion;
- if relevant, the school day on which the pupil will be provided with full-time education; and
- if relevant details of a reintegration interview.

The head must inform the Governing Body if a pupil is being excluded for more than 15 days in any one term. Pupil's can excluded for one or more fixed periods, which when aggregated, do not exceed 45 school days in any one school year.

Educational provision during the exclusion:

- The school has a duty to arrange suitable full-time educational provision from and including the 6th consecutive day of the exclusion.
- Where a Looked After Child is excluded provision should be in place from the 1st day of exclusion.
- Schools in the former BIP still receiving additional funding should make provision from the first day of exclusion.

Reintegration interview:

The head teacher or a senior member of staff should arrange and conduct a reintegration interview with a parent and the pupil at the end of the exclusion at a date and time convenient for the parent on the school premises.

The notice for a reintegration interview must be given no later that 6 school days before the date of the interview (it can be combined with the notice of the exclusion). If the parent fails to attend, the school must keep a record of the failure as well as any

If the parent fails to attend, the school must keep a record of the failure as well as any explanation given as it can be one factor taken into account in the Magistrates' Court when deciding whether to impose a parenting order.

Primary: School **must** offer a reintegration interview after any exclusion Secondary: School **must** offer a reintegration interview for an exclusion of 6 or more school days.

If the school or the LA considers that parental influence could be better brought to bear in the behaviour of the pupil, a parenting contract may be offered. If the parent fails to engage with the school or LA in attempting to improve the child's behaviour, the school or LA may consider applying to the Magistrate's Court to compel the parent to comply with certain requirements. See related guidance.

Appendix 3: Flowchart for

permanentexclusion

Pupil excluded in a morning session and exclusion takes effect form that afternoon.

If pupil is provided with alternative provision meeting all regulation before the 6th day, they are marked on the school register under code B or Code D

If any exclusion would result in the pupil missing public examination, the governing body should try to meet before the date of the examination.

Head teacher or acting head decides to exclude permanently

Notify the parent immediately ideally by telephone, followed by a letter. Notice must be in writing and state all the required facts underlined in the guidance Part 3

Governing body and the LA must be informed within one day (and the 'home' LA if different)

Provision must be made by the LA from the 6th school day of exclusion

Pupil excluded at the end of afternoon session and exclusion takes effect

If pupil is not provided with alternative provision until the 6th day, they should be marked absent on the school register using code E

On receiving notice of the exclusion, the governing body must convene a meeting between the 6th and the 15th school day after the date of receipt of the notice to consider the exclusion. They must invite the parent, the head teacher and an LA officer. They should circulate, at least 5 days before the meeting any written statements (including witness statement) and a list of attendees.



The governing body might ask the LA officer for advice but must take its decision alone, asking the other parties to withdraw. Only the clerk may stay.



The governing body must inform the parent, the head teacher and the LA officer of its decision in writing within one school day of the hearing, stating the reasons. They must also state the last day for lodging an appeal and explain that the grounds for the appeal must be set out in writing. A copy of the letter should be placed on the pupil's school record with copies of relevant papers.



The LA should write to the parent with 3 working days of the meeting indicating the latest date by which an appeal may be lodged and how and whom to appeal to. Parents have the right to an appeal hearing even if they did not attend the meeting



If parent appeals within the time limit, an appeal panel should aim to meet no later than 15th school day after the day on which the appeal was lodged. For detail, see the appeal flowchart



If the appeal is upheld, delete pupil from the admission or the attendance register only after the appeal process has been completed

Appendix 4: Flowchart for exclusion appeals

Any appeal made after the latest date for logging an appeal will be rejected

The LA should inform the Council of Tribunal of the date of the hearing The LA must constitute the appeal panel and appoint a clerk. The panel must have three or five members.

Las must ensure that the panel members receive suitable regular training

If parent appeals within the time limit, an appeal panel should aim to meet no later than 15th school day after the day on which the appeal was lodged.

The LA must try to arrange a suitable time for all to attend and must provide a suitable venue outside of the excluding school

The LA's Democratic Services department should liaise with the Children Services Department

If the panel number drops below three, the appeal needs to be adjourned until a new panel is created

The clerk should circulate all written evidence to all parties at least 5 school days before the hearing, including the statement of decision by the governing body and the notice of appeal and any disability discrimination claim but there is no statutory time limit to present evidence



The following are entitled to make written representations, appear and make oral representations, and to be represented: the parent, the head teacher, the governing body, the LA



Sufficient time must be allowed for each party to put its case. Care must be taken to ensure that no party attending the hearing is present alone with the appeal panel in the absence of any other party



After examining witness statements or hearing witnesses, the panel should consider the basis of the head teacher decision and the procedures followed in regards of: the compliance with the law (from the head teacher and the governing body); the school's published policies (on behaviour, equal opportunities, antibullying, Special Educational Needs, race and disability); the fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

The panel must also consider whether the response to the initial offence is proportionate



Once satisfied on all these points, it would be unusual for the panel to vary the governing body's decision. In particular, the panel should not reinstate the pupil without good reasons. While the law states that the panel must not reinstate a pupil solely on the basis of technical defects in procedure prior to the appeal, procedural issues would be relevant if there were evidence that the process was so flawed that important factors were not considered.



When a parent appeals against a permanent exclusion on the basis of discrimination, the appeal panel must consider whether there has been discrimination in relation to: the race relation act 1976 as amended or to the Disability discrimination act 1995 as amended



The clerk should ensure that the minutes of proceedings are taken, including details of the attendance, the voting and the decision. The minutes are not public and should be retained by the LA for at least 5 years. The panel can not revisit its decision once made



The panel must let all parties know its decision by the end of the second day after the hearing

Exclusion is uphold:

The clerk should immediately report this to the LA. The LA must make arrangements for the pupil to continue suitable full-time education. The head can take the pupil out of the school roll.

Reinstatement:

The clerk should immediately inform the head teacher of its decision and specify the date on which the pupils must be reinstated

Exceptional cases: The panel considers that the permanent exclusion should not have taken place but reinstatement in the excluding school is not in the best interest of all concerned. The panel must indicate all circumstance in a letter. This letter should be added to the pupil school record