

# Exclusion Policy

Approved by RET Board

Approved on May 2018

SLT contact Headteacher

Revision due Every 2 years



## Rationale

- a. The policy has been written with due regard to the requirements of. 'Exclusion from maintained schools, academies and pupil referral units in England' DfE September 2017 (hereafter referred to as 'the Guidance') and other relevant legislation, statutory guidance and advice (see Appendix 1).
- b. At all points the procedures the Guidance sets out are followed by this school in relation to exclusion
- c. In its ethos, policies and procedure the school, in conjunction with the Russell Education Trust, is committed to inclusivity and supporting students in order to avoid exclusion wherever possible. Any decision to exclude will be lawful, reasonable and fair.

## 2. Reasons for Exclusion

- a. In line with the school's Behaviour Policy, reasons for which exclusion may be used includes:
  - Actual or potential physical violence by the student towards other students or adults in the school community
  - Conduct that would endanger other students
  - Illegal activities on a school site, while on a school trip, at a place of authorised work experience or on journeys to or from school (e.g. theft, vandalism or possession, use or supply of illegal drugs).
  - Abuse or harassment of those protected characteristics listed in Equality Act 2010
  - Harassment, intimidation or verbal abuse of staff or students
  - Seriously disruptive behaviour such as might prevent the proper conduct of a class or classes, seriously interfere with the learning opportunities of others or lead to a breakdown in school discipline
  - Failure to respond to the school's usual range of sanctions
- b. The term of exclusion will be dependent on the seriousness of the offence.
  - i. Where a serious offence has occurred, such as a deliberate physical assault, a longer term of exclusion will be used.
  - ii. Serious misbehaviour may result in permanent exclusion. The Headteacher will keep a central record of all exclusions. These records will be presented to the governing body once per term.
- c. When a student refuses to wear school uniform this may be a reason to ask them to 'leave the school premises briefly to remedy breaches of the school's rules on appearance and uniform' as distinct from being excluded from school (School uniform – Guidance for governing bodies, school leaders, school staff and local authorities September 2013)
- d. The exclusion of students for reasons of non-attendance will not be used. The Education Welfare Service will use alternative sanctions including use of the courts.

## 3. Fixed Term Exclusions

- a. The Headteacher has the authority to exclude from school any student for a period of up to 45 school days in one year.
- b. Where exclusion is considered appropriate, the details of the exclusion, as required by the Guidance, will be communicated to the parents/carers on the day the decision is made, firstly by phone and then confirmed in writing. The School will use the relevant RET standard letter, which shall include:
  - i. The reason for the exclusion
  - ii. The period of the exclusion
  - iii. Arrangements for the education of the student should the exclusion last beyond 5 school days
  - iv. The requirement for the parents/carers to ensure that the excluded student is not present in a public place during normal school hours without reasonable justification
  - v. The parents'/carers' right to make representations about the exclusion to the governing body; how any representations should be made; and where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend

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- vi. The requirement to arrange to meet a member of the Senior Team in school to discuss the student's readmission to school
- vii. Relevant sources of free and impartial information. This information should include:
  - 1. A link to the statutory guidance on exclusions
  - 2. A link to impartial advice for parents
  - 3. Where considered relevant by the Headteacher, links to relevant local support services
- c. During the period in which a student is excluded from school, the student should complete work set by the school at home.
- d. Completed work should be returned to the School for marking.
- e. At the readmission meeting, undertakings of future good behaviour shall be sought and conditions set for re-admittance. The meeting shall include a member of the School's Senior Team and, where possible, the student's tutor or Head of Year and other members of staff involved with the student's education and welfare.

## 4. Permanent Exclusion

- a. The Guidance states that a decision to exclude a student permanently should be taken only:
  - i. in response to serious breaches of the school's behaviour policy and,
  - ii. where allowing the student to remain in school could seriously harm the education or welfare of the pupil or others in the school
- b. Where consideration is being given to this course of action the Headteacher should consult the RET CEO or an RET Lead Advisor, in order to acquaint him/her with the circumstances of the case, and also enlist the Local Authority's support and that of any other appropriate bodies.
- c. Procedures in the Guidance DfE guidance on exclusion from School must be followed during the consideration and the relevant RET standard letter will be send once a decision has been made.

## 5. Consideration of pupils from groups with disproportionately high rates of exclusion and pupils with additional needs who are particularly vulnerable to the impacts of exclusion

- a. The Guidance states the Headteacher should do the following:
  - i. consider early intervention and what extra support might be needed to identify and address the needs of pupils from specific groups in order to reduce their risk of exclusion.
  - ii. avoid, as far as possible, permanently excluding any pupil with an EHC plan or a looked after child.

## 6. Responsibilities of the Governing Body

- a. Clear guidelines are set out in the Guidance for a governing body's duty to consider an exclusion and these should be followed.
- b. The governing body reviews certain exclusions and considers any representations made by the parents/carers of the excluded student. The governing body delegates all of its functions in respect of exclusions to a committee consisting of three governors, called the Exclusion Hearing Panel.
- c. The quorum for the Exclusion Hearing Panel is three members. If any governor has a connection with the student, or detailed knowledge of the incident(s) that led to the exclusion, which could affect his or her ability to act impartially, he or she should step down.
- d. Where an exclusion would result in a pupil missing a public examination or national curriculum test, the governing body must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination or test, a smaller sub-committee may consider the exclusion. In such cases, parents still have a right to make representations to the governing body and must be made aware of this right. Whilst there is no automatic right for an excluded pupil to take an examination or test on the school's premises, the governing body should consider whether it would be appropriate to exercise its

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discretion to allow an excluded pupil onto the premises for the sole purpose of taking the examination or test.

- e. Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for the decision to be reviewed by an independent review panel.
- f. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination. Claims 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.

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## Appendix 1: Legislation, Statutory Guidance and Advice

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006;
- The Education Act 1996;
- 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
- Education Act 2002
- Education and Inspections Act 2006
- Section 19 of the Education Act 1996, as amended by section 3A of the Children, Schools and Families Act 2010;
- Section 29A of the Education Act 2002;
- Sections 6A and 100 of the Education and Inspections Act 2006; • Sections 1C and 4 of the Academies Act 2010 (as amended);
- The Education (Pupil Referral Units) (Application of Enactments) (England) 4 Regulations 20071 ;
- The Education (Pupil Referral Units) (Management Committees etc.) (England) Regulations 2007;
- The Education (Educational Provision for Improving Behaviour) Regulations 20102
- The Education (Short Stay Schools) (Closure) (England) Regulations 2010;
- The Pupil Referral Units (Miscellaneous Amendments) (England) Regulations 2012; and
- The Schools Forums (England) Regulations 2012.
- The Equality Act 2010
- Alternative Provision – Statutory guidance for local authorities (January 2013)
- Behaviour and discipline in schools: guidance for governing bodies
- Exclusion from maintained school, academies and pupil referral units in England – statutory guidance for those with legal responsibilities in relation to exclusion (September 2017)
- School Uniform (September 2013)
- Sexual violence and sexual harassment between children in schools and colleges (December 2017)