

ST GEORGE'S CHURCH OF ENGLAND FOUNDATION SCHOOL

"Every, moment, every day, every individual counts"



EXCLUSIONS GUIDELINES AND PROCEDURAL INSTRUCTIONS POLICY

Last Reviewed: ***October 2018***

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Governors Monitoring Pair: Behaviour and Safety

SLT Responsible: Deputy Headteacher

"For the body does not consist of one member but of many" 1 Corinthians 12:14

HOPE

FORGIVENESS COMPASSION

FRIENDSHIP

WISDOM

POLICY HANDBOOK

PROCEDURAL INSTRUCTIONS - EXCLUSIONS

1. INTRODUCTION:

The Governors accept that on rare occasions it will be necessary for the Headteacher to recommend an exclusion for pupils causing severe difficulty to the School. The purpose of this Handbook is to provide Policy GUIDELINES and Procedural Instructions in such an event.

There are three types of exclusion that a school may use:

- **Permanent** – The pupil will not return to the school.
- **Fixed term** – This is a temporary exclusion which can be between 0.5 and 45 school days in length. No pupil may be excluded for more than a total of 45 school days in any one academic year.
- **Lunchtime** - Fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes.

2. GENERAL PRINCIPLES:

- 2.1 Under Section 36 of the Education Act, 1944, parents have a duty to secure the education of their children. All children should, therefore, be in school and learning. The Headteacher should therefore keep to a minimum the occasions on which a child is excluded from the school.
- 2.2 Exclusion is a disciplinary sanction to be used only by the Headteacher (or in the absence of the Headteacher, the Deputy Headteacher who is acting in their role) and only as a last resort in response to serious breaches of the School's Behaviour Management Policy or of the Criminal Law.
- 2.3 The Governors believe that it should be clear in all cases of recommendation for permanent exclusion that:
 - a) it is a last resort: the school has taken all reasonable steps to avoid excluding the pupil; and
 - b) allowing the pupil to remain in school would be seriously detrimental to the education or welfare of the pupil, or to that of others at the school.
- 2.4 The first of these criteria will flow systematically from the School's Policies on Behaviour. Reasonable steps to have taken might include: exhausting other appropriate sanctions; interviewing the pupil and parent; identifying any special educational needs the pupil may have; negotiating agreements with the pupil and his/her parents; issuing formal warnings; removing the pupil for a limited period from a specific activity, or involving external agencies or the police.

There may be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.

The school will inform the police for sexual assault, drugs, offensive weapons, as we are legally required to do so.

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3. THE LAW:

- 3.1 The Headteacher and the Governing Board must by Law have regard to “The School Discipline (pupil exclusion and review) regulations 2012, guidance when making decisions on exclusions and administering the exclusion procedure.
- 3.2 **Removing Pupils from a School Site**
There are four sets of circumstances in which individual pupils may be required to leave the school site, namely where:
- 3.2.1 There is sufficient evidence that a pupil has committed a disciplinary offence and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. In these circumstances the pupil may be excluded from school for a fixed period or permanently. This guidance specifies procedures for exclusion.
- 3.2.2 A pupil is accused of a serious criminal offence but the offence took place outside the school’s jurisdiction. In these circumstances the Headteacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that pupil to be educated offsite for a certain period, subject to review at regular intervals. This is not an exclusion.
- 3.2.3 For medical reasons, a pupil’s presence on the school site represents a serious risk to the health or safety of other pupils or school staff. In these circumstances the Headteacher may send the pupil home after consultation with the pupil’s parents. This is not an exclusion and may only be done for medical reasons.
- 3.2.4 The pupil is given permission by the Headteacher, or person authorised by them to leave the school premises briefly to remedy breaches of the school’s rules on appearance or uniform, where this can be done quickly and easily; this should be for no longer than is necessary to remedy the breach. This is not an exclusion but an authorised absence. However, if the pupil continues to breach uniform rules in such a way as to be sent home to avoid school, the pupil’s absence may be counted as unauthorised absence. In all such cases the parents must be notified and the absence should be recorded. When making the decision, the child’s age and vulnerability, and the parents availability, will need to be considered.
- 3.3 Where the decision has been made to fixed term exclude, the school is obliged to provide education during the fixed period of exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to co-operate with the school in this regard.
- 3.4 Where a pupil is given a fixed period exclusion of a duration of six school days, or longer, the school has a duty to arrange suitable full-time provision from and including the sixth school day of the exclusion.
- 3.5 During the initial period of up to five school days, the parents of the excluded pupil must ensure that he or she is not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents can be prosecuted, or may be given a fixed penalty notice of £50 if they fail to do this.
- 3.6 The Governing Board must review all permanent exclusions, and all fixed term exclusions that would result in a pupil being excluded for more than 15 school days in any one term, or missing a public examination.

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4. THE HEADTEACHER'S POWER TO EXCLUDE:

- 4.1 Only the Headteacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion
- 4.2 Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the Headteacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a Governing Board meeting is triggered.
- 4.3 The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's published behaviour policy.
- 4.4 The Headteacher may withdraw an exclusion that has not been reviewed by the Governing Board.
- 4.5 Any decision of a school, including exclusion, must be made in line with the principles of administrative law i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- 4.6 The Headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
- 4.7 When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
- 4.8 Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
- 4.9. In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to:
 - eliminate discrimination and other conduct that is prohibited by the Equality Act;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- 4.10 These duties need to be taken into account when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allow schools to take positive action to deal with particular disadvantages affecting one group, where this can be shown to be a proportionate way of dealing with such issues.

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- 4.11 The Headteacher and Governing Board must take account of their statutory duties in relation to special educational needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.
- 4.12 It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly disobey their teachers' academic instructions could, however, be subject to exclusion.
- 4.13 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off' are unlawful, regardless of whether they occur with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must be formally recorded.
- 4.14 Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

Statutory guidance on factors that a Headteacher should take into account before taking the decision to exclude

- 4.15 A decision to exclude a pupil permanently should only be taken:
- in response to serious or persistent breaches of the school's behaviour policy; and
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 4.16 The decision on whether to exclude is for a Headteacher to take. However, where practical, the Headteacher should give pupils an opportunity to present their case before taking the decision to exclude.
- 4.17 Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- 4.18 Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The Headteacher should also consider the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.
- 4.19 Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, the Headteacher should consider whether exclusion is providing an effective sanction.

5. THE HEADTEACHER'S DUTY TO INFORM PARTIES ABOUT AN EXCLUSION:

- 5.1 Whenever a Headteacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it.
- 5.2 They must also, without delay, provide parents with the following information in writing:
- the reasons for the exclusion;

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- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the exclusion to the Governing Board (in line with the requirements set out in paragraphs 50 to 57) and how the pupil may be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the Governing Board to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- 5.3 Written notification of the information in paragraph 26 can be provided by: delivering it directly to the parents; leaving it at their last known address; or by posting it to this address.
- 5.4 Where an excluded pupil is of compulsory school age the Headteacher must also notify parents without delay, and by the end of the afternoon session:
- that for the first five 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 reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
- 5.5 If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:
- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
 - 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; and
 - any information required by the pupil to identify the person he / she should report to on the first day.
- 5.6 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 must be provided without delay and 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.
- 5.7 The information in paragraphs 28 and 29 must be provided in writing but can be provided by any effective method (paragraph 35 provides guidance on this issue).
- 5.8 The failure of a Headteacher to give notice of the information in paragraphs 28 and 29 by the required time does not relieve the Headteacher of the duty to serve the notice. A notice is not made invalid solely because it has not been given by the required time.
- 5.9 Parents must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to the parents explaining the reasons for the change and providing any additional information required.

The Headteacher's duty to inform the Governing Board and the local authority about an exclusion

- 5.10 The Headteacher must, without delay, notify the Governing Board and the local authority of:
- a permanent exclusion (including where a fixed period exclusion is made permanent);
 - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
 - exclusions which would result in the pupil missing a public examination or national curriculum test.

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- 5.11 For all other exclusions the Headteacher must notify the local authority and Governing Board once a term.
- 5.12 Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion
- 5.13 In addition, within 14 days of a request, governing bodies must provide to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, information about any exclusions within the last 12 months.
- 5.14 For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also advise the pupil's 'home authority' of the exclusion without delay.

6 THE GOVERNING BOARD'S DUTIES TO ARRANGE EDUCATION FOR EXCLUDED PUPILS:

- 6.1 For a fixed period exclusion of more than five school days, the Governing Board (or local authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion. Where a child received consecutive fixed period exclusions, these are regarded as a cumulative period of absence for the purposes of this duty. This means that if a child has more than five consecutive days of exclusion, then education must be arranged for the sixth school day of exclusion regardless of whether this is as a result of more than one fixed period exclusion.
- 6.2 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.
- 6.3 In addition, where a pupil has a Educational, Health and Care Plan (EHC Plan) the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school. (Schedule 27 of the Education Act 1996).
- 6.4 Local authorities must have regard to the statutory guidance, *Promoting the Educational Achievement of Looked After Children: Statutory Guidance for Local Authorities* when carrying out their duties in relation to the education of looked after children.
- 6.5 Provision does not have to be arranged by either the school or local authority for pupils in the final year of compulsory education who do not have any further public examinations to sit.

Statutory guidance on the education of pupils prior to the sixth day of an exclusion

- 6.6 It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, schools and local authorities should work together to arrange alternative provision from the first day following the exclusion.
- 6.7 Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, schools should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school.

7. THE GOVERNING BOARD'S DUTY TO CONSIDER AN EXCLUSION:

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The requirements on a Governing Board to consider an exclusion

- 7.1 The Governing Board has a duty to consider parents' representations about an exclusion. The requirements on a Governing Board to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in Annex A of this guidance, *A summary of the Governing Board's duties to review the Headteacher's exclusion decision*).
- 7.2 The Governing Board may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three Governors.
- 7.3 Within 15 school days of receiving notice of the exclusion, the Governing Board must consider whether an excluded pupil should be reinstated in the case of:
- all permanent exclusions
 - All fixed period exclusions of pupils who have been excluded for more than 15 school days in the term, or who will have been as a result of the exclusion, and
 - All fixed period exclusions that would result in a pupil missing a public examination or national curriculum test.
- 7.4 Where an exclusion would result in pupil missing a public examination or national curriculum test there is a further requirement for the Governing Board, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the pupils. In such cases parents still have the right to make representation to the Governing Board and must be made aware of this right.
- 7.5 For all other fixed period exclusions where a pupil would be excluded for more than five school days in the term and their parents have made representations, the Governing Board must consider within 50 school days of receiving notice of the exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the excluded child's parents, the Governing Board is not required to meet and cannot direct the reinstatement of the pupil.
- 7.6 Where a fixed term exclusion would not bring a pupil's total number of days of exclusion to more than five in the term, the Governing Board must consider any representations made by parents, but it cannot direct reinstatement and is not required to meet the parents.

Statutory Guidance to Governing Bodies on Exclusions that would result in a Pupil Missing a Public Examination or National Curriculum Test:

- 7.7 Whilst there is no legal imperative to allow an excluded pupil to return to school in order to take a public examination or test, the Governing Board should consider whether it would be appropriate to exercise discretion and allow the excluded pupil back on school premises for this purpose.

The Process for Considering the Reinstatement of an Excluded Pupil:

- 7.8 The following parties must be invited to a meeting of the Governing Board and allowed to make representations:
- parents (and, where requested, a representative or friend)
 - the Headteacher; and
 - a representative of the local authority (in the case of a maintained school or PRU).
- 7.9 The Governing Board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set

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out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

- 7.10 When arranging the meeting the Governing Board must also have regard to its duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon his/her ability to attend the meeting or to make representation).
- 7.11 In deciding whether to reinstate the pupil, the Governing Board must consider not only the representations made but also the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded. It must also have regard to the interests of other pupils and people working at the school.
- 7.12 When establishing the facts in relation to an exclusion the Governing Board must apply the civil standard of proof and not the criminal standard of “beyond reasonable doubt”. This means that if something is more likely than not to have occurred (“on the balance of probabilities”) then the standard is met. In the light of its consideration, the Governing Board can either:
- uphold an exclusion, or
 - direct reinstatement of the pupil immediately or on a particular date.
- 7.13 Where reinstatement is not practicable because, for example, the pupils 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 Board must, in any event, consider whether the Headteacher’s decision to exclude the child was justified based on the evidence.

Statutory guidance to governing bodies in preparing for the consideration of an exclusion decision

- 7.14 Where the Governing Board is legally required to consider the decision of a Headteacher to exclude a pupil they should:
- not discuss the exclusion with any party outside of the meeting;
 - ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil’s SEN).
 - where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
 - allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Governing Board should first seek parental consent and invite the parents to accompany their child to the meeting);
 - have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
 - identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil’s age and understanding; or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

Statutory guidance to governing bodies on the consideration of an exclusion decision

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- 7.15 The Governing Board should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard. This is particularly important where pupils under 18 are speaking about their own exclusion or giving evidence to the Governing Board.
- 7.16 The Governing Board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by Governing Board. These minutes should be made available to all parties on request.
- 7.17 The Governing Board should ask all parties to withdraw before making a decision. Where, present a clerk may stay to help the Governing Board by reference to his / her notes of the meeting and with the wording of the decision letter.
- 7.18 In reaching a decision on whether or not to reinstate a pupil, the Governing Board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.
- 7.19 The Governing Board should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.
- 7.20 In cases where the Governing Board considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.
- 7.21 Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

Statutory Guidance to Local Authorities on their Participation in the Governing Board's Consideration of an Exclusion:

- 7.22 Where a Local Authority makes representations to the Governing Board about an exclusion it should act impartially and fairly. Care should be taken to avoid any perception that its role is to act on behalf of the school or the parents. The Local Authority's role is to provide evidence or advice on wider relevant issues, for example, it can provide advice on the use of exclusion by other schools that could inform a Governing Board's consideration of the handling of a particular case and whether the decision to exclude was reasonable. The Local Authority's role is not to prevent the lawful, reasonable and fair use of exclusion by a school.
- 7.23 The Local Authority's attendance would also support any future responsibility it may have to arrange suitable education for an excluded pupil, as well as its wider role in relation to education within the area. This would be particularly relevant where a Local Authority is attending as an observer but not making representations to the Governing Board.

The Governing Board's duty to notify people after their consideration of an exclusion

- 7.24 Where legally required to consider an exclusion, the Governing Board must notify parents, the Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different local authority from the one that maintains the school, the Governing Board must also inform the pupil's 'home authority'.
- 7.25 In the case of a permanent exclusion the Governing Board's notification must also include the information below.
 - The fact that it is permanent.

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- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - a) the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Governing Board's decision was given to parents – see paragraph 74);
 - b) the name and address to whom an application for a review (and any written evidence) should be submitted;
 - c) that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
 - d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the local authority to appoint an SEN expert to attend the review;
 - e) details of the role of the SEN expert and that there would be no cost to parents for this appointment;
 - f) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
 - g) that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
- That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

7.26 The Governing Board may provide the information in paragraphs 71 and 72 by: delivering it directly to parents; leaving it at their last known address; or by posting it to this address.

7.27 Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

8. THE GOVERNING BOARD'S DUTY TO RECONSIDER AN EXCLUSION DECISION FOLLOWING A REVIEW:

8.1 Where the panel directs or recommends that the Governing Board reconsiders their decision, the Governing Board must reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

8.2 If, following a direction to reconsider, the Governing Board does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision, an adjustment may be made to the schools budget in the sum of £4,000. This payment will be in addition to any funding that would normally follow an excluded pupil.

8.3 If the Governing Board offers to reinstate the pupil within the specified timescale but this is declined by the parents, no readjustment may be made to the school's budget. The Governing Board must comply with any direction of the panel to place a note on the pupil's educational record. This includes noting that, where a pupil is not reinstated following a direction to

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reconsider, the exclusion does not count towards the rule that an admission authority may refuse to admit a child who has been excluded twice; or in the case of a community or voluntary controlled school, the Governing Board may appeal against the decision of the local authority as the admission authority to admit the child.

- 8.4 In the case of either a recommended or directed reconsideration, the Governing Board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:
- the parents;
 - the Headteacher;
 - the local authority and, where relevant, the 'home authority'.

Statutory Guidance to Governing Bodies on providing information to Parents following its consideration of an Exclusion:

- 8.5 The Governing Board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made

9. STATUTORY GUIDANCE TO HEADTEACHERS, GOVERNING BODIES, INDEPENDENT REVIEW PANEL MEMBERS AND CLERKS ON POLICE INVOLVEMENT AND PARALLEL CRIMINAL PROCEEDINGS

- 9.1 The Headteacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and / or any criminal proceedings may be brought. In such circumstances, Headteachers will need to take a decision on the evidence available to them at the time.
- 9.2 Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should give particular consideration to ensuring that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make.
- 9.3 Where the Governing Board is required to consider a Headteacher's decision in these circumstances they cannot postpone their meeting and must decide whether or not to reinstate the pupil on the evidence available.
- 9.4 The fact that parallel criminal proceedings are in progress should also not directly determine whether an independent review panel should be adjourned. Relevant factors for the panel to consider will include:
- whether any charge has been brought against the pupil and, if so, what the charge is;
 - whether relevant witnesses and documents are available;
 - the likelihood of delay if the hearing were adjourned and the effect it may have on the excluded pupil, the parents, any victim or the school; and
 - whether an adjournment or declining to adjourn, might result in injustice.
- 9.5 Where a panel decides to adjourn, the clerk will be responsible for monitoring the progress of any police investigation and / or criminal proceedings, as well as for reconvening the panel at the earliest opportunity. If necessary the panel may adjourn more than once.

"For the body does not consist of one member but of many" 1 Corinthians 12:14

10. A Summary of the Governing Board's Duties to Review the Headteacher's Exclusion decision:

- 10.1 The Governing Board must convene a meeting within 15 days of receiving notice of the exclusion to consider reinstatement. However, the Governing Board must take reasonable steps to meet before the date of the exam or NCT. If this is not practicable, the Chair of Governors may consider pupil's reinstatement independently.
- 10.2 The Governing Board must convene a meeting within 15 days of receiving notice of the exclusion to consider reinstatement.
- 10.3 The Governing Board must convene a meeting within 50 days of receiving notice of the exclusion to consider reinstatement.
- 10.4 The Governing Board must consider any representation made by parents but cannot overturn the Headteacher's decision.
- 10.5 The Governing Board may delegate its functions to consider an exclusion to a designated committee. References to days mean 'school days'.
- 10.6 The Governing Board is not required to consider the exclusion and cannot overturn the Headteacher's decision.

"For the body does not consist of one member but of many" 1 Corinthians 12:14

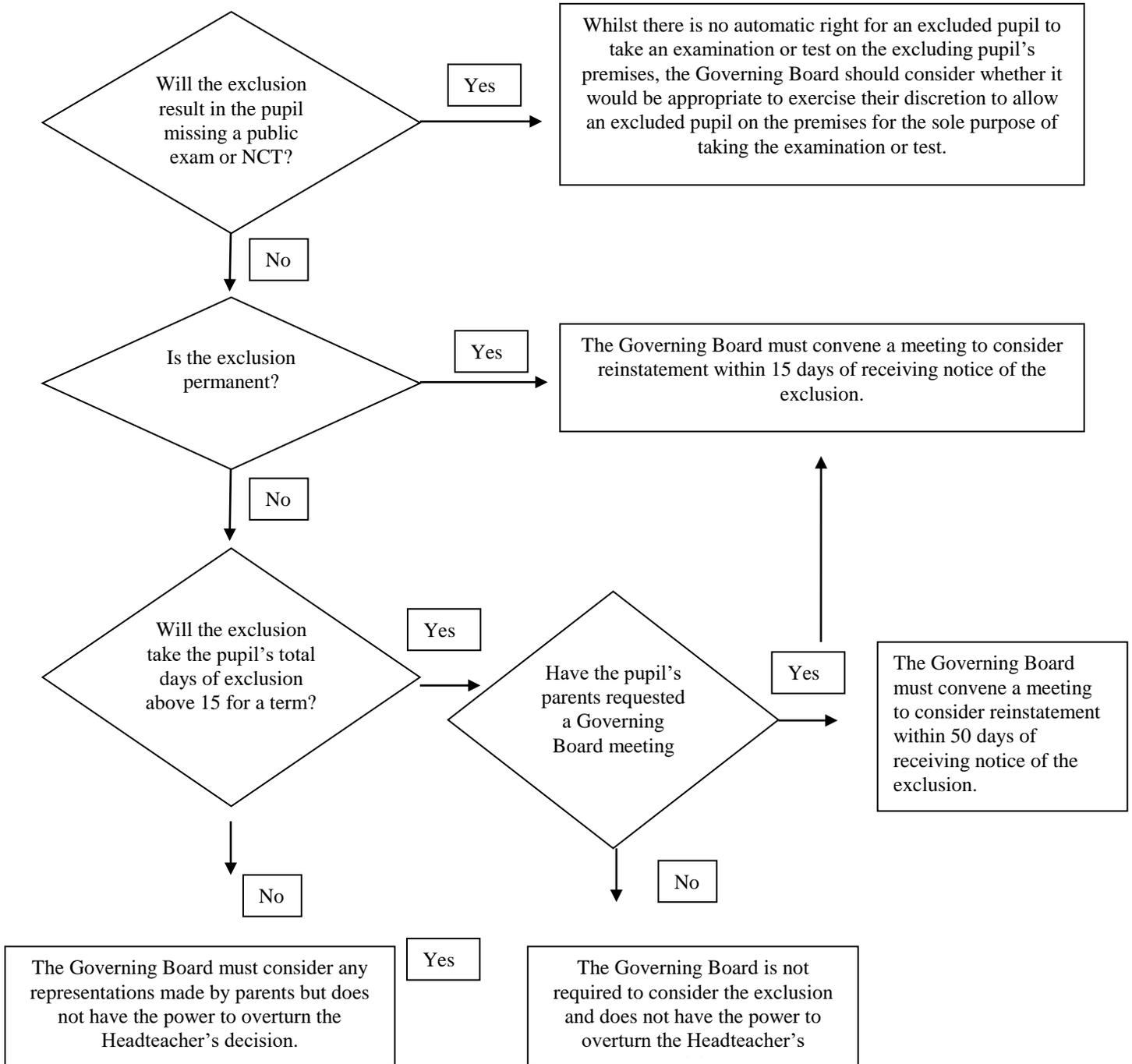
HOPE

FORGIVENESS COMPASSION

FRIENDSHIP

WISDOM

Annex A – A summary of the Governing Board’s duties to review the Headteacher’s exclusion decision



“For the body does not consist of one member but of many” 1 Corinthians 12:14

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POLICY STATEMENT

GUIDE-LINES AND PROCEDURAL INSTRUCTIONS

EXCLUSIONS

PERMANENT EXCLUSIONS

1. The Headteacher may recommend the permanent exclusion of a pupil to the Governors
2. When such a recommendation is made the parents must be informed in writing of the reasons for it and be told that a meeting of the Discipline Committee of Governors will meet with them to hear any representations that they may wish to make.
3. The meeting of the Discipline Committee should take place within fourteen days of the exclusion taking place and should be arranged at a time which is convenient for the parents and committee.
4. The Discipline Committee should ensure communication of its decision to the parents and LA within two days of the meeting. This communication should give details of the offence which led to the exclusion, the disciplinary rules which applied and the reasons why permanent exclusion was considered the proper measure to take. The letter must also state that the parents have a right of appeal to an independent appeals committee. The letter should make it clear that the grounds for appeal should be sent in writing to the Governors within fourteen days of notice of the Discipline Committee's decision.
5. The Governing Board should ensure that any appeal is dealt with without delay and in any event within ten days of the parent giving notice of appeal.

The school must ensure that the parent is fully informed of their duties in the first five days of exclusion and of the school day from which the pupil will be provided with suitable alternative education by the LA. During the first five school days, the school should send work home for the pupil to complete.

From day 6 the LA is statutorily responsible for ensuring that full-time provision is made for all permanently excluded

APPEALS

1. Appeals must be carried out by an Independent Appeal Panel constituted and conducted in accordance with the DFE Code of Practice on Appeals.
2. The decision of the Independent Appeal Panel must be communicated to all interested parties within two days of the hearing.

FIXED PERIOD EXCLUSION

1. The Headteacher must inform parents without delay of the exclusion, type, duration and reason. The notification must also inform parents of their right to make representations to the Governing Board.
2. The excluded pupil should not be sent home until either, the parent has been informed verbally, and been given the opportunity to collect their child from school, or the end of the School day has been reached. Arrangements to supervise the pupil in School should be made during the interim.

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3. The Headteacher must inform the Governors of the exclusion giving all details as provided to the parents. Where the exclusion is in excess of five days or takes the termly aggregate over five days or would cause the pupil to miss a public examination then the Governors must be informed accordingly.
4. Where a public examination is at risk the Governing Board should determine immediately whether to direct reinstatement or not, or make special arrangements for the examinations to be taken.
5. Where the parent wishes to make representation to the Governors a meeting should be arranged within fourteen days of receiving parental notification.
6. The Governing Board's decision should be notified to the parent within two days of the meeting.

The Headteacher is able to exclude a pupil for up to 45 days in an academic year.

Lunchtime exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period, this is a fixed-term exclusion counted as one half of a school day (1 session). The Headteacher is able to use this for a period of 7 days. The Headteacher should ensure that a parent is contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime exclusion. Arrangements for pupils who are entitled to free school meals will be met by providing a packed lunch. The LA will be informed, via DfD, of the exclusion within one school day of the exclusion

NOTIFICATION OF EXCLUSION

The Digital Front Door is to be completed online as notification of an exclusion via the <http://www.kelsi.org.uk/> website.

National Standard List of Reasons for Exclusions (2012)

Physical Assault Against Pupil: **fighting, violent behaviour, wounding, obstruction and jostling.**

Physical Assault Against Adult: **violent behaviour, wounding, obstruction and jostling.**

Verbal Abuse / Threatening: **threatened violence, aggressive behaviour, swearing,**

Behaviour Against Pupil: **homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon.**

Verbal Abuse / Threatening - *threatened violence, aggressive behaviour, swearing,*

Behaviour Against Adult: homophobic abuse and harassment, verbal intimidation, carrying an offensive weapon.

Bullying: **verbal, physical, homophobic bullying, racist bullying**

Racist Abuse: **racist taunting and harassment, derogatory racist statements, swearing that can be attributed to racist characteristics, racist bullying, racist graffiti.**

Sexual Misconduct: sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying, sexual graffiti.

Drug and Alcohol Related: possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol abuse, substance abuse.

Damage: vandalism, arson, graffiti.

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Theft: stealing school property, stealing personal property (pupil or adult), stealing from local shop on a school outing, selling and dealing in stolen property.

Persistent Disruptive Behaviour: challenging behaviour, disobedience, persistent violation of school rules.

"For the body does not consist of one member but of many" 1 Corinthians 12:14

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