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## Exclusion Policy

### Introduction

At St. Maxentius CE Primary school, we believe that children learn best and are happier in a calm orderly environment. We expect the highest standards of behaviour and manners from our children. We believe in and encourage mutual respect between children, parents and staff.

As a Christian school we are committed to the benefits of embedding Christian Values in our school, the principles of which foster the positive behaviour required for learning and life, which we desire for all our children. We will ensure that each child reflects on their behaviour in a Christian way, encouraging them to use the Christian Values that we hold in great esteem as a school.

Our exclusion policy is written with our behaviour policy close in mind. We believe in positive behaviour management and believe we should have fair and consistent sanctions for poor behaviour. There are times when exclusion is considered to be a necessary sanction.

### 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 'not in education, employment or training'

### Legislation and Statutory Guidance

This policy is based on the 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](#)



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### The Decision to Exclude

Only the Headteacher can exclude a pupil from school. All exclusions, including permanent exclusion, will be taken as a last resort.

Our 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.
- 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 any contributing factors behind the behaviours
  - Where practical, allow the pupil to give their version of events;
  - Consider if the pupil has special educational needs (SEN).

### Roles and Responsibilities

#### The Headteacher:

#### Informing parents

The Headteacher will immediately provide the following information, in writing (using Bolton Council template letters), to the parents of an excluded pupil:

- The reason(s) for the exclusion;
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
- How any representations should be made;
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the 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.



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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, Trust CEO 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 body once a term.

#### **The Governing Body**

Responsibilities regarding exclusions are delegated to the Governing Body Disciplinary Panel consisting of at least 3 governors.

The Governing Body Disciplinary Panel has a duty to consider the reinstatement of an excluded pupil. The governing body has a duty to consider the reinstatement of an excluded pupil.

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 governing board 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**

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



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### Considering the Reinstatement of a Pupil

The Governing Body Disciplinary Panel 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

The requirements are different for fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where reinstatement would make no practical difference because for example, the pupil has already returned to school following the expiry of a fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing body must still consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

Where an exclusion would result in a pupil missing a public examination, the Governing Body Disciplinary Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Governing Body Disciplinary Panel will consider the exclusion and decide whether or not to reinstate the pupil.

The Governing Body Disciplinary Panel can either:

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

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

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

The Governing Body Disciplinary Panel will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.



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Where an exclusion is permanent, the Governing Body Disciplinary Panel's decision will also include the following:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made;
- The name and address to whom an application for a review should be submitted;
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion;
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint a 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 a 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.

### **An Independent Review**

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing body 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 Disciplinary Panel 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 governor's category and 2 members will come from the headteacher category. A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer. School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time. Headteachers or individuals who have been a headteacher within the last 5 years.

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

- Are a member/director of the academy trust, or governing board of the excluding school;
- Are the headteacher of the excluding school, or have held this position in the last 5 years;
- Are an employee of the academy trust, or the governing body, of the excluding school (unless they are employed as a headteacher at another school);



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- Have, or at any time have had, any connection with the academy trust, school, governing body, 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 (please see paragraph 124 in [Exclusion from Maintained Schools, Academies and Pupil Referral Units \(PRUs\) in England](#)).

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 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.

### 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. This meeting will be used to identify next steps to support the pupil on their return to school.

### Monitoring

The Headteacher 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 pupils.

This policy will be reviewed by the senior leadership team and governing body every two years.

**Prepared by:** Mrs L Cousen (Headteacher)

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