



Nutley Church of England Primary School Exclusions policy

This policy was endorsed by the **Board of Governors** at the meeting on 7th February 2022

Head Teacher signed:

A handwritten signature in black ink, appearing to read 'E Pearson'.

Chair of Governors signed:

A handwritten signature in black ink, appearing to be a stylized 'B' followed by a horizontal line.

This policy will be reviewed annually and revised where necessary

Contents

1. Aims	3
2. Legislation and statutory guidance.....	3
3. The decision to exclude	3
4. Definition.....	5
5. Roles and responsibilities	5
6. Considering the reinstatement of a pupil	6
7. An independent review	8
8. School registers	8
9. Returning from a fixed-term exclusion.....	9
10. Monitoring arrangements	9
11. Links with other policies	9
Appendix 1: independent review panel training	Error! Bookmark not defined.
Appendix 2: EXNO1 Form	10

Context

We believe that children and young people can achieve their full educational potential if they attend school regularly and behave pro-socially. All children can realise their full potential, some just need support to do so.

As a school, we believe that exclusion rarely changes behaviour for the better and we aim to prevent exclusion. If a pupil is deemed to be at risk of exclusion, it is our expectation that an Additional Needs Plan should be in place to enable a range of strategies and support to be implemented and reviewed.

Suspension or Permanent Exclusion should, therefore, be used as a last resort and only as a protective consequence, in response to serious or persistent breaches of a school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and others in the school. Other than in the case of a serious one-off offence (such as serious actual or threatened violence, sexual abuse or assault, supplying an illegal drug or carrying an offensive weapon) exclusion should only be used when other approaches have been unsuccessful. Even then it is best practice to consider alternatives to exclusion. The length of the exclusion should be proportionate, reasonable and fair and allow schools the opportunity to review / devise plans with identified support, to minimise risk of recurrence and allow for a successful re-integration.

1. Aims

Our school aims 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)

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](#)

3. The decision to exclude

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

Our school 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 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 a pupil, either permanently or for a fixed period, 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 needs (SEN)

Grounds for exclusion

The school will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behavioral Policy, have failed to be successful. The following examples of behavior may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or staff
- Any incident which breaches the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- A single, serious and major incident

Pupils can be excluded on a fixed-period basis, i.e. up to 45 school days within a year, or permanently.

Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented. In all cases, the headteacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant. The school has the power to direct a pupil off-site to improve their behavior.

Factors to consider when excluding a pupil

When considering the exclusion of a pupil, the headteacher will:

- Take into account any contributing factors that are identified after a case of poor behavior has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behavior, including liaising with external agencies, to assess pupils who demonstrate consistently poor behavior.

The headteacher will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:

- LAC
- Pupils eligible for FSM
- Pupils with SEND
- Certain ethnic groups

The headteacher will consider avoiding permanently excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behavior, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioral issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy. Where SEND or SEMH issues are identified, an individual behavior plan will be created using the graduated response. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed. Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination. The headteacher will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

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

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 board and how the pupil may be involved in this
- Where there is a legal requirement for the 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

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.

Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) (using the EXNO1 form in Appendix 2) 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

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.

5.2 The governing board

Responsibilities regarding exclusions is delegated to the governing board consisting of at least 3 governors.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

Academies, including free schools, with articles of association that allow you to do the following, add/amend as applicable:

Responsibilities regarding exclusions is delegated to the governing board – this can be smaller than 3 governors.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The Governing Board's Duty to Consider an Exclusion

Governors must comply with their duty to make sure that reasonable adjustments are made to support the attendance and contribution of all parties at the meeting.

A Governors' Discipline Committee (GDC) must be held within 15 school days of a Permanent Exclusion. (See Pg 12 for [Temporary changes to the Exclusion Process due to Covid-19](#))

A GDC must also be held if a parent requests one following a Fixed Term Exclusion of more than 5 but less than 15 days. In this case, the GDC must be held within 50 school days of the request. (See Pg 12 for [Temporary changes to the Exclusion Process due to Covid-19](#))

The GDC should consist of either 3 or 5 governors who have **no** previous knowledge of the case.

The Chair of Governors should not be part of the GDC if they have previously discussed the case with the Headteacher.

The GDC should be clerked by a person who has had appropriate training.

A Local Authority representative from ESBAS should be invited to all GDC meetings at maintained schools. The Local Authority representative will act as an impartial third party, providing objective and dispassionate representations to assist the process. It is important to note that the Local Authority representative will only answer questions about statutory and best practice expectations and draw the Governors' attention to areas where these expectations may not have been met. Their role is not to provide evidence on behalf of the school or the parent/carer, or to provide a balance of representations. For academies and free schools, a parent may invite a Local Authority representative to attend as an observer and that representative may make representation with the Governing Board's consent.

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 governing board 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

If requested to do so by parents, the governing board 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 governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The governing board 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 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 pupil's educational record.

The governing board 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 governing board's 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 LA 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 LA 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 governing board of its decision to not reinstate 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 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 of the LA 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 LA 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 the LA, school, governing board, 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 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 governing board 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 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 contract
- Putting a pupil 'on report'
- Internal isolation

10. Monitoring arrangements

The DSL monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the DSL every two years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Behavior and relationships policy
- SEN policy and information report

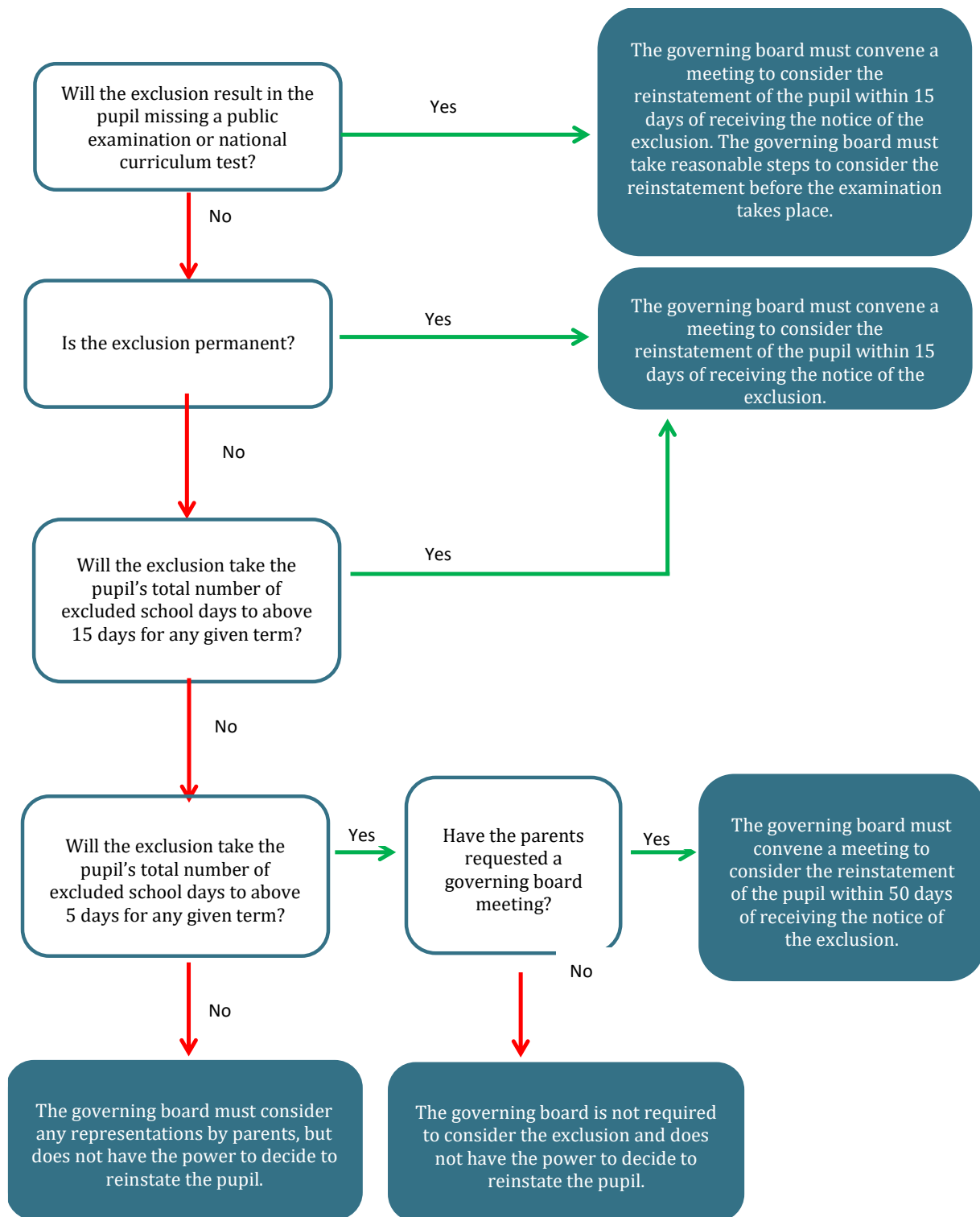
Appendix 1: Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 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

Reviewing the Headteacher's Exclusion Decision



Appendix 2: EXNO1 Form

EXNO1 Form

Notification of exclusion (Suspension or Permanent Exclusion) from school

To be completed for all exclusions, on the first day of the exclusion.

Section 1: Child details

School			
Child's name		DOB	
NCY	UPN		
Name of parent/carers			
Address			
Tel Numbers			
Ethnicity			
FSM Ever 6?	YES <input type="checkbox"/>	Language Spoken	NO <input type="checkbox"/>

Section 2: Exclusion details

Type of exclusion	Suspension <input type="checkbox"/>	Permanent Exclusion <input type="checkbox"/>	Lunch <input type="checkbox"/>
First day of exclusion		Last day of exclusion	
Total sessions missed for this exclusion (1 day = 2 sessions, AM & PM)			
Total sessions missed for this term			
Total sessions missed for this academic year			
Is the exclusion One off <input type="checkbox"/>	or Cumulative <input type="checkbox"/>		
Please use the box below to detail the incident briefly			
<div></div>			
Look at the list of reasons for exclusion below and decide which one best fits this exclusion. You can have more than one reason for exclusion, but you must highlight which should be the primary reason .			
<ul style="list-style-type: none">Physical Assault against pupilPhysical Assault against an adultVerbal abuse / threatening behaviour against a pupilVerbal abuse / threatening behaviour against an adultInappropriate use of Social Media and online technology	<ul style="list-style-type: none">BullyingRacist AbuseSexual MisconductDrug and alcohol relatedDamageTheftPersistent disruptive behaviourWilful and repeated transgression of protective measures in place to protect public health	<ul style="list-style-type: none">Use or threat of an offensive or prohibited weaponAbuse against sexual orientation / gender identityAbuse relating to disabilityOTHER	
Reason for exclusion:			

Section 3: Support details

<p>Does the child have a ANP or equivalent?</p> <p>Is there an Early Help Plan in place?</p> <p>Outside Agency Support</p> <p>ESBAS <input style="width: 50px; height: 20px;" type="text"/></p> <p>Children's Social Care <input style="width: 50px; height: 20px;" type="text"/></p> <p>CLASS <input style="width: 50px; height: 20px;" type="text"/></p> <p>Other (please specify) <input style="width: 100px; height: 20px;" type="text"/></p>	<p>Yes <input style="width: 40px; height: 30px;" type="text"/></p> <p>No <input style="width: 40px; height: 30px;" type="text"/></p> <p>Yes <input style="width: 40px; height: 30px;" type="text"/></p> <p>No <input style="width: 40px; height: 30px;" type="text"/></p>
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<p>Targeted Youth Service (TYS) <input style="width: 40px; height: 20px;" type="text"/></p> <p>Youth Offending Team (YOT) <input style="width: 40px; height: 20px;" type="text"/></p> <p>CAMHS <input style="width: 40px; height: 20px;" type="text"/></p>	<p>Special Educational Needs and Medical Information</p> <p>Does the child have an Education Health and Care Plan?</p> <p>Have you held an Interim Annual Review?</p> <p>Is the child undergoing Statutory Assessment?</p>
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	YES	NO
	<input style="width: 40px; height: 30px;" type="text"/>	<input style="width: 40px; height: 30px;" type="text"/>
	<input style="width: 40px; height: 30px;" type="text"/>	<input style="width: 40px; height: 30px;" type="text"/>
	<input style="width: 40px; height: 30px;" type="text"/>	<input style="width: 40px; height: 30px;" type="text"/>

SEN Code of Practice level	<input style="width: 100%; height: 20px;" type="text"/>
Date of entry to level	Date of last review
<input style="width: 150px; height: 20px;" type="text"/>	<input style="width: 150px; height: 20px;" type="text"/>

Looked After Children (N.B For children looked after by a different Local Authority you must inform the home authority)

<p>Is the pupil in care?</p> <p>Which Authority?</p> <p>Have you contacted the Virtual School for children in care?</p> <p>Have you arranged a case conference review?</p>	<p>Yes <input style="width: 40px; height: 20px;" type="text"/></p> <p>No <input style="width: 40px; height: 20px;" type="text"/></p> <p>Yes <input style="width: 40px; height: 20px;" type="text"/></p> <p>No <input style="width: 40px; height: 20px;" type="text"/></p> <p>Yes <input style="width: 40px; height: 20px;" type="text"/></p> <p>No <input style="width: 40px; height: 20px;" type="text"/></p>
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Section 4: Communication and Review

This section highlights the tasks that need completing immediately following a suspension or expulsion.

Suspension		Permanent Exclusion
Telephone parent/carer informing them of suspension and date of return	<input style="width: 30px; height: 30px;" type="checkbox"/>	Telephone parent/carer informing them of expulsion <input style="width: 30px; height: 30px;" type="checkbox"/>
Send suspension letter to parent/carer	<input style="width: 30px; height: 30px;" type="checkbox"/>	Send permanent exclusion letter to parent/carer <input style="width: 30px; height: 30px;" type="checkbox"/>
Provide work for the first 1 - 5 days of the suspension	<input style="width: 30px; height: 30px;" type="checkbox"/>	Provide work for the first 1 - 5 days of the exclusion <input style="width: 30px; height: 30px;" type="checkbox"/>

Suspensions of over 5 days - ensure alternative full time provision is in place

☐

Inform the LA by emailing EXNO1 and parent letter to

☐

school.exclusions@eastsussex.gov.uk

Suspensions of over 15 days - set up Governors

☐

Set up Governors Discipline Committee (GDC) Meeting within 15 school days of exclusion

☐

Discipline Committee (GDC) Meeting

**Signed
Name
Designation**

Date

Please complete and email securely with a copy of the exclusion letter to:
school.exclusions@eastsussex.gov.uk

Notifications of exclusion must be received by the **home** LA **within 24 hours** of the exclusion.