



Exclusion Policy

Ref: S010

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Title	S010 Exclusion Policy
Date	January 2021
Supersedes	S010 Exclusion Policy adopted May 2016
Amendments	Policy re-written to reflect DfE guidance: Exclusion from maintained schools, academies and pupil referral units in England (2017) and Chorlton High School Behaviour Policy
Related Policies/Guidance	S004 Behaviour Policy S009 Equality Policy
Review	Annually
Author	C Harris
Date consultation completed	
Date adopted by Trust Board	

<p>Prosper Learning Trust is a Multi Academy Trust Registered in England and Wales number 10872612 Registered Office: Firbank Road, Manchester, M23 2YS</p>

1. Introduction:

- 1.1. The Governing Body and staff of Chorlton High School accept the school's behaviour policy and seek to create an environment in the school that encourages and reinforces good behaviour. It is acknowledged in the behaviour policy that exclusion, in appropriate circumstances, is a sanction that can be used in the school.
- 1.2. The Governing Body has taken account of the DfE advice contained in 'Exclusion from maintained schools, academies and pupil referral units in England' (September 2017).
- 1.3. In addition, the policy is based on:
 - 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.
 - 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.
- 1.4. The Headteacher and members of the school's Exclusion Committee are expected to acquaint themselves fully of their duties under the policy, and the relevant DfE guidance.

2. Aims:

- 2.1. The Governing Body aims:
 - to give appropriate support to the Headteacher in exclusion issues;
 - to use its best endeavours to ensure that the school does not interfere with the continuous education of a student beyond what is necessary to modify behaviour;
 - to ensure that exclusion is used appropriately within the framework of the school's behaviour policy; and
 - to discharge appropriately its statutory duties concerning the consideration of re-instatement of excluded students.

3. Guidance for Exclusions:

- 3.1. **Parental Involvement:** At all stages of the exclusion process, the Headteacher is expected to seek parental co-operation.

- 3.2. **Equal opportunities:** In making decisions about exclusion the Headteacher and Exclusion Committee will take into account any Special Educational Needs, disabilities, gender, and cultural differences that may be relevant to the case.
- 3.3. **Types of exclusion:** Exclusions can either be for a **Fixed Term** or **Permanent**. Indefinite exclusions are not permissible by law. The Headteacher can exclude a disruptive student for the duration of a lunch break which will count as half a school day. In certain circumstances at the discretion of the Headteacher, the school will treat poor behaviour off-site as though it occurred on the premises.
- 3.4. **Alternatives to Exclusion:** Exclusion is a severe sanction and the school will try to provide alternatives to exclusion where possible. Alternatives may include:
- a restorative justice process – whereby the harm caused to the ‘victim’ can be redressed;
 - a mediation process;
 - internal exclusion – student is removed from their usual lessons and working with a Pastoral Leader;
 - a ‘Step Out’; and
 - a ‘managed move’ to another school.
- 3.5. The threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another school.

4. The Decision to Exclude:

- 4.1. Appendix 1 provides a checklist for the Headteacher when making a decision to exclude. Students should only be excluded in cases of a serious breach, or persistent breaches, of the school’s behaviour/discipline policy or if the continued presence of the student in the school would seriously damage the education or the welfare of the student or others in school.
- 4.2. Only the Headteacher (or the Deputy Headteacher in charge on the day, if the Headteacher is absent from school) can exclude a student.
- 4.3. Before deciding to exclude a student the Headteacher will:
- ensure that an appropriate investigation has been conducted;
 - ensure that all the relevant evidence has been considered;
 - give the student an opportunity to be heard; and
 - consult other relevant people if necessary.

- 4.4. Having considered these matters, the Headteacher will make a decision based normally on the 'civil standard of proof'/balance of probability, having regard to any current guidance from the Department of Education. If the balance of probabilities has been established, the student may be excluded.
- 4.5. For the purposes of exclusion, the school day is defined as any day on which there is a school session. Therefore, INSET days do not count as a school day.
- 4.6. The Headteacher is permitted to exclude a student for one or more Fixed Term periods not exceeding 45 school days in any one school year.
- 4.7. A decision to exclude a student permanently, as befitting its gravity, should only be taken as a last resort when a wide range of strategies for dealing with disciplinary offences has been employed to no avail or if an exceptional 'one-off' offence has been committed, e.g.:
- serious violence, actual or threatened, against a student or member of staff;
 - sexual abuse or assault;
 - supplying an illegal drug;
 - carrying an offensive weapon; or
 - any other one-off offence considered by the Headteacher to be an exceptionally serious one.
- 4.8. **Education for excluded students:** if a student is excluded, the school will continue to set and mark work for them during the first five days of exclusion and provide alternative education from the sixth day. (In the event of a permanent exclusion the Local Authority will be responsible for the provision of alternative education from the sixth day.)
- 4.9. The Headteacher, in consultation with the relevant members of staff will consider the following:
- how the student's education will continue;
 - how his/her problems might be addressed in the interim; and
 - reintegration post-exclusion.
- 4.10 A fixed term exclusion cannot be extended or converted into a permanent one. Instead, if a longer exclusion is required a new fixed term exclusion or permanent exclusion may be issued immediately after the original one ends.

5. Procedure for Exclusion:

- 5.1. Appendix 5 outlines the procedure following an exclusion decision by the Headteacher.

- 5.2. **Informing Parents:** The Headteacher should inform parents without delay (by telephone, with a follow-up letter within one school day) and should be given the following information;
- in cases of Fixed Term exclusions, the length of the exclusion;
 - in cases of permanent exclusion, that it is a permanent exclusion;
 - the reasons for the exclusion;
 - the duty that 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.
 - their right to make representations to the Governing Body and how any representations should be made.
- 5.3. Written notification of this information can be provided by delivering it directly to parents, leaving it at their last known address or by posting it to this address.
- 5.4. The letter to parents should also state:
- the latest date by which the Exclusion Committee must meet to consider the case (if necessary);
 - the parent's right of access to the student's school record;
 - the date and time when the student should return to school (with a fixed term exclusion) or the number of lunchtimes for which the student is excluded (with lunch-time exclusions);
 - with a permanent exclusion, its immediate effect and any relevant previous history;
 - arrangements for the setting and marking of work (it is the parent's responsibility to ensure that work sent home is completed and returned to school);
 - sources of free and impartial information. This should include a link to statutory guidance on exclusions and a link to the Children's Legal Centre (see Appendix 6).
- 5.5. Where the parents' first language is not English, consideration will be given, where practical, to translating the letter or taking additional steps to ensure the exclusion and parents' right to make representation to the Governing Body have been understood.
- 5.6. **Informing the Governing Body and Local Authority:** The Headteacher will inform, without delay, the Governing Body and the Local Authority of:
- permanent exclusions;
 - exclusions totalling more than 5 school days or 10 lunchtimes per term;
 - exclusions necessitating a student missing a public examination.
- 5.7. If the student lives outside the Local Authority in which the school is located, the students "home authority" must be informed without delay.

- 5.8. For all other exclusions, the Headteacher must notify the Local Authority and Governing Body once a term. Notifications must include the reasons for the exclusion and the duration of any Fixed Term Exclusion. In addition, within 14 days of a request, the Governing Body must provide the Secretary of State information about any exclusion within the last 12 months.

6. Responsibilities of the Governing Body:

- 6.1. **Delegation of functions:** The Governing Body may delegate their functions to the consideration of exclusion to a designated Exclusion (Disciplinary) Committee consisting of at least three governors. Prospective panel members must declare any conflict of interest at the earliest opportunity. The committee has a duty to consider parents' representations about exclusion. The requirements to consider exclusion depend on a number of factors. See Appendix 2.
- 6.2. **The requirements on a Governing Body to consider an exclusion:** The designated Exclusion Committee will review the exclusion and consider any representations from parents. **The consideration is focused on whether the student should be reinstated, rather than the decision to exclude.** The governors have decided that for exclusions under 6 days only written representations will be accepted.
- 6.3. On being informed of an exclusion by the Headteacher, the exclusion committee must:
- With **Fixed Term Exclusions totalling fewer than 6 school days in one term**, convene a meeting of the Exclusion Committee to consider representations from the parents, only if these have been made. The student cannot be reinstated.
 - With **Fixed Term Exclusions that would result in a student missing a public examination**, arrange a meeting to review the exclusion within 15 days. In extremis with Fixed Term Exclusions, the Chair of Governors may consider the exclusion on his/her own and may reinstate.
 - In the case of **Fixed Term Exclusions totalling more than 5, but not more than 15 school days, in any one term**, convene a meeting to review the exclusion if the parents have asked to make representations between the 6th and the 50th school day after being notified of the exclusion;
 - In cases of **permanent exclusion** or where **one or more Fixed Term exclusions add up to more than 15 days in any one term**, arrange a meeting to review the exclusion between the 6th and the 15th school day after being notified of the exclusion.

- 6.4. **The process for considering the reinstatement of an excluded student:** When the Governing Body is legally required to consider the reinstatement of a student the following parties must be invited to a meeting of the Exclusion Committee and allowed to make representations:
- the parent (and where requested, a representative or friend);
 - the Headteacher; and
 - a representative of the local authority.
- 6.5. The excluded student would usually be allowed to attend and to speak if the parent requests this.
- 6.6. The Exclusion Committee should:
- take reasonable steps to arrange the meeting for a date and time that is convenient to all parties and make reasonable adjustments for people to use the school;
 - not discuss the exclusion with any party outside the meeting;
 - request written statements before the meeting; and
 - circulate any such written statements (including any statements from witnesses) and a list of those due to attend in advance to all interested parties;
 - allow parents and students to be accompanied by a friend or representative;
 - identify the steps it will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (with parents' consent);
 - ensure clear minutes are taken and made available to all parties on request;
 - ask all parties to withdraw before making a decision.
- 6.7. Appendix 3 outlines a suggested procedure for the meeting whilst Appendix 4 shows a model agenda. The Exclusion Committee must comply with the statutory time limits but is not absolved of its legal duties in the event of non-compliance (i.e. its decision remains valid even if it was made out of time).
- 6.8. **Notifying people of the Governing Body's decision:** Where legally required to consider an exclusion, the Governing Body must notify parents (giving it directly to parents; leaving it at their last known address; or by posting it to this address), the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the student resides in a different Local Authority from the one where the school is located, the Governing Body must also inform the student's 'home authority'.
- 6.9. In the case of a permanent exclusion the Governing Body's notification must also include the fact that it is permanent and notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:

- the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the Governing Body's decision was given to parents);
- the name and address to whom an application for a review (and any written evidence) should be submitted;
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student's special educational needs are considered to be relevant to the exclusion;
- that, regardless of whether the excluded student has recognised special educational needs, parents have a right to require the Local Authority / Academy Trust to appoint a 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 a SEN expert to be appointed in any application for a review; and
- that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

7. Monitoring of Exclusions:

- 7.1. The Deputy Headteacher with responsibility for Climate for Learning will report to the Governing Body half termly on exclusions.

Appendix 1: Headteacher's checklist for a decision to exclude

The following are not all statutory requirements; however they are all essential to ensure best practice and to minimise the possibility of a decision to exclude being overturned or reversed at a later date.

"The decision to exclude a pupil must be lawful, reasonable and fair" (DfE, Guidance on Exclusions).

AVOIDING 'HEAT OF THE MOMENT' UNLESS IMMEDIATE DECISION NECESSARY

- 'Exclusion in the moment' should not be imposed, unless there is an immediate threat to the safety of others in the school or the pupil concerned' (DfE 2008. Part 2, para 12).

REQUIREMENTS FOR EXCLUSION

- Only the Headteacher can exclude (or in their absence, the person with that delegated responsibility).

Decision to exclude (permanent or fixed term) should be taken only:

- In response to serious breaches of the school's behaviour policy; AND
- If allowing student to remain would seriously harm the education/welfare of student or others in the school.

For exclusion on basis of persistent disruptive behaviour:

- Is this the last resort following a wide range of strategies that have been unsuccessful?
- Do you have evidence of the persistent disruptive behaviour, and the range of strategies used and their impact?

For serious first offence or one-off incident:

- Is this a serious incident? (e.g. serious actual or threatened violence; sexual abuse or assault; supplying illegal drug; carrying an offensive weapon) Is there no other alternative which would be appropriate?

INVESTIGATION CONDUCTED

- Ensure a thorough investigation is carried out.
- Record actions taken to investigate.
- Record interviews.
- Interview records and statements must be dated and should be signed.
- Allow/encourage the student concerned to give their version of events and record this.
- Check whether the incident may have been provoked (to get a full picture of the situation).

SPECIAL CONSIDERATIONS FOR SPECIFIC GROUPS (DfE, Guidance on Exclusions):**Special Educational Needs:**

- Have the student's special educational needs been identified and addressed?
- For student with a statement, has the situation been discussed with the LA/early review been considered?
- For student with a statement, is exclusion undertaken only in exceptional circumstances?

Student with Disability:

- They should not be excluded for behaviour relating to their disability.
- Have reasonable adjustments been made to ensure the student can fully participate and to ensure they are not placed at a disadvantage because of their disability?

Looked After Children:

- Have social workers (and other agencies) been involved from an early stage to avoid exclusion?
- Is exclusion the 'absolute last resort'?
- Have options other than exclusion been considered with the Local Authority?

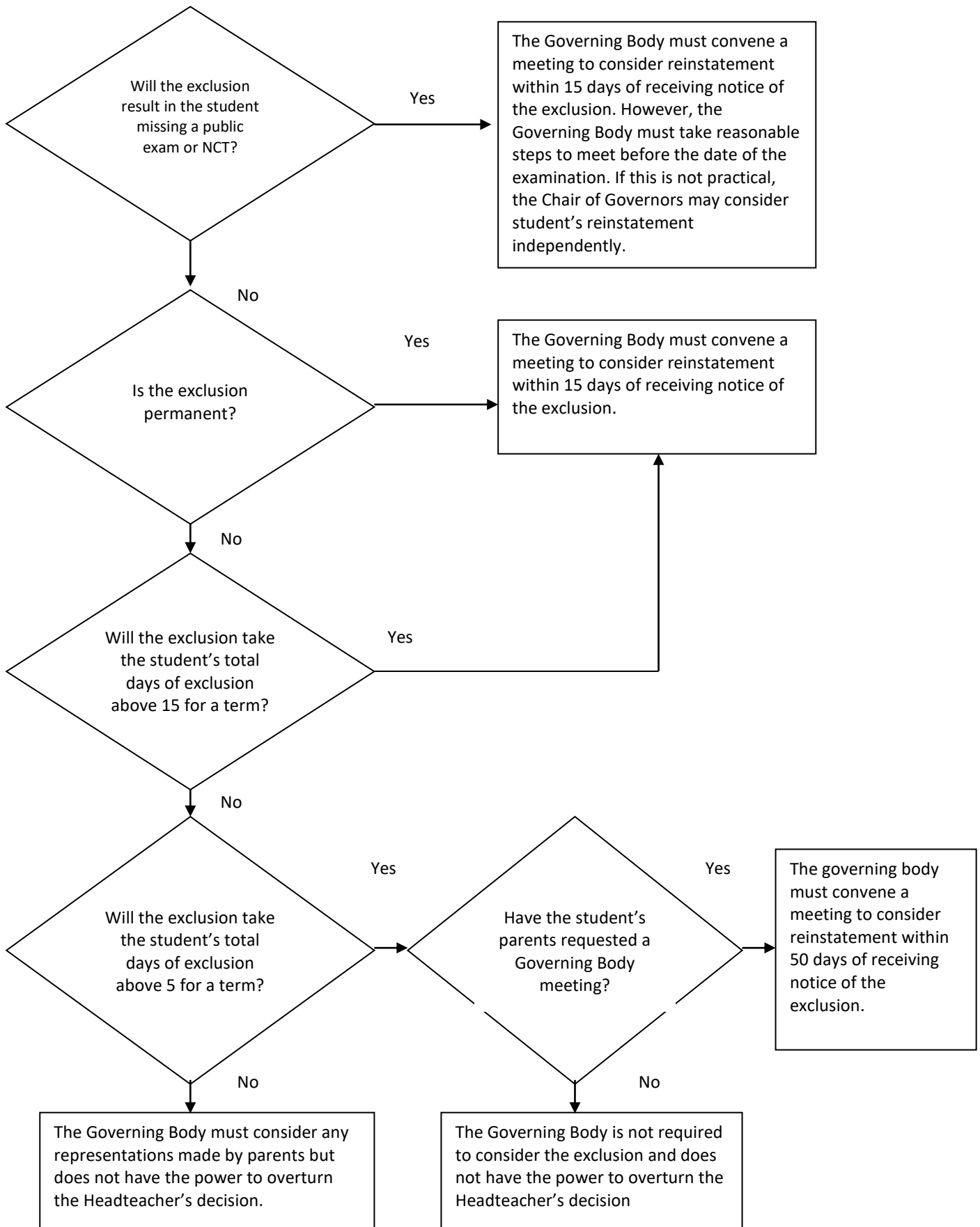
If Student is BME:

- Has consideration been given to indirect or unintended discrimination? (Equality Act 2010).

CONSIDER, CONSULT AND DECIDE:

- Have alternatives to exclusion been considered (e.g. internal exclusion, managed move etc)?
- If attendance at a public examination or national curriculum test would be jeopardised by an exclusion, schools **must** inform the Governing Body and LA immediately.
- If it is a drug incident, refer to school's drug policy and consult with designated staff member
- Consider the evidence of behaviour in the light of the school's behaviour policy and the impact on the education/welfare of others – the standard of proof is the **balance of probabilities**.
- Consult with others; but not those that may be involved in reviewing the HT's decision, for example, the Governing Body as they need to be independent.
- Consider child protection issues, bearing in mind the child's age and vulnerability, e.g. child not left to wander street, or enter an unsafe situation. (Ultimately, this may lead to LA/police involvement)
- Make a decision
- If the Governing Body Exclusion Committee will need to meet to consider the decision to exclude you will need to have evidence of the following to support the case: recent dated IEPs/ PSPs /PEPs/ Statement reviews as appropriate to each case. These must evidence, in a chronology, targets, strategies offered and taken up / internal and external advice and support/ interventions, engagement with parents and students over time.
- Record your consideration of the relevant issues above and of decision.

Appendix 2: The Governing Body’s duties to review the Headteacher’s exclusion decision:



The Governing Body may delegate its functions to consider an exclusion to a designated sub-committee. Reference to days mean 'school days'.

Appendix 3: Exclusion Committee Suggested Procedure

1	The Governors meet on their own, supported by the Clerk. The Headteacher, student, parents (and their representative/friend if any) and LA representative (if present) then enter together, as equals.
2	The Chair of the Committee introduces all those present and their role; explains the purpose of meeting (to review the Headteacher's exclusion); explains the order of the meeting.
3	The Headteacher outlines the case for exclusion, referring to the Headteacher's report.
4	Governors, parents and their representative, student and LA representative have the opportunity to question the Headteacher.
5	Parents (and their representative) present their case. If parents are not present, the Clerk should read out their written submission if sent. If the student is present, the Chair should ask for their views.
6	Headteacher, Governors and LA representative have the opportunity to question parents and student.
7	For permanent exclusions - LA representative gives view. (If LA has made written representations then these should be read out.)
8	For permanent exclusions - All present have the opportunity to question the LA representative.
9	Headteacher sums up the case for exclusion.
10	Parents sum up their view.
11	All leave, except the Clerk who remains to advise the Governors on the decision. The clerk may stay with the Committee to help it by reference to the notes and with the wording of the decision letter.

No party to the review should be alone with the Governors at any point before, during or after the meeting. Governors should not discuss the exclusion with any party outside of the meeting.

Appendix 4: Model Exclusion Committee Agenda:

Governors' Meeting: Exclusion Review

Venue:; Date:; Time:

AGENDA

Purpose of Meeting: to review the fixed term/permanent exclusion of [name of student] from [name of school] for the period of.... days. The exclusion began on [date]. (Delete as appropriate.)

Invitees:

- [list invitees]

Schedule of Meeting

1. Clerk/ other invites attendees into the meeting and makes introductions.
2. Chair explains the purpose of the meeting, and the sequence of the meeting.
3. Headteacher's representations, referring to Headteacher Report.
4. Questions for Headteacher from attendees.
5. Parents' representations and student views.
6. Questions for parent (and student) representations from attendees.
7. (For permanent exclusions) Local Authority representations (by letter or in person).
8. (As appropriate) Questions for LA representative from attendees.
9. Headteacher sums up the case for exclusion.
10. Parents sum up their view.
11. All withdraw except Governors and Clerk/ Minute secretary.
12. Governors consider the exclusion with the Clerk/ Minute Secretary present and come to decision.
13. Governors consider a draft wording of the letter to parents.

Attendees will be informed of the decision by letter. (GM may also inform attendees by telephone the same day, as appropriate.)

Enclosed:

- Headteacher Report
- Parent representations
- School behaviour policy
- School Equal Opportunities Policy
- (Other policy, as appropriate – e.g. SEN Policy, if appropriate to the case.)

Appendix 5: Summary of Procedures following an Exclusion

School day of exclusion	Permanent Exclusions	Fixed-Term Exclusions – <u>cummul.</u> days in a term		
		16+ days <u>in total</u> in a term	6-15 days (<u>in total</u>) in a term	Up to 5 days (<u>in total</u>) in a term
Same day	<ul style="list-style-type: none"> School notifies parent of exclusion without delay by the end of the afternoon session of the period and reason (by telephone, email, text or letter home with the student [check delivery]). School sends parent letter to be delivered directly to the parents, leaving it at their last known address: or by posting it to this address. Inform the Governing Body without delay for permanent exclusions, exclusions of more than 5 days, where the exclusion will take the students total above 15 days for a term, or where the student will miss a public exam or national curriculum test. 			
School Day 1	Exclusion letter received by parent.			Parents may wish to make representations to Governing Body – governors must consider this but do not have to meet with parents nor have the power to overturn an exclusion.
	Governors (particularly Chair) – to consider immediate plans if exam/NCT in jeopardy. Perm Ex Reporting Form emailed to LA: exclusions@manchester.gov.uk	LA notified automatically through electronic data transfer		
As soon as practicable - information sent to clerk before Governors' Meeting.	Headteacher's Report prepared and sent to Clerk of Governors/ other person. Report should include: <ul style="list-style-type: none"> Reasons for exclusion Account of investigation Corroborative evidence History of behaviour and strategies used Included with Headteacher's report: witness statements (anonymised) and any IEP/PSP			Parents may request a meeting with governors. If so, follow procedure shown to left – to meet between <u>6th and 50th</u> school day. If parents are to make a request for a governors' meeting, they should do this 'as soon as possible'
	Parental representations prepared by parent and sent to Clerk of Governors/ other person			
School Day 6	From 6 th day, <u>Local Authority</u> responsible for providing full-time education	From 6 th day, <u>school</u> responsible for providing full-time education	From 6 th school day, school is responsible for providing full-time education	
By at least 5 school days before the Governors' Meeting	Preparation for Governors' Meeting (GM). Governors' Clerk/ other person will: <ul style="list-style-type: none"> Determine who will attend GM (HT, parent (with rep/friend?), student? LA rep. for perm. exc.) Determine date, time, place for GM which is acceptable for all parties Send letter of invitation with list of attendees Circulate <u>all</u> papers for GM to <u>all</u> of Headteacher, parent (and LA for permanent exclusions only), including whole Headteacher Report and parent representations 			
By School Day 15	Governors' Meeting.			
1 School Day after GM	Letter of GM decision to parents, Headteacher and LA.			
Up to 3 working days after GM	LA also writes to parent explaining independent appeal/review process			
Up to 15 school days after GM letter received	Parent can lodge appeal with the Independent Review Panel	No appeal to Independent Review Panel can consider fixed-term exclusions.		
16 School Days after GM letter	If no review requested, student taken off roll			
Within 15 School Days of request for IRP	Independent Review Panel (IRP) meets <u>only if requested</u>			

Appendix 6: Where can parents get advice about exclusions?

1. The Children's Legal Centre

This is a parent's helpline which provides free legal advice on family, child and education law, including on exclusion matters. (It is supported and funded by the Department for Education.)

Adviceline: 0808 802 0008 (8am to 8pm, Mon to Fri, except Bank Holidays and 24 Dec to 1 Jan)

Internet: <http://www.childrenslegalcentre.com/>

Leaflet: (Follow the links for 'school exclusions'.) The school exclusions leaflet is currently at <http://www.childrenslegalcentre.com/userfiles/file/School%20exclusions%20leaflet.pdf>

2. DfE Exclusion Guidance

Government information and guidance on exclusions

Internet: <http://www.education.gov.uk/schools/studentsupport/behaviour/exclusion>

3. Advisory Centre for Education (ACE)

This is a charity specialising in providing independent advice for parents on exclusions.

General advice line is at **0808 800 5793 Exclusions advice 0808 800 0327.**

Internet: <http://www.ace-ed.org.uk/>

Leaflets: ACE has helpful information available on-line but, at the time of writing, had not been updated in respect of the 2012 government guidance on exclusions:

ACE leaflet for parents advising on permanent exclusions is at:

<http://www.ace-ed.org.uk/Resources/ACE/advice%20booklets/Perm%20Exclusion%20%20Jan2011.pdf>

ACE leaflet for parents advising on fixed-term exclusions is at:

<http://www.ace-ed.org.uk/Resources/ACE/advice%20booklets/Fixed%20Period%20Exclusion%20Mar%202011%20.pdf>

4. Manchester Local Authority

For students who receive a permanent exclusion, the Local Authority's Complex Admissions/Exclusions Team (Telephone 245 7166, email exclusions@manchester.gov.uk) will allocate a **Caseworker** to support them through the process. The Caseworker will get in touch with parents.

If your child has special educational needs or a disability, you may wish to contact:

4. Manchester Parent Partnership Service

This is a service providing support, advice and information for parents and carers of children with special educational needs (SEN). The Parent Partnership Service should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions.

Parent Confidential Helpline: 0161 209 8356 (Monday – Friday, 10am – 3pm)

Internet: http://www.manchester.gov.uk/a_to_z/service/2202/parent_partnership_service

5. First-tier Tribunal (Special Educational Needs and Disability)

This is a service that handles disability discrimination claims for children with special educational needs or disabilities.

Helpline: 01325 392760 Email SENDISTQUERIES@hmcts.gsi.gov.uk

Internet: <http://www.justice.gov.uk/tribunals/send>

5. WHERE CAN YOUNG PEOPLE GET ADVICE ON EXCLUSIONS?

There is a very helpful leaflet for Year 10 and Year 11 students on the ACE website. The leaflet is at: <http://www.ace-ed.org.uk/Resources/ACE/Migrated%20Resources/Documents/fbx.pdf> but, at the time of writing, had not been updated in respect of the 2012 government guidance on exclusions.