



TOLWORTH GIRLS' SCHOOL & SIXTH FORM

EXCLUSION POLICY

Governing Body Committee: Student Welfare & Behaviour (SW&B)

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1. Aims

Our academy aims to ensure that:

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

2. Legislation and statutory guidance

This policy has been updated following the publication of revised statutory guidance issued by the Department for Education entitled: ‘Exclusion from maintained schools, academies, and pupil referral units in England - [Statutory guidance for those with legal responsibilities in relation to exclusion, September 2017](#)’.

3. The decision to exclude

Only the Headteacher, or acting Headteacher, can exclude a student from school. A permanent exclusion will be taken as a last resort.

Our academy 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 student will be taken only:

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances, carrying an offensive weapon or other high level behaviours as outlined in the School's Behaviour for Learning Policy.
- Where allowing a student to remain in school would be seriously detrimental to the education of other students, to the welfare of other students, staff or of the student themselves
- More usually it follows a series of breaches of the school's disciplinary code and after a range of strategies to resolve the student's disciplinary problems have been tried and have failed
- When the behaviour of students outside school is such that it can be considered as grounds for exclusion
- In response to serious or persistent breaches of the Academy's Behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

A student may also be excluded for other serious incidents which, in the opinion of the Headteacher, warrant an exclusion.

When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof i.e. on the balance of probabilities.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:

- Possible short-term mitigating circumstances such as bereavement, mental health issues etc.
- Where it comes to light that the student has been subject to bullying
- Whether the student comes into a category that is known to be a particularly vulnerable group (e.g. students with SEND, pupil premium students, Children Looked After, certain ethnic groups, traveller children, LGBT) and whether all preventative strategies have been fully utilised.
- Whether the reason a student is being considered for exclusion is linked to one of the protected characteristics as defined by the Equality Act 2010.
- Whether a student has already had a number of fixed term exclusions which appear to be ineffective

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/carers

The Headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded student:

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' /carers' right to make representations about the exclusion to the governing board and how the student 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 student, and that parents/carers 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/carers 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/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

(*1)If alternative provision is being arranged, the following information will be included when notifying parents/carers 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 student 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' /carers' consent.

Informing the governing board and local authority

The Headteacher will immediately notify Chair of Governors and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student'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 Student Welfare & Behaviour (SW&B) committee - this includes the provision of Alternative Provision for any student excluded for more than 5 days or for a permanent exclusion. (*1 see note above)

The Special Purposes committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

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 student

The Special Purposes committee will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents/carers, the Special Purposes committee of the governing board will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the Special Purposes committee of the governing board will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Special Purposes committee of the governing board will consider the exclusion and decide whether or not to reinstate the student.

The Special Purposes committee of the governing board can either:

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

In reaching a decision, the Special Purposes 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 student's educational record.

The Special Purposes committee of the governing board will notify, in writing, the Headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

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

➤ The fact that it is permanent

➤ Notice of parents'/carers' 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 student's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents/carers have a right to require the LA/academy trust 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/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review

➤ That if parents/carers 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/carers apply for an independent review, the LA/academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Special Purposes committee of the governing board of its decision to not reinstate a student.

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/director of the academy trust, 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 academy trust, 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 academy trust, school, governing board, parents/carers or student, 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 student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/carers 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 student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students 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 student, parents/carers, a member of senior staff and other staff, where appropriate.

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

- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal isolation
- Providing appropriate support and intervention to prevent further incidents
- Restorative justice meetings with students involved in the incident

10. Monitoring arrangements

The Headteacher monitors the number of exclusions every term and reports back to the Student Welfare & Behaviour committee on a termly basis they also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Student Welfare & Behaviour committee every two years. At every review, the policy will be approved by Student Welfare & Behaviour committee.

11. Links with other policies

This policy should be read in conjunction with the following school policies:

- Teaching and Learning
- Special Educational Needs or disabilities
- Single Equality

- Health & Safety
- Behavior for learning
- Anti-bullying
- Keeping Children Safe in Education (KCSIE) - Safeguarding
- e-Safety
- Admissions

Appendix 1: Independent review panel training

The academy trust 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