

	Name of School	Corbets Tey School
	Policy Review Date	25th May 2021
	Next Review Date	Summer 2022
	Reviewed by	Governor Name: Jeff Stafford Governor Signature: 

Exclusions Policy

Equality Impact Assessment

The school aims to design and implement services, policies and procedures that meet the diverse needs of our provision, population and workforce, ensuring that none are placed at an unreasonable or unfair disadvantage over others. We are confident that this policy does not place anyone at an unreasonable or unfair disadvantage, and is compliant with relevant equalities legislation.

Where the school is referred to in this policy, the policy and the following procedures apply to all staff working for Corbets Tey School on all sites.

1. Introduction

Corbets Tey School has a behaviour management policy that sets out the management of student behaviour in the school. The policy outlines the means by which staff will model positive behaviour and communication thereby promoting good behaviour and discouraging inappropriate behaviour.

The 5P approach used by the school to manage behaviour places an emphasis on prevention and problem-solving. It sets out the actions to be taken when challenging behaviour occurs. Please see the 'Behaviour Management Policy' for more information on 'The 5P approach'.

Positive behaviour is detailed within the 'Home School Agreement' within the Student Permission Booklets which all parents/carers sign up to ahead of their child/young person starting at one of the Corbets Tey sites. Students have the opportunity to sign the 'Home School Agreement'.

The school conforms to the Department for Education statutory guidance on exclusions, and we will only take this action for serious breaches of school policy and where all other interventions outlined in the school behaviour policy have been exhausted.

2. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents, carers and students
- Students in school are safe and happy

3. Legislation and statutory guidance

This policy is based on 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 outlines schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

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

4. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a student from school. A 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 and young person 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 headteacher 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 the student's special educational needs (SEN)

5. 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.

6. Roles and responsibilities

6.1 The Headteacher

Informing parents or carers

The headteacher will immediately provide the following information, in writing, to the parents or carers 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 or carers' 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 or carers 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 or carers by the end of the afternoon session on the day their child or young person 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 or carers are legally required to ensure that their child or young person is not present in a public place during school hours without a good reason. Parents or carers 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 or carers 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 or carers' consent.

Informing the governing board and local authority

The headteacher 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 headteacher 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 headteacher will notify the governing board and LA once a term.

6.2 The governing board

Responsibilities regarding exclusions is delegated to the Student Discipline Committee consisting of at least 3 governors.

The Student Discipline Committee 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.

6.3 The LA

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

7. Considering the reinstatement of a student

The Student Discipline Committee 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

If requested to do so by parents or carers, the Student Discipline Committee 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 Discipline Committee 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 Discipline Committee 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 Discipline Committee 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 student's educational record.

The Student Discipline Committee will notify, in writing, the headteacher, parents or carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Student Discipline Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents or carers' 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 or carers have a right to require the LA 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 or carers for this appointment
 - That parents or carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents or carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents or carers may also bring a friend to the review
- That if parents or carers 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.

8. An independent review

If parents or carers apply for an independent review, the LA 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 or carers by the Student Discipline Committee of its decision to not reinstate a student.

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)

9. School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents or carers 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 or carers 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.

10. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents or carers, 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
- Internal isolation
- Phased return if required and parents or carers are in agreement

11. Monitoring arrangements

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

This policy will be reviewed by the Headteacher every year. At every review, the policy will be shared with the governing board.

12. Links with other policies

This exclusions policy is linked to our

- Behaviour management policy
- SEN policy and information report
- Physical intervention policy
- Children who are Looked After (CLA) and who have been Previously Looked After policy