



BISHOP VESEY'S GRAMMAR SCHOOL

Exclusions Policy

Policy prepared by:	Head Teacher
Approval date/by whom	Full Governing Board, September 2020
School's next review date/by whom:	Full Governing Board, Summer 2021
Signed by Chair of Governing Board Date	7 September 2020

Exclusions Policy

1. **Aims**

This policy is written with the United Nations Convention of the Rights of The Child in Mind. All of our policies bear in mind Articles 3 and 28 - the child's best interests and the right of the child to an education. This policy also bears in mind Article 29 (Goals of education - to develop a child's talents and abilities to the full).

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 and training)

2. **Legislation and statutory guidance**

This policy is based on statutory guidance from the Department for Education:

<https://www.gov.uk/government/publications/school-exclusion> (2017) and

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak> (2020)

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

- Section 51A of the Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- the Education and Inspections Act 2006 and the Education (Provision of Full Time Education for Excluded Pupils) (England) Regulations 2007, which detail the respective roles of parents, governing boards and local authorities in making educational provision for excluded pupils;
- Section 579 of the Education Act 1996, which defines 'school day'

The policy complies with our funding agreement and articles of association.

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 best 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 permanently exclude a pupil will be taken only:

- In response to a 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

Exclusions Policy

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, the school day is defined as any day on which there is a school session.

5. **Roles and responsibilities**

5.1 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 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 Body to meet to consider the reinstatement of a pupil, parents have a right to attend a meeting and be represented (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session of 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 with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The Headteacher will without delay notify the governing board and local authority 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 Policy

- Exclusions which would result in the pupil missing public examinations

For a permanent exclusion, if the pupil lives outside the Local Authority 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 Local Authority once a term.

5.2 The governing board

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

Within 14 days of receipt of a request, the governing board will provide the secretary of state 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.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 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 exclusion.

6. Considering the reinstatement of a pupil

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

If requested to do so by parents the governing board will consider the reinstatement of an excluded pupil within 50 days of receiving notice of the exclusion if the pupil would be excluded for more than 5 school days, but less than 15, in a single term.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair in light of the available evidence and the headteacher's 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.

Exclusions Policy

The governing board will notify, in writing, the Headteacher, parents and the Local Authority of its decision, along with the reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact 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 and 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 Academy 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 the Exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act of 2010 to the first tier tribunal (SEN and disability), in the case of disability 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 academy 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 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 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
- A school governor 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 the review panel if they:

- Are a member of the academy or governing board of the excluding school
- Are the headteacher of the excluding school, or have held the position in the last 5 years
- Are an employee of the academy trust (unless they are employed as a headteacher at another school) Have, or at any time have had, any connection with the academy, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.

Exclusions Policy

- Have not had the required training within the last 2 years

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 when considered against the principles of judicial review)

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 governing board'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 (educated 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 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.

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

- Agreeing a behaviour contract
- Putting a pupil on report
- The undertaking of restorative actions

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.

The policy will be reviewed by the SLT every year. At every review, the policy will be shared with the governing board

11. Links to other policies

The exclusions policy is linked to our

- Behaviour Policy
- SEN policy