



Holy Trinity C of E Primary School

A church school community aspiring for all to live life to the full.

Exclusions Policy

Policy adopted subject to governor ratification.

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Committee Full Governors

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1. Aims

This policy aims to provide clarity on the school's approach to exclusion and the outline the processes which underpin school inclusion and reintegration.

The policy also aims to outline some of the legal and moral responsibilities and considerations when applying exclusions.

School exclusions at Holy Trinity Church of England Primary School are always used proportionally and as a last resort.

2. Legislation and statutory requirements

This policy is based on advice from the Department for Education (DfE) on:

- [Behaviour and discipline in schools](#)
- [Searching, screening and confiscation at school](#)
- [The Equality Act 2010](#)
- [Use of reasonable force in schools](#)
- [Supporting pupils with medical conditions at school](#)
- [Creating a culture: How school leaders can optimise behaviour](#)
- [Keeping children safe in education](#)
- [Sexual violence and sexual harassment between children in schools and colleges](#)
- [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England](#)
- [Behaviour in schools: Advice for Headteachers and school staff](#)

It is also based on the [special educational needs and disability \(SEND\) code of practice](#).

In addition, this policy is based on:

- Section 175 of the [Education Act 2002](#), which outlines a school's duty to safeguard and promote the welfare of its pupils; Section 52 of the Education Act 2002, as amended by the Education Act 2011
- Sections 88-94 of the [Education and Inspections Act 2006](#), which require schools to regulate pupils' behaviour and publish a behaviour policy and written statement of behaviour principles, and give schools the authority to confiscate pupils' property
- [DfE guidance](#) explaining that maintained schools should publish their behaviour policy online
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998
- 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
- Gloucestershire County Council [Exclusions guidance](#)

3. Decision to exclude

Only the Headteacher can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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 the pupil and/ or others

Before deciding whether to exclude a pupil, either permanently or for a fixed period (suspension), the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to present their version of events
- Consider if the pupil has special educational needs (SEND) and be satisfied that regard for the SEND Code of Practice has been applied throughout the exclusion process
- For children with a social worker, ensure that the social worker has been consulted and invited to contribute to the exclusions process

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.

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.

4. Pupils with additional and complex needs

The school recognises its legal duty under the Equality Act 2010 to prevent pupils with a protected characteristic from being at a disadvantage. Although our expectations shall remain the same, our approach to challenging behaviour may be differentiated to cater to the needs of the pupil.

The school's special educational needs co-ordinator will observe and evaluate a pupil who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met. Where needs are identified, the special educational needs co-ordinator will organise a meeting with the behaviour lead, pastoral lead and class teacher to develop a robust action plan and support which focuses on improving behaviour and maximising learning time.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/ or other external advisors, to identify or support specific needs.

When acute needs are identified in a pupil, we will liaise with external agencies and plan support programmes for that child. However, the school retains the right to determine the necessary action plan and will lead in this process. We will also work with parents when developing behaviour, support and/ or pastoral plans for children with additional or complex needs and these will be reviewed at set intervals. We recommend that this process is completed half-termly but this may be completed more frequently where necessary.

The primary ambition for pupils with additional and complex needs is that they are able to access the curriculum and engage productively with their learning at least on par with their wider peers. We endeavour to be an inclusive school which holds ambitious yet achievable expectations for all pupils.

5. Pupils with a social worker

Should the Headteacher consider the exclusion of a pupil with a social worker, they will make every effort to discuss this decision with the child's social worker prior to confirming this. The social worker will be invited to share their thoughts regarding the potential impact of exclusion and how this might impact upon the child and their family or carers.

Should a parent or carer decide to appeal the decision to exclude and a panel appointed for review,

6. Off-site behaviour

Sanctions may be applied where a pupil has misbehaved off-site when representing the school, such as on a school trip, residential excursion or on the bus on the way to or from school.

Where behaviour is considered to be persistent, high-level or places others in danger, the Headteacher may take the decision to exclude based on this conduct. This includes, but is not limited to, bullying and cyber-bullying.

7. Roles and responsibilities

7.1 The Headteacher

Informing parents

The Headteacher will, without delay, provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion (suspension) 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
- 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 be accompanied by a suitable adult

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.

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.

The Headteacher must consider how parents who speak English as an Additional Language, or those who cannot yet speak English, are notified, informed and may be able to make fair representation of their views to the school.

Informing the local authority

The Headteacher will promptly notify the governing body and the Local Authority (LA) of all exclusions.

For a permanent exclusion, if the pupil lives outside the area of jurisdiction of Gloucestershire Local Authority, 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 head teacher will notify the governing body and LA once a term.

Informing the governing body

The Headteacher will promptly notify the governing body of all suspensions and exclusions, including internal exclusions when this is deemed the most appropriate course of action.

7.2 The governing body

Responsibilities regarding exclusions is delegated to an Exclusions Panel consisting of at least 3 governors.

The Exclusions Panel has a duty to consider the reinstatement of an excluded pupil. The Exclusions Panel also has a duty to consider the parents' representations regarding exclusion.

Within 14 days of receipt of a request, the governing body will provide the secretary of state and Gloucestershire Local Authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion (suspension) of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. During pandemics or natural disasters this may include Remote Education provision. This provision will begin no later than the sixth day of the exclusion. This includes consecutive fixed-period exclusions (suspensions) as these are considered to be cumulative.

7.3 The Local Authority

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

7.4 Considering the reinstatement of a pupil

The governing body 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 (suspension) 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

If requested to do so by parents, the governing body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil 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 pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (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 pupil.

The governing body 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 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 pupil's educational record.

The governing body 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 governing body 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 SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the Local Authority to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND 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 suitable adult 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

7.5 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 pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing body 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 governors 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 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 Headteacher 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 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 (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.

7.6 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 body 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.

7.7 Returning from a fixed-term exclusion (suspension)

Following a fixed-term exclusion (suspension), a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

An agreed behaviour plan will be implemented with both the child and a suitable adult before returning to class following a fixed-term exclusion (suspension). This plan will be approved by the child's class teacher and a member of the senior leadership team. The plan will be recorded and added to the pupil's file.

7.8 Monitoring of exclusions

The Headteacher and Behaviour Lead monitors the number of exclusions every term. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

Pupils at risk of exclusion are monitored by the Behaviour Lead and key stakeholders are invited to termly meetings where strategies are identified and reviewed to support these pupils.

11. Links with other policies

This behaviour policy is linked to the following policies:

- Behaviour Policy
- Safeguarding policy
- Attendance policy
- Managing Allegations Against Staff policy
- Anti-Bullying policy

Appendix 1: 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.

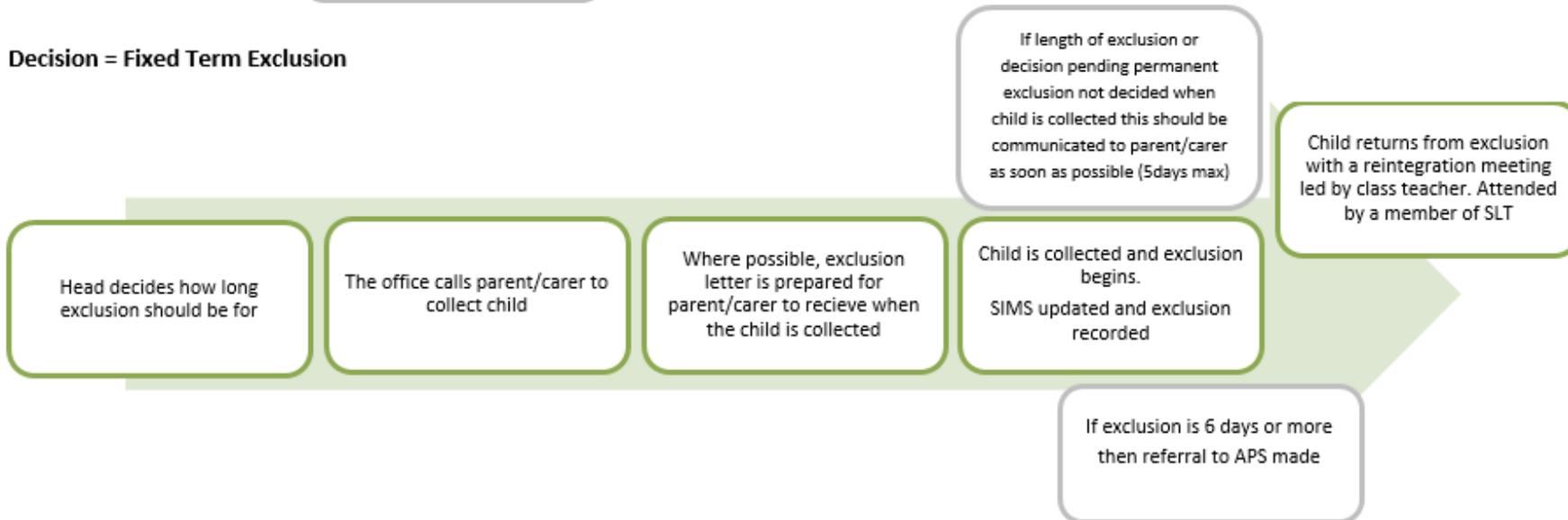
Training must have covered:

- 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

Appendix 2: Exclusions process



Decision = Fixed Term Exclusion



Decision = Permanent Exclusion

