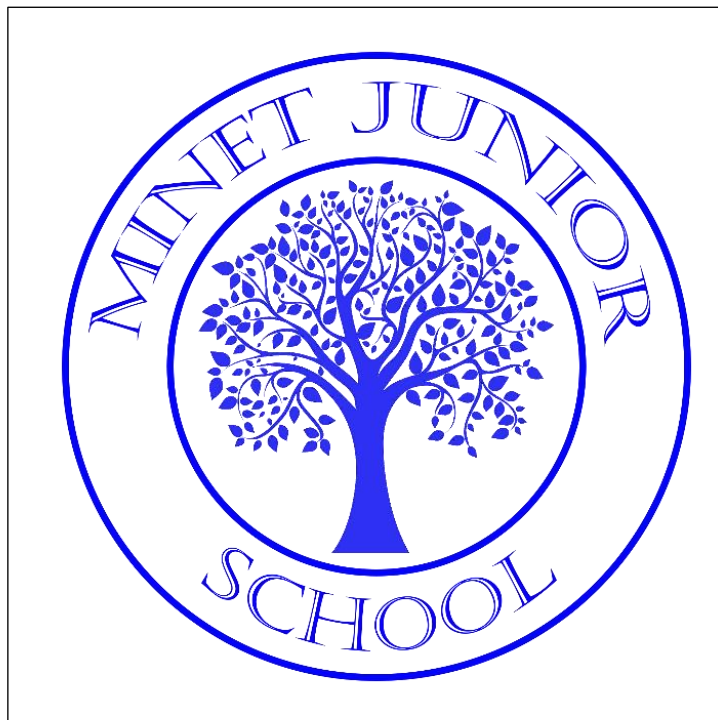


Minet Junior School



Exclusion Policy

January 2022

Introduction

Minet Junior School will ensure that its Exclusion Policy conforms to legal requirement. In particular these include:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The school discipline (pupil exclusions and reviews) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998
- Section 579 of the Education Act 1996 which defines the 'school day'.
- Part 7, chapter 2 of the Education and Inspections Act 2006 which documents parental responsibility for excluded pupils.
- The provision of Full-Time Excluded pupils, regulations 2014

The policy dovetails with other school policies, particularly those referring to Behaviour, Bullying, SEND and Inclusion.

In partnership with parents and carers, Minet Junior School will work to ensure that pupils understand the reasons for our expectations of appropriate behaviour and those pupils conform to the code of conduct and school rules. We have a duty of care to keep pupils safe as part of our responsibility to provide a calm learning environment for them.

About Exclusion

Exclusion should be a last resort. Strategies of early intervention, multi-agency assessment and the implementation of the school's behaviour policy may be sufficient to deal with disruptive behaviour. We are working with very young children who are learning how to behave. It is the duty of all in school to ensure that we are providing the children with opportunities to develop these skills.

However, good discipline in schools is essential so that all pupils can learn, therefore the government supports head teachers in using exclusion as a sanction when warranted. Behaviours that have been identified as both unacceptable in school and in law are:

- Truancy
- Threatening behaviour
- Abusive behaviour
- Physical violence
- Sexist and racist behaviour
- Damage to property
- Possessing any offensive weapons
- Bringing aerosol cans into school

- Possessing and/or using illegal drugs, including alcohol
- Theft

The decision to exclude a pupil must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate
- Age appropriate

When considering exclusion schools must not discriminate on:

- Sex
- Race
- Disability (including a duty to make reasonable adjustments)
- Religion or belief
- Sexual orientation

Minet Junior School will ensure that their statutory duties with regards to Special Educational Needs will be met.

General Procedures

Where possible the decision to exclude (internal or external) and the reasons for the exclusion will be made to parent/carer by telephone on the same day. It will always be followed up with a formal letter, sent by first class post within one school day of the decision, explaining the reasons for exclusion. A copy of the letter must be sent to the Chair of Governors.

The letter will explain:

- Why the Head teacher decided to exclude the pupil and the steps taken to try to avoid exclusion;
- The arrangements for enabling the pupil to continue their education, including the setting and marking of work;
- The parent/carer's right to see their child's school record within fifteen school days of the decision (or earlier where possible);
- Where the exclusion is for a fixed period, the length of the exclusion and the date and time the pupil should return to school;

- Whether the exclusion is permanent, the date from which it takes effect, the details of any relevant previous warnings, fixed period exclusions and other disciplinary measures prior to the present incident.

Fixed Period Exclusions

A fixed period exclusion does not have to be for a continuous period of time. Exclusions can range in length for a short fixed term - one or two days, or lengthier exclusions for more serious incidents. Fixed Period Exclusions cannot exceed 45 days in a school year.

Where a pupil is at risk of exclusion from school, the school must demonstrate that they have taken reasonable steps to bring about a change in behaviour. At Minet Junior School this must include where applicable:

- Individual support plans
- Behaviour plans/ playground contracts
- Minutes of any meetings
- Sanction records
- Parent/carer contracts
- Evidence of multi-agency intervention
- Pupil voice
- Reintegration meetings and minutes of the meetings

For exclusions of more than one day work will be set and marked. Arrangements for collecting work will be explained to parents. Where a pupil is excluded for a single block of more than fifteen days in a term arrangements will be made to enable the pupil to continue his or her education.

When the fixed period exclusion ends, the parents and pupil will be asked to attend a re-entry interview. The purpose of this meeting will be to re-emphasise the new start and to gain assurances from the pupil about future behaviour. If appropriate, phased re-integration will be managed over a limited period of time.

Where a fixed period exclusion is extended or converted into a permanent exclusion a further letter will be sent explaining the reasons. In this situation there is a new right for the parents to state their case to the Governing board.

A note of the Governing Board's decision will be placed on the pupil's record with a copy of the Head teacher's exclusion letter.

All exclusions are reported termly to the full governing body.

Permanent Exclusions

The Head teacher will inform the LA of the decision to exclude permanently as soon as possible. A meeting of the Governing board will be convened between the 6th and 15th school day after notice of the exclusion to the parents. The purpose of the meeting is to hear any representation from parents and/or the LA and to decide whether to reinstate the pupil.

If the pupil lives outside the LA in which the school is located, the Head teacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason for it without delay.

A permanent exclusion should be in response to:

- Persistent or serious breaches of the school's code of conduct
- Where allowing the pupil to remain in school would seriously harm the education or welfare of other pupils

The decision to exclude a pupil from school rests with the Head teacher and, in their absence, or unavailability, with the Deputy Head who will make it clear they are acting in the Head teacher's absence.

The letter will inform parents of their right to make representation in writing and/or in person to the Governing Board. A friend or a legal representative may accompany the parent if they so wish. A copy of the letter will be sent to:

- The Chair of Minet Junior School Governors
- The Local Authority

The pupil will not be removed from the school's admissions register until the appeal process has been concluded or the time limit for an appeal has expired.

Governing Board

The Chair of Governors, at the school address, acts as the point of contact for parents wishing to make representation to the Governing Board. The Head teacher will convene meetings of the Governing Board. The Governing board will comprise three or five members of the governing body (excluding the Head teacher). The quorum for a meeting is three and, in the event of four members being present, the chair of the board has the casting vote.

The chair of the board will ensure before a meeting that no members of the board have any particular connection with the pupil or the incident, which could affect his or her ability to act impartially.

Membership of the board will be confirmed at the Autumn Term meeting of the full governing body.

When does the Governing board have to meet?

- For exclusions totalling 5 school days or less in any one term where the parent makes representations;
- For exclusions totalling more than 5 days but not more than 15 days in any one term where the parent requests a meeting;
- For exclusions totalling more than 15 school days in any one term;
- Permanent exclusions;
- Fixed term exclusions made permanent;
- Where a pupil would lose the opportunity to sit a public examination.

What are the time limits within which the meeting must take place?

The legislation states that the time limits run from when the Head teacher informs the governing body and the LA which must be 'without delay'.

For exclusions of more than 15 school days - including permanent exclusions.

Between 6 - 15 school days

For exclusions of 15 school days or less

Between 6 and 50 school days

For exclusions where the opportunity to sit a public examination would be lost

If at all possible, before the examination is sat; or otherwise within the above timescales.

NB: the Chair of the Governing Body can act alone in cases of urgency (Regulation 6, School Governance (Procedures) (England) Regulations 2003). The time limits must be complied with, but if the governing body fails to meet within those limits, it must still review the exclusion. Any decision made will be valid even though not made within the prescribed period.

Who can attend the meeting?

Members of the Governing board

Clerk to the Committee

Head teacher

Parents

Parents' Supporter/representative

LA Representative

SEND expert

Pupil

(Unless there is a strong reason to refuse, the chair to the board should allow the excluded pupil to attend the meeting and speak as appropriate if the parent and pupil ask for this).

Agenda for Governing board Meeting

1. The chair explains the format of the meeting.
2. The school representative explains the case for the exclusion.
3. The parents or their representative may question the school representative on the facts of the case.
4. Members of the Governing Board may question the school representative on the facts of the case.
5. The parents or their representative present their case.
6. The school representative may question the parents or their representative on their case.
7. Members of the Governing Board may question the parents or their representative on the case.
8. Where present the pupil may be asked to speak.
9. The school representative sums up.
10. The parents or their representative sums up.
11. The school representative, parents, parents' representative (where present) and pupil (where present) withdraw.
12. The board reaches its decision.

Considering reinstatement of a pupil

The Governing board will consider reinstatement of an excluded pupil within 15 school days of receiving the notice of 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 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 an examination, the governing board would consider the reinstatement of the pupil before the examination date.

The 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 head teacher followed legal duties. This will be based on the evidence that was presented.

Minutes will be taken of the meeting and a record of evidence kept. The outcome will also be recorded on the pupil's educational record.

The Governing board will notify its decision, in writing, to the head teacher, parents and LA, along with reasons for the outcome, 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 the application for a review should be submitted
- That any application should reference how the pupils SEND needs are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have the right to ask the LA to appoint a SEN expert to attend the review
- Details of the SEN expert
- That parents can, at their own expense appoint an independent party to make a written or oral representation to the panel for them, and/or bring a friend to the review

That if a parent believes that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to a tribunal for disability and discrimination. A claim of discrimination made should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Appeals against permanent exclusion and independent review

Where parent/carers dispute the decision of the governors not to reinstate a permanently excluded pupil, they may ask for this decision to be reviewed by an independent review panel.

The role of the independent panel is to review the Governing Board's decision. It **does not have the power** to reinstate a permanently excluded pupil.

The panel can:

- Uphold the decision
- Recommend that the Governing Board reconsider their decision
- Quash the decision and require the Governing Board to consider the exclusion again

Whether or not the school recognises that an excluded pupil has Special Educational Needs, the parents have the right to request the presence of the SEN expert. Their role is to provide impartial advice as to how the SEN could be relevant to the exclusion. Where the SEN expert is present, the panel must seek, and take into account, their evidence. The Local Authority must constitute the panel with three or five members made up of:

- A lay person to chair the panel who has not worked in a school in a paid capacity apart from any experience as a governor or volunteer.
- School Governors who have served for at least twelve consecutive months during the last five years and have not been a teacher or Head teacher during this time.
- Head teacher or people who have been a Head teacher in the last five years.

Panel members and clerks must have undertaken training within two years of the review.

Panel members must not be:

- Members of the Governing Body of the excluding school.
- The Head teacher or former Head teacher of the excluding school.
- An employee of the excluding school.
- Have connections with the exclusion which might influence their impartiality.
- Have not had the required training within the last two years.

A panel may direct a Governing Board to:

Uphold the Governing board's decision

Recommend that the Governing Board reconsider their decision.

Quash the decision and require the Governing Board to consider the exclusion again

Reconsidering an exclusion following a review:

The Governing Board must reconvene within 10 days.

The 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.

Monitoring arrangements

The head teacher monitors the number of internal and external exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education is provided for permanently excluded pupils.

Date of policy: Jan 2022

Date of review: Annual

Approved by the Full Governing Body:

Signed: _____
Chair of Governors

