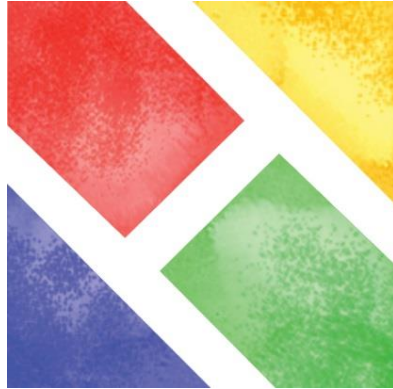


Henleaze Junior School



Exclusions policy

Review

Review Cycle	Last reviewed:	Next review:
Annual	Term 1, 2023	Term 1, 2024

Table of Contents

Equalities Statement	Error! Bookmark not defined.
Safeguarding Statement	Error! Bookmark not defined.
1. Aims	3
2. Legislation and statutory responsibilities	3
3. The decision to exclude	3
4. Definition	3
5. Roles and responsibilities	4
<i>a. The headteacher</i>	<i>4</i>
<i>b. The governing board</i>	<i>5</i>
<i>c. The LA</i>	<i>5</i>
6. Returning from a fixed-term exclusion	5
7. Considering the reinstatement of a pupil	5
8. An independent review	6
9. School registers	6
10. Monitoring arrangements	7
11. Links with other policies	7
Appendix 1: Independent review panel training	8
Appendix 2: Standard letter to parent – fixed term exclusion	9

Equalities Statement

We are committed to anti-discriminatory practice and recognise children and families' diverse circumstances. We ensure that all children have the same protection, regardless of any barriers they may face. With regards to safeguarding, we will consider our duties under the Equalities Act 2010 in relation to making reasonable adjustments, non-discrimination and our Public Sector Equality Duty.

Safeguarding statement

Henleaze Junior School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment, in accordance with the school's Safeguarding Policy.

1. Aims

- a. Our school aims to ensure that:
 - i. The exclusions process is applied fairly and consistently
 - ii. The exclusions process is understood by governors, staff, parents and pupils
 - iii. Pupils in school are safe and happy

2. Legislation and statutory responsibilities

- a. This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).
- b. It is based on the following legislation, which outline schools' powers to exclude pupils:
 - i. Section 52 of the Education Act 2002, as amended by the Education Act 2011
 - ii. The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
 - iii. In addition, the policy is based on:
 - iv. Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
 - v. Section 579 of the [Education Act 1996](#), which defines 'school day'
 - vi. 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](#)
- c. This policy complies with our funding agreement and articles of association.

3. The decision to exclude

- a. Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.
- b. For the purposes of this policy, "the Headteacher" means either of the co-heads, who have equal authority.
- c. 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."
- d. We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.
- e. A decision to exclude a pupil will be taken only:
 - i. In response to serious or persistent breaches of the school's behaviour policy,
 - and**
 - ii. If allowing the pupil to remain in school would seriously harm the education or welfare of others
- f. Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:
 - i. Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
 - ii. Allow the pupil to give their version of events
 - iii. Consider if the pupil has special educational needs (SEN)

4. Definition

- a. 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.

5. Roles and responsibilities

a. The headteacher

- i. The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:
 1. The reason(s) for the exclusion
 2. The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
 3. Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
 4. How any representations should be made
 5. 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
 6. 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.
- ii. If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:
 1. The start date for any provision of full-time education that has been arranged
 2. The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
 3. The address at which the provision will take place
 4. Any information required by the pupil to identify the person they should report to on the first day
- iii. 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.
- iv. The headteacher will immediately notify the governing board and the local authority (LA) of:
 1. A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
 2. Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
 3. Exclusions which would result in the pupil missing a public examination
 4. 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.
 5. For all other exclusions, the headteacher will notify the governing board and LA once a term.

b. The governing board

- i. Responsibilities regarding exclusions are delegated to the Pupil Progress and Curriculum Committee.
- ii. The Pupil Progress and Curriculum Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).
- iii. Within 14 days of receipt of a request, the governing board will provide the secretary of state and Bristol Education Authority with information about any exclusions in the last 12 months.
- iv. 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.

c. The LA

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

6. Returning from a fixed-term exclusion

- a. 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.
- b. At the re-integration meeting, the aims may include:
 - i. Agreeing a behaviour contract
 - ii. Agreeing a review period
 - iii. Agreeing a communication plan involving the pupil, staff and parents.

7. Considering the reinstatement of a pupil

- a. The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:
 - i. The exclusion is permanent
 - ii. 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
 - iii. It would result in a pupil missing a public examination or national curriculum test
- b. If requested to do so by parents, the governing board 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.
- c. Where an exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil 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 pupil.
- d. The governing board can either:
 - i. Decline to reinstate the pupil, or
 - ii. Direct the reinstatement of the pupil immediately, or on a particular date
- e. In reaching a decision, the governing board 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.
- f. 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.
- g. The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.
- h. Where an exclusion is permanent, the governing board's decision will also include the following:
 - i. The fact that it is permanent
 - ii. Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - iii. The date by which an application for an independent review must be made

- iv. The name and address to whom an application for a review should be submitted
- v. 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
- vi. That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the academy trust to appoint an SEN expert to attend the review
- vii. Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- viii. That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
- ix. 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
- i. 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

8. An independent review

- a. If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.
- b. Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.
- c. 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.
 - i. 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
 - ii. 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
 - iii. Headteachers or individuals who have been a headteacher within the last 5 years
- d. A person may not serve as a member of a review panel if they:
 - i. Are a member of the academy trust or governing board of the excluding school
 - ii. Are the headteacher of the excluding school, or have held this position in the last 5 years
 - iii. Are an employee of the academy trust or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
 - iv. Have, or at any time have had, any connection with the academy trust, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - v. Have not had the required training within the last 2 years (see appendix 1 for what training must cover)
- e. A clerk will be appointed to the panel.
- f. The independent panel will decide one of the following:
 - i. Uphold the governing board's decision
 - ii. Recommend that the governing board reconsiders reinstatement
 - iii. Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
- g. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. School registers

- a. A pupil's name will be removed from the school admissions register if:

- i. 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
 - ii. The parents have stated in writing that they will not be applying for an independent review panel
- b. 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.
- c. 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.
- d. Where excluded pupils are not attending alternative provision, code E (absent) will be used.

10. Monitoring arrangements

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

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEND policy and information report

Appendix 1: Independent review panel training

The academy trust 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 headteachers, 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: Standard letter to parent – fixed term exclusion

Date

Student: Fred Bloggs

Dear Mr and Mrs Bloggs,

I am writing to inform you of my decision to exclude **Fred** for a fixed period of **number of days** days. This means that you must keep **him/her** at home this afternoon. **He/she** is to return to school promptly at (time) on (date) and meet with me to discuss the consequences of **his/her** behaviour.

Fred has been excluded for this fixed period because brief description – eg physically attacked a child.

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

[THE PARAGRAPH BELOW IS ONLY RELEVANT IF THIS EXCLUSION IS OVER 5 DAYS IN A BLOCK – REMOVE IF NOT APPLICABLE]

From the 6th school day of ...'s exclusion, **[INSERT DATE]**, until the expiry of his/her exclusion we will provide suitable full time education. **[If not known, say that arrangements will be notified by a further letter]** On **[INSERT DATE]** he/she should attend at **[INSERT NAME AND ADDRESS OF ALTERNATIVE PROVIDER IF NOT THE HOME SCHOOL]** at **[INSERT TIME - this may not be identical to the start time of the home school]** and report to **[INSERT STAFF MEMBER'S NAME]**. **[INSERT TRANSPORT ARRANGEMENTS FROM HOME TO ALTERNATIVE PROVIDER IF APPLICABLE]**

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **name of chair** (Chair of Governors) by sending an email to cog@henleazejuniorschool.co.uk, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, using the form available on the following website: <http://www.justice.gov.uk/tribunals/send>

You may wish to contact the following sources of advice about exclusion from school:

The Children's Legal Centre aims to provide free legal advice and information to parents on state education matters.

Phone: 0808 802 0008. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24 December to 1 January.

<http://www.childrenslegalcentre.com>

The Advisory Centre for Education (ACE) is an independent national advice centre for parents of children in state schools.

Phone: 0808 800 0327. The advice line is open from 10am to 1pm Monday to Thursday.

<http://ace-ed.org.uk>

Department for Education statutory guidance on exclusions 'Exclusions from maintained schools, Academies and pupil referral units in England' 2012.

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/g00210521/statutory-guidance-regs-2012>

You are welcome to see **Fred's** school records, including the notes of the incidents leading up to this exclusion.

Yours sincerely

Your name here

Headteacher

Cc SENCO

Class teacher

Chair of govs

Anyone else you think is relevant