



1. Aims

Our school aims to ensure that:

- 1.1 It is a primary aim of our school that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all. This policy should be read in line with the school behaviour policy, which promotes an ethos where all members of the school can live and work together in a supportive way. It aims to promote an environment where everyone feels happy, safe and secure.
- 1.2 The school understands that disruptive behaviour can be an indication of unmet needs for a child. Where the school has concerns about a pupil's behaviour, it will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In some situations, the school will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required. In addition, the head teacher will consider what extra support might be needed to identify and address the needs of pupils
- 1.3 Fixed-term or permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy
- 1.4 The decision to exclude a pupil must be lawful, reasonable and fair.
- 1.5 The school will work in partnership with parents to ensure that they are fully informed about their child's behaviour and will endeavour to work with parents and carers to address the underlying causes of disruptive behaviour.

2. Legislation and statutory guidance

- 2.1 This policy is based on the statutory guidance published by the DFE: Exclusion from maintained schools, academies and pupil referral units in England
Statutory guidance for those with legal responsibilities in relation to exclusion (2017).
- 2.2 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

3. Decision to exclude

- 3.1 Only the head teacher (or the acting head teacher) has the power to exclude a pupil from school and this must be on disciplinary grounds. The head teacher may exclude a pupil for one or more fixed periods. It is also possible for the head teacher to convert a fixed-term exclusion into a permanent exclusion, if the circumstances warrant this.
- 3.2 Fixed-term or permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm

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the education or welfare of the pupil or others in the school. The behaviour of a pupil outside school can be considered grounds for an exclusion.

3.3 When establishing the facts in relation to an exclusion decision the head teacher will apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked or the pupil has suffered bereavement or has suffered mental health issues.
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

3.5 The decision to exclude a pupil must be lawful, reasonable and fair. Burtonwood Community Primary will ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. Provisions within the Equality Act allows Burtonwood Community Primary to take positive action to deal with particular disadvantages, needs, or low participation affecting one group, where this can be shown to be a proportionate way of dealing with such issues. The school will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

3.6 Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

4. Duty to inform parents

4.1 Following the head teacher's decision to exclude a pupil, they will immediately inform, in person or by telephone, the parents of the period of the exclusion and the reasons behind this.

4.2 Subsequently the head teacher will also provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this;
- how any representations should be made;
- as there is a legal requirement for the governing board to consider the exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- as the excluded pupil is of compulsory school age the head teacher will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

5. Duty to inform the Governing Board, Multi-academy Trust (MAT) and Local Authority (LA)

5.1 The Head teacher will inform the Governing Board, MAT and LA, without delay, of the following:

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- Any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
- Any exclusions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
- Any exclusions which would result in the pupil being absent from an examination or national curriculum test

For any exclusions, other than those above, the head teacher will notify the governing board and MAT once per term.

All notifications to the governing board will include the reasons for exclusion and the duration of any fixed-period exclusion.

If the pupil who is excluded lives outside the LA in which the school is located, the head teacher will notify the pupil's 'home authority'.

6. Providing education for excluded pupils

- 6.1** All children have a right to education. The school will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion. For a fixed-period exclusion of more than five school days, the governing board will arrange suitable full-time education for any pupil of compulsory school age.
- 6.2** 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 school will ensure that there is a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

7. Considering the reinstatement of a pupil

- 7.1** The Pupil Discipline Committee of 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
- 7.2** If requested to do so by parents, the Pupil Discipline Committee 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.
- 7.3** Where an exclusion would result in a pupil missing a public examination, the Pupil Discipline Committee of 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.
- 7.4** The Pupil Discipline Committee can either:
- Decline to reinstate the pupil, or
 - Direct the reinstatement of the pupil immediately, or on a particular date
- 7.5** In reaching a decision, the Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the head teacher followed their legal duties. They will decide whether or not a fact is true

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'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 Pupil Discipline Committee will notify, in writing, the head teacher, parents, MAT and the LA of its decision, along with reasons for its decision, without delay.

7.6 Where an exclusion is permanent, the Pupil Discipline Committee'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

8. Conducting an independent review

8.1 If parents apply for an independent review, the Academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

8.2 Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Discipline Committee of its decision to not reinstate a pupil.

8.3 The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Overturn the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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8.4 The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

9. Monitoring arrangements

9.1 The head teacher monitors the number of exclusions every term, the characteristics of the pupils excluded and the reasons for the exclusion and reports back to the governors and CEO.

9.2 This policy will be reviewed by the head teacher every year. At every review, the policy will be shared with the local governing board.