

At St Michael's we strive to develop and inspire courageous, respectful and resilient learners encouraging them to serve with kindness and tolerance guided by our Christian values so that they can flourish, living 'life in all its fullness' (John 10:10).

### **Aim**

Good discipline and conduct are essential to the safe and productive work of our school. Through our behaviour, spirituality, peer on peer abuse and anti-bullying policies, we set out our strategies for promoting good behaviour and responding appropriately to conduct which falls below the expectation of the school. Exclusion is the last resort in managing pupil behaviour and will only be applied where the measures detailed in the above-mention policies have been exhausted or where the severity of an incident deems it necessary to issue an exclusion. The aim of this policy is to set out the school's approach to exclusion.

Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. At St Michael's we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

### **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](#)

Only the Headteacher, can exclude a pupil from school and this must be based on disciplinary grounds.

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

Pupils' behaviour outside school on school business e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally this includes the any serious breach of policy which could 'bring the school into disrepute'.

## **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.

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

- Consult with staff to identify and consider any contributory factors which may have impacted on a pupil's behaviour
- Consider if the pupil has special educational needs (SEN) and whether or not appropriate steps have been taken to support these needs
- Consider whether a multi-agency approach to supporting the pupil will have a positive impact on behaviour
- Consider whether previous fixed-term exclusions proved to be effective sanctions for the individual pupil

At all times the headteacher will have due regard for the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not; and
- foster good relations between people who share a protected characteristic and people who do not share it

## **Roles and responsibilities**

### **The Headteacher**

In the first instance, the headteacher will make telephone contact with the parents to inform them of their decision to exclude.

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 Exclusions committee and how the pupil may be involved in this
- How any representations can be made
- Where there is a legal requirement for the local governing board 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
- Arrangements for providing any learning resources and materials to be completed by the pupil either prior to commencing an alternative placement or before returning to school and how these can be returned to school for marking.

This information can be delivered directly to the parent or leaving it/posting it to the last known address of that parent.

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
- 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.

Any further fixed period of exclusion or a subsequent permanent exclusion will be communicated to parents in the same way and without delay.

To support parents in understanding the exclusion process they will also be provided with the [link to the DfE](#) statutory guidance on exclusions.

### **Informing the Governing Body and Local Authority**

The Headteacher will immediately notify the governing board and the local authority (LA) 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 which would result in the pupil missing a public examination or National Curriculum test

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

### **The Governing Body**

The Governing Body has a duty to consider the reinstatement of an excluded pupil (see section 6 of statutory guidance).

Within 14 days of receipt of a request, the governing body 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 Body will ensure arrangements are made for suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

### **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. In addition, where a pupil has an EHC plan, it is the responsibility of the LA to reassess the child's needs in order to appropriately place a pupil.

### **Considering the reinstatement of a pupil**

It is the duty of the Governing Body to consider representations made by parents following an exclusion. The diagram in Annex A should be referenced when doing so. This function may be delegated to a sub-committee comprising of at least 3 governors.

The local governing 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 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

At this stage, the assigned committee members will follow specific guidelines laid out in the DfE's statutory guidance on exclusions.

The local governing committee can either:

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

The Governing Body committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the decision of the Governors 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 school 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.

### **An independent review**

If parents apply for an independent review, the Local Authority 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 Governor committee of its decision to not reinstate a pupil.

### **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, Governors 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 offsite) 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:

- Discussion about the reasons for the exclusion
- An agreement about how the pupil will move forward following the exclusion (this may include a report card or other pastoral intervention)
- A clear plan of the what will happen should this occur again

### **Monitoring arrangements**

The Headteacher monitors the number of exclusions every term and reports back to the Governing Body. The headteacher will also liaise with the Local Authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher every 3 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
  - Anti-bullying
  - Peer on Peer abuse policy



### Annex A – A summary of the governing board's duties to review the head teacher's exclusion decision

