



Exclusion policy

Policy document

Ratified by the Governing Body – March 2016

Introduction

This policy adheres to the DfE guide on 'Exclusions from maintained schools, Academies and Pupil referral units in England'.

This guide also provides statutory guidance to which: head teachers; governing bodies; local authorities; Academy Trusts; independent review panel members; independent review panel clerks; and special educational needs experts must have regard when carrying out their functions in relation to exclusions.

What legislation does this guide relate to?

The principal legislation to which this guidance relates is:

- 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; and
 - The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007.

Key points to the school policy and the DfE guide are:

- Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.
- The decision to exclude a student must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against students on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.
- Schools should have a strategy for reintegrating students that return to school following a fixed period exclusion, and for managing their future behaviour.
- All children have a right to an education. Schools should take reasonable steps to set and mark work for students during the first five school days of an exclusion and

alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.

- Where parents (or excluded pupil, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. 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 (for disability discrimination) or a County Court (for other forms of discrimination).
- An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.
- Whether or not a school recognises that a student has special educational needs (SEN), all parents (or students if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded students should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

The school policy will refer to the DfE guide on 'Exclusions from maintained schools, Academies and Pupil referral units in England' which covers the following areas:

- The head teacher's power to exclude
- The head teacher's duty to inform parties about an exclusion
- The governing bodies and local authority's duties to arrange education for excluded pupils
- The governing body's duty to consider an exclusion
- The head teacher's duty to remove a permanently excluded pupil from the school register
- The local authority's / Academy Trust's duty to arrange an independent review panel
- The duties of independent review panel members, the clerk and the SEN expert in the conduct of an independent review panel
- The governing body's duty to reconsider an exclusion decision following a review
- The local authority's role in overseeing the financial readjustment / payment
- Statutory guidance to head teachers, governing bodies, independent review panel members and clerks on police involvement and parallel criminal proceedings

A copy of the DfE guide on 'Exclusions from maintained schools, Academies and Pupil referral units in England' is held in school for reference with this policy.

The school's exclusion policy will be reviewed every three years or more frequently should there be a change to statutory guidance from the DfE.