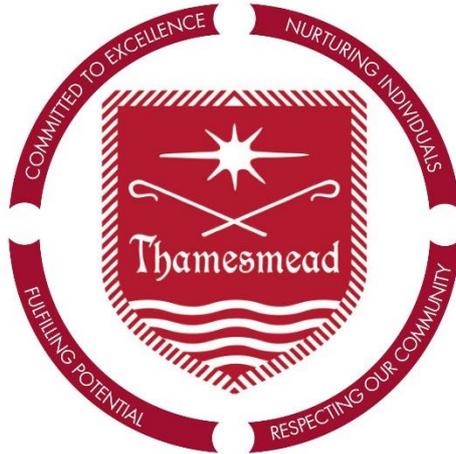


THAMESMEAD SCHOOL



Exclusions Policy

Person Responsible:	A Bate
Date of review	Summer 2021
Date of next review	Summer 2023
Review period	Every Two Years
Governors sub-committee responsible	Personal Development Behaviour and Welfare

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1. Aims

Thamesmead School aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and student

- 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 is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and student referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude student s:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012

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 student s
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Student s) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Student s) (England) (Amendment) Regulations 2014

This policy complies with the Thamesmead School's funding agreement and articles of association.

3. The decision to exclude

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

Thamesmead 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."

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school's Behaviour for Learning Policy
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a student, 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 student to give their version of events
- Consider if the student has special educational needs (SEND)

3.1 Strategies to avoid exclusion

The school uses a number of strategies to address any inappropriate behaviour which may lead to a student being excluded. These are identified in our Behaviour for Learning Policy which is widely publicised so that students, all school staff and parents are aware of the expected standards of behaviour.

Strategies used by the school include:

- Engaging with parents
- Changing classes or teaching sets
- Internal exclusion
- Mediation and restorative work
- Alternative curriculum provision at Key Stage 4, including attendance at a further education college or another form of alternative provision
- Managed move to another school, with consent of all parties involved
- Assessment of Special Educational Needs, including possible placement in a special school
- Allocation of a key worker such as a member of staff acting as a mentor, Educational Inclusion Officer or member of Inclusion Team
- Referral to a specific support service, such as the Education Welfare Service, Social Services or the Child and Adolescent Mental Health Service.
- Pastoral Support Programmes (PSPs) to help students better manage their behaviour

3.2 Permanent exclusion

The decision to exclude a student **permanently** is a serious one and is only taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success.

Permanent exclusion is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will, however, be exceptional circumstances where, in the Headteacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

The school will consider informing the police where such a criminal offence has taken place and will also consider informing other agencies if deemed necessary. These include Youth Offending Teams, Social Workers, etc.

3.3 Drug-related exclusions

In making a decision on whether or not to exclude for a drug-related incident the Headteacher will have regard to the school's Behaviour for Learning Policy. The decision will depend on the precise circumstances of the case, for example, the seriousness of the incident, the circumstances and needs of those involved and the evidence available. Where legal drugs are concerned, the

Headteacher will conduct a careful investigation to judge the nature and seriousness of each incident before deciding what action to take.

3.4 Behaviour outside school

Students' behaviour outside school, on school business (for example, on school trips, educational visits, school sports fixtures, during alternative provision placements or work experience placements) are subject to the school's Behaviour for Learning Policy. Bad behaviour in such circumstances should be dealt with as if it had taken place in school.

For behaviour outside school, but not on school business, a Headteacher may exclude a student if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole or ensuring the safety of other students. This will be a matter of judgment for the Headteacher. Students' behaviour while in school uniform, in the immediate vicinity of the school, or on a journey to or from school, can be grounds for exclusion.

School staff who intervene to control the behaviour of students on public transport or in public places should be mindful of the fact that they are not empowered to use measures beyond their normal common law powers as citizens.

3.5 When exclusion is not appropriate

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed period exclusion (deemed to be equivalent to one half of a school day) and should be treated as such, and parents have the same right to be given information and to make representations.

Lunchtime exclusions are not affected by the regulations on providing students with education from the sixth day of their exclusion. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, would not be lawful. Arrangements should be made for students who are entitled to free school meals to receive their entitlement which may mean, for example, providing a packed lunch.

3.6 When exclusion is not appropriate

Exclusion should not be used for:

- Minor incidents such as failure to do homework or to bring the necessary equipment
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc), except where these are persistent and in open defiance of such rules.
 - Students may be sent home, their parents first having been contacted, on recorded authorised absence to change clothes without being excluded; this should be for no longer than is necessary, otherwise it may amount to an unofficial exclusion.

- Punishing students for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting. Guidance on dealing with difficult parents is contained in the school policy, 'Dealing with unacceptable parent behaviour'.
- Protecting victims of bullying by sending them home.

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

In the event of an exclusion the Headteacher will immediately provide the following information, in writing, to the parents 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' right to make representations about the exclusion to the governing body and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a student, 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 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' consent.

Informing the governing body and local authority

The Headteacher will immediately notify the governing body and Surrey Local Education Authority 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 local authority 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 Body and Surrey Local Education Authority once a term.

5.2 The Governing Body

Responsibilities regarding exclusions or the reinstatement (see section 6) of an excluded student is delegated to a panel of governors from the school.

5.3 Local Authority

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

5.4 Parents

Parents are expected to comply with the Headteacher's decision to exclude or follow the information in this policy to contest the decision. If a parent does not comply with an exclusion, for example by sending the excluded child to school, or by refusing to collect, or arrange collection of their child at lunchtime, the school must have due regard for the student's safety in deciding what action to take. An exclusion should not be enforced if doing so may put the safety of the student at risk. If efforts to resolve the issue with the parents are unsuccessful the school should consider whether to contact the Education Welfare Service and seek the advice of the Local Authority about available legal remedies.

If the school or local authority considers that parental influence could be better brought to bear in improving the behaviour of the student, a parenting contract may be offered. It may help parents take responsibility for their children and strengthen their ability to do so. This can engender a productive relationship with parents and provide individualised support. It provides an early intervention to deal with emerging behaviour problems or after an exclusion of any duration. A

parenting contract is a written voluntary agreement between the school governing body or the local authority and the parent under which the parent agrees to comply with certain requirements and the school or local authority agrees to provide, or help the parent access, the support that they need. Parenting contracts are appropriate where the parent is willing to engage with the school or local authority but is in need of (and will accept) support in order to help improve their child's behaviour. A school cannot require a parent to sign a parenting contract as a condition of his or her child being reinstated, being admitted to a school or not being excluded from it.

If the parent refuses or fails to engage with the school or local authority in attempting to improve his or her child's behaviour and the requisite standard of misbehaviour is met, the school or LA may consider applying to the magistrates' court for a parenting order to compel the parent to comply with certain requirements including attendance at parenting classes. The kind of misbehaviour that can trigger a parenting order is behaviour that has or could have resulted in exclusion.

For further information on parenting contracts or orders, please refer to the Guidance on Education-Related Parenting Contracts, Parenting Orders and Penalty Notices which also contain copies of the Regulations.

6. Considering the reinstatement of a student

A panel of governors 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

If requested to do so by parents, the panel of governors 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 a panel of governors will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Personal Development, Behaviour and Welfare Committee will consider the exclusion and decide whether or not to reinstate the student.

The panel of governors can either:

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

In reaching a decision, a panel of governors 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 panel of governors 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, a panel of governors' 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 student's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the Local Authority to appoint an SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEND 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 Local Authority will arrange for an independent panel to review the decision of the governing body 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 by Personal Development, Behaviour and Welfare Committee 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 director/member of the Local Authority or governing body 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 Local Authority, or the governing body, 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 Local Authority, school, governing body, parents 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 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 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 reintegration meeting will be held involving the student, parents, 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 the expectations of behaviour, using the school Charter for Behaviour. A behaviour contract might be used to support this
- Putting a student 'on report' to monitor behaviour in line with the school's stages of intervention
- A further day in the Internal Exclusion Unit (IEU) might be used to support reintegration and restorative work

10. Monitoring arrangements

Deputy Headteacher (Pastoral) monitors the number of exclusions every term and reports back to the Headteacher and the Personal Development, Behaviour and Welfare Committee. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Deputy Headteacher (Pastoral) every two years. At every review, the policy will be shared with the Personal Development, Behaviour and Welfare Committee.

11. Links with other policies

This exclusions policy is linked to the following policies

- Behaviour for Learning Policy
- SEND Policy
- Equality Policy
- Uniform Policy
- Attendance and Punctuality Policy
- Anti-Bullying Policy
- Educational visit