

Broomhill Infant School

Exclusion and Re-induction Policy



1. **Rationale**

This policy is intended to give a clear indication to staff, parents and pupils/students the kinds of circumstances within which the Head teacher will use his/her powers to exclude and the procedures that will be followed in exercising them.

2. **Exclusion**

Broomhill Infant School seeks to avoid exclusions and they take place only for very serious incidents or when other strategies have been tried and have failed over time.

In most cases, exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which may lead to exclusion. These measures will include following the school's behaviour strategy and working in partnership with families. Parents / carers will be made aware of the possibility of exclusion if there is no improvement in behaviour.

The head teacher and staff will identify pupils whose behaviours place them at risk of exclusion, and seek additional provision to meet their individual needs. This may include working in partnership with other agencies e.g. the Behaviour Improvement Team or the Educational Psychologist.

Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline.

3. **Types of Exclusion**

1. *Fixed term exclusion*

This is used when persistent inappropriate behaviour continues over time or if a one-off serious offence is committed.

A serious offence could by itself justify a pupil's exclusion. This list does not list every offence for which fixed term exclusion may be used but gives an indication of the kinds of case where it will be used:

- Violence towards an adult or child
- Swearing at an adult
- Racist verbal abuse
- Sustained bullying (see Anti-Bullying Policy)
- Frequent high level disruption to lessons
- Frequent high levels of non-compliance
- Frequent high levels of disrespect to adults who work in school
- The length of the exclusion will be proportionate to the gravity of the offence and each individual situation will be investigated according to need.

2. *Long Fixed Term Exclusions*

Long Fixed Term Exclusions (over 15 days) will generally be used to enable support to be obtained in assessing; moving; or reintegrating a pupil with severe problems where the alternative would be permanent exclusion.

3. *Permanent Exclusion*

The head teacher may decide to permanently exclude a pupil only when she is sure that:

- The pupil has seriously breached the school's discipline policy.
- If the pupil remains in school, it would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude will only be taken by the Head teacher or, in their absence, the next most senior member of the Leadership Team.

The decision will be taken on all the evidence available at the time and on the balance of probability.

4. *Lunchtime Exclusion*

This is used when persistent inappropriate behaviour during lunchtime and outside play continues over a period of time.

5. **Informing**

For fixed term and lunchtime exclusions the following individuals will be informed without delay by letter and telephone message as appropriate:

- The persons having parental responsibility for the pupil/student
- The Chair of Governors

For long fixed term exclusions and permanent exclusions the following individuals will be informed without delay by letter and telephone message as appropriate:

- The persons having parental responsibility for the pupil/student
- The Chair of Governors
- The local authority

6. Work for Excluded Pupils

Members of staff who teach excluded pupils/students will provide work for these pupils/students to do at home. This should be returned and marked in accordance with the school's policy.

The Head teacher will make provision for the full-time education of pupils between the 6th and 15th day of a Fixed Term Exclusion.

6. Governors

See Appendix A

7. Re-induction

On returning to school following an exclusion, a meeting will occur before the child joins their class.

Preparation for this will have taken place with discussions between relevant school adults, convened by the Behaviour Leader or a member of SLT.

Present at the meeting will be a member of the senior leadership team, the parent/carer, the pupil and the class teacher.

The aim of the meeting will be to create an individual behaviour support plan and to set up how the pupil's targets will be monitored and reviewed.

Behaviour Support Plans will be used to help pupils at risk of exclusion in order to support him/her to make correct behaviour choices. They will:

- Identify objectives and address one target at a time;
- Include strategies for managing the environment, the class or group or the activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours;
- Specify the behaviour that is unacceptable and the consequence should it occur e.g. time-out, reporting to head teacher etc;
- Include some form of self-assessment -e.g. a chart to grade own behaviour during a session to encourage responsibility for own behaviour.

A review meeting must be arranged within 10 days of the re-induction meeting to discuss the pupil's progress in regard to their behaviour support plan. Attending the meeting must be the class teacher Behaviour Lead or SLT member, parents and where appropriate the child.

Appendix A

The governing boards and local authority's duties to arrange education for excluded pupils

A guide to the law

- For a fixed-period exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

- For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion¹⁶. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.

- In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement

- The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

Statutory guidance on the education of pupils prior to the sixth day of an exclusion

- It is important for schools to help minimise the disruption that exclusion can cause to an excluded pupil's education. Whilst the statutory duty on governing boards or local authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, the school and the local authority should work together to arrange alternative provision from the first day following the exclusion.
- Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

The governing board's duty to consider an exclusion

The requirements on a governing board to consider an exclusion

A guide to the law

- The governing board has a duty to consider parents' representations about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors
- In the case of a maintained school, the governing board may delegate its functions with respect to the consideration of an exclusion to a designated sub-committee consisting of at least three governors.
- In the case of an academy, the governing board may delegate to a smaller subcommittee if the trust's articles of association allow them to do so.
- The governing board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
 - The exclusion is permanent;
 - It is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
 - It would result in a pupil missing a public examination or national curriculum test.
- The requirements are different for fixed-period exclusions where a pupil would be excluded for more than five but less than 15 school days in the term. In this case, if the parents make representations, the governing board must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be

reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

- Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination or test, the chair of governors, in the case of a maintained school may consider the exclusion alone and decide whether or not to reinstate the pupil. In the case of an academy the exclusion may be considered by a smaller sub-committee if the trust's articles of association allow them to do so. In such cases, parents still have the right to make representations to the governing board and must be made aware of this right.

- The following parties must be invited to a meeting of the governing board and allowed to make representations:

- Parents (and, where requested, a representative or friend);
- The head teacher; and
- A representative of the local authority (in the case of a maintained school or PRU)

- The governing board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

- In the case of a fixed-period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Statutory guidance to a governing board in preparing for the consideration of an exclusion

- Where the governing board is legally required to consider the reinstatement of an excluded pupil they should:

- Not discuss the exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN);

- Where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent and invite the parents to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

Statutory guidance to a governing board on exclusions that would result in a pupil missing a public examination or national curriculum test

- Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the governing board should consider whether it would be appropriate to exercise its discretion to allow an excluded pupil onto the premises for the sole purpose of taking the examination or test.

The requirements on a governing board when considering the reinstatement of an excluded pupil

A guide to the law

- Where the governing board is legally required to consider reinstating an excluded pupil they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.
- The governing board must also consider any representations made by or on behalf of:
 - Parents;
 - The head teacher; and
 - The local authority (in the case of a maintained school or PRU).
- When establishing the facts in relation to an exclusion the governing board must 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'.

- In the light of its consideration, the governing board can either:
 - Decline to reinstate the pupil; or
 - Direct reinstatement of the pupil immediately or on a particular date.
- Where reinstatement would make no practical difference because for example, the pupil has already returned to school following the expiry of a fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing board must still consider whether the pupil should be officially reinstated. If it decides against reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

Statutory guidance to a governing board on considering the reinstatement of an excluded pupil

- The governing board should identify the steps they will take to ensure all parties will be supported to participate in its consideration and have their views properly heard. This is particularly important where pupils aged under 18 are speaking about their own exclusion or giving evidence to the governing board.
- The governing board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the governing board. These minutes should be made available to all parties on request.
- The governing board should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the governing board by reference to their notes of the meeting and with the wording of the decision letter.
- In reaching a decision on whether or not a pupil should be reinstated, the governing board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude.
- The governing board should note the outcome of its consideration on the pupil's educational record, along with copies of relevant papers for future reference.

- In cases where the governing board considers parents' representations but does not have the power to direct a pupil's reinstatement, it should consider whether it would be appropriate to place a note of its findings on the pupil's educational record.
- Claims of discrimination to the First-tier Tribunal (Special Educational Needs and Disability), in relation to disability, or County Court, for all other forms of discrimination, can be made up to six months after the discrimination is alleged to have occurred. Where practicable, schools should retain records and evidence relating to an exclusion for at least six months in case such a claim is made.

The governing board's duty to notify people after its consideration of reinstatement

A guide to the law

- Where legally required to consider reinstating an excluded pupil, the governing board must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay. Where the pupil resides in a different local authority area from the one in which the school is located, the governing board must also inform the pupil's 'home authority'.
- In the case of a permanent exclusion where the governing board decides not to reinstate the pupil, the governing board's notification must also include the information below.
 - 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 following information:
 - a) 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 board's decision is given to parents);
 - b) Where and to whom an application for a review (and any written evidence) should be submitted;
 - c) 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 pupil's SEN are considered to be relevant to the exclusion;
 - d) That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;

e) Details of the role of the SEN expert; and

f) That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

- That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion then 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.

- That a claim of discrimination under the Equality Act 2010 made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

- The governing board may provide the information by delivering it directly to parents, delivering it to their last known address, or posting it first class to that address.

- Notice is deemed to have been given on the same day if it is delivered or on the second working day after posting if it is sent by first class mail.

Statutory guidance to a governing board on providing information to parents following its consideration of an exclusion

- The governing board should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

- Where relevant, it will be for the governing board to confirm the details of where the parents' application for an independent review panel should be sent. This is normally the clerk of the independent review panel. The notice should make it clear that parents are entitled to bring a friend to the review.

- In providing details of the role of the SEN expert, the governing board should refer to the statutory guidance provided to SEN. The notice should explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for an SEN expert to be appointed in any application for a review.

- Where the governing board declines to reinstate the pupil, it should draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information should be included in the letter notifying parents of a decision to uphold an exclusion, which should also include:

- A link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courttribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.aceed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The governing board's duty to remove a permanently excluded pupil's name from the school register

A guide to the law

- The governing board must ensure that a pupil's name is removed from the school admissions register if:
 - 15 school days have passed since the parents were notified of the governing board'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 panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion the school must make a return to the local authority. The return must include all the particulars which were entered in the admission register, the address of any parent with whom the pupil normally resides and the grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion). This return must be made as soon as the grounds for deletion is met and no later than the deletion of the pupil's name.

- Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.