



Exclusions Policy
Reviewed November 2020

KILMORIE
PRIMARY SCHOOL

Agreed by Governors November 2020
Next review September 2023

Aims

At Kilmorie we believe in inclusion, not exclusion and as such exclusions are very rare as we make every effort to support our children to make good choices. They are a last resort. However, on occasions where exclusion has been agreed to be the best course of action we aim 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)
- The exclusions process supports our expectations for behaviour

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](#)

Types of exclusion:

Internal Exclusion: An internal exclusion is when a child is excluded from their classroom and the playground for a fixed period of time. This will be supervised by a member of SLT or the Pastoral Care Manager.

Temporary / Fixed-Term exclusion: A temporary/fixed term exclusion is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy.

Permanent exclusion: A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

The decision to exclude

Only the headteacher, or acting headteacher, can decide to exclude a pupil. A decision to exclude a pupil is a last resort and 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 a pupil, 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 or disability needs (SEND)

Kilmorie Primary School aims not to make permanent exclusions.

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.

Roles and responsibilities

The Headteacher

Informing parents

The headteacher will immediately 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 body and how the pupil may be involved in this; and
- Where there is a legal requirement for the governing body to meet to consider the reintegration 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:

- 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; and
- 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 body and local authority

The headteacher will notify the governing body and the local authority (LA) in a timely manner of:

- 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 all other exclusions, the headteacher will notify the governing body and LA once a term.

The Governing Body

Responsibility regarding exclusions is delegated to the full Governing Body. Governors review exclusions each term; should figures give cause for concern, a working party will be formed to consider implications. The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil if the exclusion is less than five school days.

The Local Authority (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.

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 body not to reintegrate 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 body of its decision to not reintegrate 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 governor's 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 of the governing body of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last five years
- Have, or at any time have had, any connection with the LA, school, governing body, parents or pupil, 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 body's decision
- Recommend that the governing body reconsiders reintegration
- Quash the governing body's decision and direct that they reconsider reintegration (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.

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 reintegrate 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 body 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.

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 plan
- A home/school contact book
- Internal isolation

Monitoring arrangements

SLT monitors the number of exclusions every term and reports back to the headteacher. They also liaise with the local authority to ensure suitable fulltime education for the excluded pupils.

This policy will be reviewed by SLT every three years. At every review, the policy will be shared with the governing body.

Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEND policy and information report
- Safeguarding and Child Protection Policy
- Attendance Policy



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 two 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 bodies 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



KILMORIE
PRIMARY SCHOOL