



Rednock School

Quality, Partnership, Success

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Proposed Policy	Exclusions Policy	Responsibility Of:	Head Teacher
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SCHOOL EXCLUSION 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 students
- Students in school are safe and happy
- Students 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 student referral units \(PRUs\) in England](#).

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

3. The decision to exclude

Rednock School is committed to meeting the needs of all students and permanent exclusion will only be taken as a last resort; only the Head Teacher, or Deputy Head Teacher, can exclude a student from school.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a student 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 student."

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 student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others
- Before deciding whether to exclude a student, either permanently or for a fixed period, the Head Teacher will:
 - Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked

- Allow the student to give their version of events
- Consider if the student 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 Head Teacher

Informing parents

The Head Teacher will immediately provide the following information, in writing, to the parents of an excluded student:

- 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 student 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 student, 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 Head Teacher 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 student 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 Head Teacher 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 student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

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

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

5.2 The governing board

Responsibilities regarding exclusions are delegated to a Student Disciplinary Hearing Panel consisting of at least 3 governors.

The Student Disciplinary Hearing Panel has a duty to consider the reinstatement of an excluded student (see section 6).

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

5.3 The Local Authority

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 student

The Student Disciplinary Hearing Panel will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents, the Student Disciplinary Hearing Panel will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the Student Disciplinary Hearing Panel will consider the reinstatement of the student before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the student.

The Student Disciplinary Hearing Panel can either:

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

In reaching a decision, the Student Disciplinary Hearing Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher 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 student's educational record.

The Student Disciplinary Hearing Panel will notify, in writing, the Head Teacher, parents and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Student Disciplinary Hearing Panel 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority 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 Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Student Disciplinary Hearing Panel of its decision to not reinstate a student.

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 Head Teacher 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 Head Teachers during this time
- Head Teachers or individuals who have been a Head Teacher within the last 5 years

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

- Are a member of the Local Authority or governing board of the excluding school
- Are the Head Teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Local Authority or the governing board, of the excluding school (unless they are employed as a Head Teacher at another school)
- Have, or at any time have had, any connection with the Local Authority, school, governing board, parents or student, 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 student'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 student 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 student's name from the register.

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

Where excluded students 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 student, parents, a member of senior staff and other staff, where appropriate.

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

- Agreeing a behaviour contract

- Putting a student 'on report'
- Internal isolation
- Discussion of additional support

This is not an exhaustive list and other measures may be implemented on a student's return to school following a fixed-term exclusion.

10. Monitoring arrangements

The Head Teacher monitors the number of exclusions every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Head Teacher annually. At every review, the policy will be approved by the governing body.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: Fixed Exclusion Procedure

A Fixed Term Exclusion (FTE) is when a student's behavior warrants their removal from the school premises for a given period of time. It will only be used when all previous measures have not improved the student's behaviour, or for serious one off incidents. A FTE will be used where it is deemed that the Internal Exclusion Room is not appropriate or the student's behaviour in the Internal Exclusion Room was unacceptable.

A Fixed Term Exclusion means that a student is kept at home for one or more days. The offences listed below are likely to lead to a FTE (or internal exclusion, depending on the nature of the incident). In exceptional circumstances, an FTE may lead to a permanent exclusion. These behaviours may occur inside or outside of school when a student is wearing school uniform or identifiable as a student of the school, or on a school trip:

- Behaviour that disrupts the learning of others
- Verbally threatening or confrontational behaviour towards another member of the school community
- Physically threatening – fighting / assault towards another member of the school community
- Aggressive derogatory and / or discriminatory insults / speech towards another member of the school community
- Persistent failure to follow instructions
- Insolence (rude and / or disrespectful) towards staff
- Racial / sexual / homophobic misconduct / harassment / abuse
- Bullying
- Theft
- Failing to meet expectations within the Internal Exclusion Room
- Vandalism / damage to property or any act that brings the school into disrepute** (see below)
- Drug or alcohol related incidents

- Bringing the school into disrepute** (see below)

Appendix 2: Reintegration and Parent Meetings

If a student is sent home having received a Fixed Term Exclusion, a meeting with the student's parents will always be held before the student returns to lessons. Students are not to return to school without their parents for a pre-arranged reintegration meeting. The reintegration meeting will be restorative and will facilitate an opportunity for the student and parents / carers to have their say before jointly working on strategies for improvement.

Aggressive, loud or intimidating behaviour from parents / carers or visitors to the school will not be tolerated under any circumstances. Rednock School will not tolerate conduct of this nature and will act to defend its members of staff, students and their parents and other members of the school community as appropriate.

In such circumstances, meetings will be cancelled and permission to enter or be on school premises could be withdrawn.

Appendix 3: Permanent Exclusion

A permanent exclusion (PEX) will be recommended for cases where:

- Allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school
- A student has engaged in illegal or unacceptable activities* (see below); a one-off serious breach of the behaviour policy – the school will make a professional decision on what constitutes a significant breach of this policy
- A student has conducted themselves in a manner that brings the school into disrepute (e.g. journey to and from school, on a school trip / event including sports fixtures, work experience)** (see below)
- A student has repeatedly displayed poor behaviour and made little attempt to correct this
- A student has caused sustained disruption to the learning of others over a period of time.

***Illegal or unacceptable activities such as:**

- Arson
- Drugs i.e. possessing / taking or dealing in drugs, solvent abuse
- Sexual assault or sexually inappropriate behavior including the use of internet / emails
- Grievous bodily harm
- Theft
- Physical damage / vandalism
- Alcohol i.e. drinking / in possession of or attending school intoxicated
- Possession of a weapon
- Hate crime including use of the internet

****Behaviour Outside School**

When behaviour on school business puts the participation of other students at risk, the poor behavior may be dealt with as if it had taken place in school.

When behaviour outside school, but not on school business, threatens the upholding of good behaviour and discipline among the student body as a whole, the decision to exclude may be made if there is a clear link between that unacceptable behaviour and maintaining good behaviour and discipline

Appendix 4: Independent Review Panel Training

The Local Authority 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 Head Teachers, 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.