

Churchfield C.E. Primary Academy



School Exclusion Policy 2024

Signed by:

G. Lloyd Head of School

Date: 1st September 2024

Walking together in the light of the Lord, we aim to create a supportive and safe environment where we encourage each other to be the best we can be. At Churchfield we learn to take pride in our successes and aspire to make a positive difference for ourselves, the local community, and the wider world.

1. Aims

Churchfield CE Primary Academy aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Directors, 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
- Sections 64-68 of the School Standards and Framework Act 1998

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
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – DfE September 2022

3. The decision to exclude

Only the Principal, or a person acting with the Principal's authority, can suspend or exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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 or suspend a pupil, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion/ suspension were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definitions

For the purposes of exclusions/ suspensions, a 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 Principal/ Head of School

Informing parents

The Principal/ Head of School will immediately provide the following information, in writing, to the parents of an excluded/ suspended pupil:

- The reason(s) for the exclusion/ suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Local Academy Committee and how the pupil may be involved in this
- Where there is a legal requirement for the Local Academy Committee 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 Principal 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.

Staffordshire Connects publishes model letters which will be used for this purpose.

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.

The Principal will immediately notify the Local Academy Committee and the local authority (LA) of:

- A permanent exclusion, including when a suspension is made permanent
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions/ suspensions which would result in the pupil missing a public examination

If the Principal suspends or permanently excludes a pupil they must inform the local authority without delay. If the pupil has a social worker or is a looked-after pupil, the Principal should inform the social worker and/ or Virtual School Head as applicable.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

5.2 The Local Academy Committee

The Local Academy Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

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

For a suspension of more than 5 school days, the Local Academy Committee 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 Principal may cancel an exclusion that has not been reviewed by the local academy committee. If this occurs, parents, the local academy committee and local authority will be informed

The Local Academy Committee 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 suspension 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 Local Academy 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 Local Academy Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Local Academy Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Local Academy Committee can either:

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

In reaching a decision, the Local Academy Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 Local Academy Committee will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Local Academy Committee 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 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 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 academy trust 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 Local Academy Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted . A person may not serve as a member of a review panel if they:

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

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 Local Academy Committee 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 suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. A *Behaviour Passport* or amended *Behaviour Passport* may be agreed at this meeting.

10. Monitoring arrangements

The Principal monitors the number of exclusions/ suspensions every term and reports back to the Local Academy Committee. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Local Academy Committee every two years. The next review is due in September 2026.

11. Links with other policies

This exclusions policy is linked to our Behaviour Policy