# **Exclusion policy**

Fairstead Community Primary & Nursery School



Approved by: Full Governing Body Date: March 2021

Last reviewed on: March 2021

Next review due by: March 2022

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# 1. Aims

Our school aims to ensure that:

- > The exclusions process is applied fairly and consistently
- > The exclusions process is understood by governors, staff, parents and pupils
- > Pupils in school are safe and happy
- > Pupils do not become NEET (not in education, employment or training)

# 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: <u>Exclusion from maintained schools</u>, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils:

- > Section 52 of the Education Act 2002, as amended by the Education Act 2011
- > The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

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

## 3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil 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 receives an education in a safe and caring environment.

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 others

Before deciding whether to exclude a pupil, 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 pupil to give their version of events
- > Consider if the pupil has special educational needs (SEN)

#### 4. 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.

# 5. Roles and responsibilities

#### 5.1 The headteacher

#### Informing parents

The headteacher will immediately 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 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
- > How any representations should be made
- > 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

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.

#### 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 pupil
- > Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- > Exclusions which would result in the pupil missing a public examination

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.

For all other exclusions, the headteacher will notify the governing board and LA once a term.

### 5.2 The governing board

Responsibilities regarding exclusions are delegated to a committee of the Governing Body consisting of at least 3 governors.

The Governors appointed have a duty to consider the reinstatement of an excluded pupil (see section 6).

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

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

For a fixed-period exclusion of more than 5 school days, the LA will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

#### 5.3 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.

# 6. Considering the reinstatement of a pupil

The committee of the Governing Board 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 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 or national curriculum test

If requested to do so by parents, the committee of 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.

Where an exclusion would result in a pupil missing a public examination, the committee of 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.

The committee of the Governing Board can either:

- > Decline to reinstate the pupil, or
- > Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, committee of 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.

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 committee of the governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the committee of the governing board's 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 SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents 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 for this
    appointment
  - That parents must make clear if they wish for an SEN 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 friend 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. An independent review

If parents 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 pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the committee of the governing board 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 headteachers during this time
- > Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- > Are a member of the LA, 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 LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA, 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.

# 8. 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 board 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 offsite) 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.

# 9. Returning from a fixed-term exclusion

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.

# 10. Monitoring arrangements

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

The Headteacher will review this policy annually. At every review, the Full Governing Body will approve the policy.

# 11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- · SEN policy and information report

#### Appendix 1: Independent review panel training

The LA 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: Reintegration Plan Template**

Schools should complete this plan in the exceptional circumstances that a temporary reduced timetable is introduced to meet a pupil's individual needs. Please ensure you have read Norfolk County Council's guidance on the use of reduced timetables before starting this process.

The LA should be notified of the reduced timetable as soon as a plan has been agreed. Please scan a signed copy of the signed plan and send to the Attendance Team via secure email to <a href="mailto:csattendance@norfolk.gov.uk">csattendance@norfolk.gov.uk</a> or securely via <a href="mailto:Any Comms Plus">Any Comms Plus</a> with 'name of school and part time timetable' in the subject line. Please do not send originals. It is important you retain the original signed copy for your records.

Date of Meeting:		Location:	
Name of pupil(s):		Name of School:	
Year Group:		Ethnicity:	
SEND status:			
Looked After Child	Yes/No	Child Protection	Yes/No
Child in Need	Yes/No	Early Help/FSP	Yes/No

### Parents & Professionals involved with the child

Name:	Role & Organisation:	Attended? (Y/N)	Have they been informed of the reduced timetable? If not, please state why.
Start date of timetable:		End date of timetable: Pupil should return full-time provision within 6 weeks of start	

Behaviour				
Behaviour				
Success Criteria (what will the change look like?)				
Parent(s):				
Child:				
School:				
Other (professional or family member):				

1.

2.		
3.		
4.		
5.		
6.		

# **Reintegration Timetable**

Week beginning:	Monday		Tuesd ay		Wedne sday		Thursd ay		Friday		Time in Education
	am	pm	am	pm	am	pm	am	pm	am	pm	

Review Meeting Date: (within 2 week	s of the start date)					
Time:						
Venue:						
The undersigned confirm that this is an accurate record of the discussions and outcomes agreed within the meeting. By signing this form, the school is confirming that the use of a part-time timetable for a limited period has been judged appropriate, review arrangements have been agreed and any safeguarding issues have been fully taken into consideration.  During the period of the part-time timetable the school will:  Monitor the effectiveness of the part-time timetable  Hold a review on the agreed date  Provide work the child to do whilst at home and mark all work complete						
<ul> <li>Hold a review on the agreed date</li> </ul>	e	elete				
<ul> <li>Hold a review on the agreed date</li> </ul>	e	olete Signature:				
<ul> <li>Hold a review on the agreed date</li> <li>Provide work the child to do while</li> </ul>	e st at home and mark all work comp					
Hold a review on the agreed date     Provide work the child to do while  School Representative:	e st at home and mark all work comp Date:	Signature:				
Hold a review on the agreed date     Provide work the child to do while  School Representative:  [INSERT NAMES OF OTHER]	e st at home and mark all work comp Date:	Signature:				
Hold a review on the agreed date     Provide work the child to do while  School Representative:  [INSERT NAMES OF OTHER  PROFESSIONALS]:	e st at home and mark all work comp Date:	Signature:				
Hold a review on the agreed date     Provide work the child to do while  School Representative:  [INSERT NAMES OF OTHER PROFESSIONALS]:  Parents	Date:	Signature: Signature:	d upon.			
Hold a review on the agreed date     Provide work the child to do while  School Representative:  [INSERT NAMES OF OTHER PROFESSIONALS]:  Parents	Date:	Signature: Signature:	d upon.			
Hold a review on the agreed date     Provide work the child to do while  School Representative:  [INSERT NAMES OF OTHER PROFESSIONALS]:  Parents A reduced timetable can only proceed with proceed with proceed with proceed.	Date:  Date:  parents' signed consent to the plan and	Signature: Signature:	d upon.			

Date:	
Signature:	
Parents	
A reduced timetable can only proceed with parents' signed consent to the plan and cannot be enforced by a school or insisted upon.	
Please delete as applicable:	
3. I agree with the content of these minutes and the reintegration plan.	
4. I do not agree with the reintegration for the following reasons:	
Parent Name:	
Date:	
Signature:	
Child – this section is voluntary for the child to complete. Please delete as applicable:	
1. I am happy with this plan.	
2. I am not happy with this plan because:	
Child Name:	
Date:	
Gignature:	

### **Appendix 3: Fixed Term Exclusion Letter Template**



# Fairstead Community Primary and Nursery School

Head Teacher - Daniel Farthing

William Booth Road, King's Lynn Norfolk PE30 4RR

Telephone: 01553 774666

Email: office@fairstead.norfolk.sch.uk

Date

Mr & Mrs ... Street Town County Postcode

Dear Mr & Mrs....

I am writing to inform you of my decision to exclude **NAME** for a fixed period of **0 day/days**. This means that **HE/SHE** will not be allowed in school for this period. The exclusion begins on **DAY 00<sup>th</sup> MONTH YEAR** and ends on **DAY 00<sup>th</sup> MONTH YEAR**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **NAME** has not been taken lightly. **NAME** has been excluded from Fairstead Community Primary and Nursery School for **REASON** (persistent disruptive behaviour, refusing to following adult instruction and damage to school property).

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion from **DAY 00<sup>th</sup> MONTH YEAR** to **DAY 00<sup>th</sup> MONTH YEAR** 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 without reasonable justification. It will be for you to show that there is reasonable justification for this.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact Vicky Etheridge, Chair of Governors, via Fairstead Community Primary School as soon as possible. Whilst the governing body/management committee 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, to the First Tier Tribunal

http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm).









You and **NAME** are requested to attend a reintegration interview at Fairstead Community Primary and Nursery School on **DAY 00<sup>th</sup> MONTH YEAR** at **8.45am**. If that is not convenient, please contact the school to discuss how best your child can be supported.

Exclusion guidance can be obtained from the Department for Education website at <a href="http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion">http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion</a>. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or on <a href="http://www.childrenslegalcentre.com/">http://www.childrenslegalcentre.com/</a>.

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, to the First Tier Tribunal (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm).

Advice on the exclusions process can also be obtained from the Attendance and Exclusions Team, Norfolk Children's Services, telephone number 01603 303333 email <a href="mailto:exclusions@norfolk.gov.uk">exclusions@norfolk.gov.uk</a> or the local Parent Partnership on 01603 704070 email <a href="mailto:parentpartnership@norfolk.gov.uk">parentpartnership@norfolk.gov.uk</a> (for pupils with special educational needs).

**NAME'S** exclusion expires on **DAY 00<sup>th</sup> MONTH YEAR** and **NAME** is expected to return to Fairstead Community Primary and Nursery School on **DAY 00<sup>th</sup> MONTH YEAR** at 8.45am.

Yours sincerely

**Daniel Farthing** 

**Head Teacher** 









### **Appendix 4: Permanent Exclusion Letter Template**



# Fairstead Community Primary and Nursery School

Head Teacher - Daniel Farthing

William Booth Road, King's Lynn Norfolk PE30 4RR

Telephone: 01553 774666

Email: office@fairstead.norfolk.sch.uk

Date

Mr & Mrs ... Street Town County Postcode

Dear Mr & Mrs....

I regret to inform you of my decision to permanently exclude **NAME** with effect from **DAY 00<sup>th</sup> MONTH YEAR**. This means that **NAME** will not be allowed in this school unless **HE/SHE** is reinstated by the governing body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **NAME** has not been taken lightly. **NAME** has been excluded for **REASON...** 

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **DAY 00<sup>th</sup> MONTH YEAR** to **DAY 00<sup>th</sup> MONTH YEAR** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for **NAME**'S education to continue will be made. For the first five school days of the exclusion we will set work for **NAME** and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. from **DAY 00**<sup>th</sup> **MONTH YEAR** the local authority Norfolk County Council will provide suitable full-time education.

As this is a permanent exclusion the governing body must meet to consider it. At the meeting you may make representations, **NAME** can also attend the meeting if you wish and you can ask them to reinstate your child in school. In light of its consideration, the governing body can either direct reinstatement immediately or on a particular date, or decline to reinstate your child in which case you may make









application against their decision to an Independent Review Panel. The latest date by which the governing body must meet is **DAY 00<sup>th</sup> MONTH YEAR**, the 15th school day after the date on which the governing body has notified of the exclusion. If you wish to make representations to the governing body and wish to be accompanied by **NAME**, a friend or representative, please contact Mr Daniel Farthing, Head Teacher at Fairstead Community Primary and Nursery School, William Booth Road, King's Lynn, Norfolk, PE30 4RR. Tel: 01553 774 666, Email: head@fairstead.norfolk.sch.uk as soon as possible.

You will, whether you choose to make representations or not, be notified by the governing body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Mr Daniel Farthing, Head Teacher at Fairstead Community Primary and Nursery School, William Booth Road, King's Lynn, Norfolk, PE30 4RR. Tel: 01553 774 666, Email: <a href="mailto:head@fairstead.norfolk.sch.uk">head@fairstead.norfolk.sch.uk</a> if it would be helpful for you to have an interpreter present at the meeting.

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, to the First Tier Tribunal (Special Educational Needs and Disability)

https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability) or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the governing body.

Exclusion guidance can be obtained from the Department for Education website at <a href="https://www.gov.uk/government/publications/school-exclusion">https://www.gov.uk/government/publications/school-exclusion</a>. You may also find it useful to contact the Coram Children's Legal Centre <a href="http://www.childrenslegalcentre.com">http://www.childrenslegalcentre.com</a> or ACE Education <a href="http://www.ace-ed.org.uk">http://www.ace-ed.org.uk</a> who aim to provide impartial advice and information to parents on state education matters.

Advice on the exclusions process can also be obtained from the Exclusions Team in Children's Services by telephone on 01603 307727 or by email to <a href="mailto:exclusions@norfolk.gov.uk">exclusions@norfolk.gov.uk</a>, or the Norfolk SEND Partnership by telephone on 01603 704070 or by email to <a href="mailto:sendpartnership.iass@norfolk.gov.uk">sendpartnership.iass@norfolk.gov.uk</a> (for pupils with special educational needs).

[Where considered relevant by the head teacher, add links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<a href="https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about">https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about</a>), the National Autistic Society (NAS) School Exclusion Service (England)
<a href="http://www.autism.org.uk/services/helplines/school-exclusions.aspx">http://www.autism.org.uk/services/helplines/school-exclusions.aspx</a> (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice
<a href="http://www.ipsea.org.uk/">http://www.ipsea.org.uk/</a>)]

Yours sincerely

D. Farthing Head Teacher







