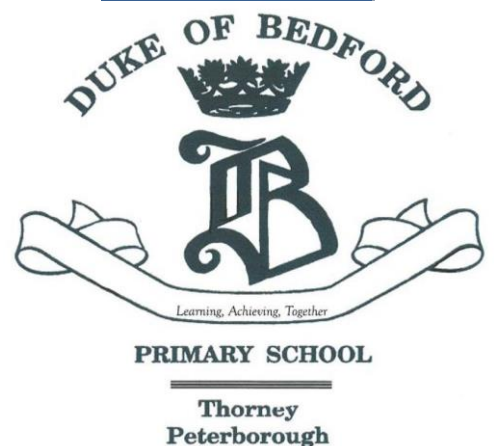


Duke of Bedford Primary School

Exclusion Policy

May 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: [Exclusion from maintained schools, 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:

4. In response to serious or persistent breaches of the school's behaviour policy, **and**
5. 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:

6. Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
7. Allow the pupil to give their version of events
8. 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:

9. The reason(s) for the exclusion
10. The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
11. Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
12. How any representations should be made
13. 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:

14. The start date for any provision of full-time education that has been arranged
15. The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
16. The address at which the provision will take place
17. 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:

18. A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
19. Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
20. 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 the Monitoring standards and Achievement Committee consisting of at least 3 governors.

The Monitoring Standards and Achievement Committee of the governing board has 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 LA with information about any exclusions in the last 12 months.

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.

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 Monitoring Standards and Achievement Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

21. The exclusion is permanent
22. 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
23. It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Monitoring Standards and Achievement Committee 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 Monitoring Standards and Achievement Committee 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 Monitoring Standards and Achievement Committee can either:

24. Decline to reinstate the pupil, or
25. Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Monitoring Standards and Achievement 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 pupil's educational record.

The Monitoring Standards and Achievement Committee 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 Monitoring Standards and Achievement Committee decision will also include the following:

26. The fact that it is permanent
27. 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

28. 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 Monitoring Standards and Achievement Committee 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.

29. 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
30. 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
31. 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:

32. Are a member/director of the LA, or governing board of the excluding school
33. Are the headteacher of the excluding school, or have held this position in the last 5 years
34. Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)

35. 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
36. 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:

37. Uphold the governing board's decision
38. Recommend that the governing board reconsiders reinstatement
39. 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:

40. 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
41. 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 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.

9. Returning from a Fixed 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.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

42. Agreeing a behaviour contract
43. Putting a pupil 'on report'
44. Internal isolation

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.

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

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:

45. 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
46. The need for the panel to observe procedural fairness and the rules of natural justice
47. The role of the chair and the clerk of a review panel
48. The duties of headteachers, governing boards and the panel under the Equality Act 2010
49. 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

Introduction and General Principles:

At The Duke of Bedford Primary School, behaviour is on the whole, exceptionally good. Permanent exclusion will only be used as a last resort when all other sanctions in line with the school Behaviour policy have been exhausted along with any other reasonable steps and adjustments. This could include being sent to another class, Senior Leaders in the school, or internal exclusion (this is where the child will spend time in another class for a period of time).

Permanent exclusion may, on extremely rare occasions be the only possible response to a single incident of very extreme misconduct which if allowing the child to remain in school would be to the serious detriment of the education and/or welfare of students and staff.

In applying this exclusion policy, we will follow the latest guidance and advice from the Department of Education and the Local Authority.

Each incident of exclusion will be recorded in a standard format, which should detail:

- the name of the student
- the year group and class
- the gender of the student
- the ethnicity of the child
- the type of exclusion
- in the case of fixed term exclusions, the number of days of which the exclusion will be for.

Procedures for Fixed-Term Exclusions:

The Headteacher will normally decide if a student is to be excluded for a fixed period. Where the Headteacher is absent, this power to exclude for a fixed period is delegated to an Assistant Headteacher. Each individual case will be determined on its merit and circumstances will be investigated, considered and taken into account. The degree of severity of the offence, the frequency of occurrence and the likelihood of re-occurrence will be taken into account, as will the previous record of the student involved.

If a student is to be excluded for the first time, the length of the exclusion will normally be between 1-3 school days. Longer periods may be used for more serious offences, extreme circumstances or a reoccurrence of misbehaviour following previous fixed term exclusion. Fixed-term exclusion will be considered as an option where verbal or physical abuse is directed towards staff and students and in serious cases of unprovoked violence towards fellow students or staff. It will also be

considered in case of the bringing of dangerous objects or illegal substances onto the school premises.

When the Headteacher or allocated Senior Leader has decided that there is adequate ground for the exclusion of a student, the parents will be informed by telephone as soon as possible. A letter will then be issued to the parent of the day of exclusion. The letter should detail:

- the reason for the exclusion
- the length of the exclusion
- a suggested date on which parents may meet with the Headteacher or allocated Senior Leader to discuss the exclusion
- right to make representations to the Local Governing Committee.

The Headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent;
- 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 any exclusions other than those above, the Headteacher will notify the governing board and the LA once a term.

Representations to the Local Governors concerning fixed term exclusion will normally be made in the first instance to the Chair of Governors. If the matter cannot be resolved by the Chair of Governors in the first instance, he/she may decide to refer the matter to a sub-committee of Governors.

Before the student returns to school, a reintegration meeting should be convened by the appropriate Senior Leader (Headteacher/Assistant Headteacher) with the appropriate members of staff, parents and child. During the reintegration meeting the following will be discussed and documented:

- Name, Year Group
- Exclusion dates
- Reason/s for exclusion
- Date of re-integration meeting
- Agreed and set targets for the child.

At the end of the meeting, all parties will be asked to sign the agreement and the child is escorted back into class. The form is then stored on the record of the child.

In extreme and rare circumstances, the school reserves the right to use fixed term exclusion up to the maximum period allowed in the current legislation. In the case of fixed term exclusions exceeding the maximum period a meeting of Governors Sub Committee will be convened.

If the exclusion is for 6 days or more the Headteacher (or appropriate Senior Leader) will:

- Plan full-time, offsite, educational provision from day 6 of the exclusion
- Ensure that work is set and sent home for completion.
- Notify parents of their responsibility to ensure that their child is not found in a public place during school hours
- Inform the Local Authority of the details of the exclusion and the provision made for the individual.

Procedures for Permanent Exclusions:

The Headteacher alone will normally decide if a student is to be permanently excluded. Where the Headteacher is absent and the Assistant Headteacher feels that permanent exclusion may be the appropriate response, the Assistant Headteacher may exclude the student for a fixed-term period to allow the Headteacher to consider the case on his/ her return. Permanent exclusion is a very serious decision to come to and should only be used when all other sanctions, reasonable adjustments have failed to produce the desired outcomes for the student. It may also be an appropriate response to a single incident of extreme misconduct, for example extreme violence towards a fellow students or assault on a staff member.

The Headteacher will inform the parents of a permanent exclusion immediately by telephone and followed up in writing. The letter will give parents at least seven days notice of a hearing before the Governors Sub Committee to consider the exclusion.

The letter will state:

- That the student has been permanently excluded
- The reasons for the permanent exclusion
- the parents right to examine the record of the student
- the purpose of the hearing
- that the parent and student should attend the hearing and have the right to be accompanied by a friend

- that if they do not attend the hearing it may proceed in their absence
- that if the Governors confirm the exclusion, the parents have a right of appeal to an Independent Appeals Committee.

A copy of this letter should be sent to the Chair of Governors and Sub Committee.

The Headteacher will make arrangements for a hearing before a Governors' Sub Committee to take place within 14 days of the exclusion. Normally, three members of the Governors will sit on the sub committee. No Governor who has any prior knowledge or involvement in the case should sit on the panel.

The procedure followed at the hearing will be as informal as possible. It will normally follow the format set out as below:

- The Sub Committee will meet jointly with the Headteacher and the parent, student and any accompanying companion.
- The Governors will invite the Headteacher to give his/her reasons for recommending permanent exclusion
- The parent/s will be invited to ask questions of the Headteacher
- The parent/s will be given the opportunity to explain why they think permanent exclusion is inappropriate
- The Headteacher will be given an opportunity to ask questions of the parents.
- The Headteacher and parents will be given the opportunity to sum up and ask further questions of the Governors. The Governor may wish to ask further questions to either the Headteacher or the parents.
- The Governors should be given time to convene to allow them to consider their decision. At this point, the Headteacher, parents and students should withdraw from the meeting.
- It is important that all parties in the meeting are aware that an adjournment can be called at anytime. This could be for discussion, to compose themselves or seek advice from a professional advisor.

The Governors will decide to either:

- Uphold the decision of the permanent exclusion
- To order the immediate reinstatement of the student

The decision of the Governors Sub Committee will be communicated to the parents by letter on the same day. If the Governors decide to uphold the decision to permanently exclude, the letter should inform the parents of their right to appeal to an Independent Appeals Committee.

Monitoring

Each incident of exclusion will be brought to the attention of the Chair of the Local Governing board and reviewed at a Governor committee.