



Pupil Exclusion Policy

January 2023

Review by January 2024

Rationale

This policy is an appendix of Thomas Johnson Lower School 'Behaviour Management Policy'; it deals with the policy and practice which informs the School's use of exclusion. It is underpinned by the shared commitment of all members of the School community to achieve a very important aim:

- To ensure the safety and well-being of all members of the School community, and to maintain an appropriate educational environment in which all can learn and succeed.

Introduction

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted.

The decision to exclude a pupil must be lawful, reasonable and fair. Pupils will not be discriminated against on the basis of protected characteristics, such as disability, gender, faith, medical needs, or race and head teachers and governing bodies must take account of their statutory duties in relation to Special Educational Needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice.

The school is responsible for communicating to pupils, parents and staff, its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

It is unlawful to exclude or to increase the severity of an exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment / ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before they are reinstated. Pupils who repeatedly refuse to follow their teachers' academic instructions could, however, be subject to exclusion.

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded. Maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour.

A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

Exclusion procedure – Headteacher's duties

1. Only the head teacher (or acting head teacher) of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be

- for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
2. Where practical, the head teacher should give pupils an opportunity to present their cases before taking the decision to exclude.
 3. Also, whilst exclusion may still be an appropriate sanction, head teachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.
 4. However, the decision to exclude a pupil permanently should only be used as a last resort, in response to:
 - a. a serious breach, or persistent breaches, of the school's behaviour policy; and
 - b. where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
 5. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to exclusion, such as the head teacher's duty to notify parents, still apply. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered. Whenever a head teacher excludes a pupil they must, without delay, notify parents of the period of the exclusion and the reasons for it.
 6. They must also, without delay, provide parents with the following information in writing:
 - the reasons for the exclusion;
 - the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend;
 - that for the first five 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 reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.
 7. Parents must be informed where a fixed period exclusion has been extended or converted to a permanent exclusion. In such cases the head teacher must write again to the parents explaining the reasons for the change and providing any additional information required.
 8. If alternative education provision is being arranged the head teacher must inform parents without delay where and when this will take place.
 9. The head teacher must, notify the governing body and the local authority of:
 - a. a permanent exclusion (including where a fixed period exclusion is made permanent);
 - b. exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
 - c. exclusions which would result in the pupil missing a public examination or national curriculum test.
 10. For all other exclusions the head teacher must notify the local authority and governing body once a term. Notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

11. Schools must have a strategy for re-integration of an excluded pupil. A return to school meeting will be held with the pupil and their parents following the expiry of the fixed term exclusion and this will involve the head teacher and other staff where appropriate.

Governing body duties

1. The governors have established arrangements for reviewing exclusions. Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the governing body and the LA as directed in the letter. The governing body has a duty to consider parents' representations about an exclusion.
2. The governing body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors.
3. The governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
 - a. the exclusion is permanent;
 - b. it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - c. it would result in a pupil missing a public examination or national curriculum test.
4. If requested to do so by the parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.
5. Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for a governing body, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.
6. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing body must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
7. In reaching a decision on whether or not to reinstate a pupil, the governing body should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties.
8. For a fixed period, exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.
9. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion.

Reference document: Department for Education, 'Exclusion from maintained schools, Academies and pupil referral units in England – A guide for those with legal responsibilities in relation to exclusion, 2017