



Deptford Green School Exclusion Policy

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Deptford Green School Exclusion Policy

1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils 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 pupil referral units (PRUs) in England.

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

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 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

3. The decision to exclude

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

Our 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.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

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.

What is Exclusion?

Exclusion from school operates within a framework set down in law and in accordance with guidance from the DfE. Exclusion is the formal withdrawal of a student from normal school activities.

There are two types of exclusion:

1. **Fixed Term** - up to a maximum of 45 days in one school year
2. **Permanent** – where a student is expelled from the school

When is Exclusion Used?

Exclusion is used for serious and/or persistent breaches of the School BFL policy and other policies such as Equal Opportunities that interfere with, or pose a threat to the learning environment of the school community or which endanger the well-being of its members.

These may include:

- serious/persistent disruption
- inappropriate use of social media and/or the internet
- use of rude/abusive language
- failure to follow staff instructions/defiance
- violent actions (e.g. hitting)
- bullying
- inappropriate sexualised behaviour
- serious anti-social behaviour
- illegal activities
- persistent disruption

(This list is indicative only and not exhaustive of behaviours that could lead to exclusion.)

Permanent exclusion can be used for very serious “one off” behaviour incidents such as:

- violence or threat of violence
- activities involving drugs or substance abuse
- criminal offences
- carrying an offensive weapon

It can also be used for repeated breaches of the School BFL policy, often following a number of previous fixed term exclusions. This includes persistent disruption of the learning of others or persistently compromising the safety and/or wellbeing of others.

What Happens When a Student is Excluded?

Parents/carers will be contacted initially by telephone, followed by a formal letter of exclusion. It is the parents’/carers’ responsibility to supervise the child during the first 5 days of exclusion although work will be sent home; the child must not be in a public place or in the proximity of the school before or after school hours or during school hours in this time and, should this occur, unless there is reasonable justification, they could receive a fixed penalty notice from the Local Authority.

From the sixth day of a fixed term exclusion, the school will make provision for the child’s full time education usually at another local school; in the case of permanent exclusion arrangements are the responsibility of the Local Authority.

A meeting of the Governors’ Disciplinary Panel will be held to consider the case for all permanent exclusions within 15 school days of the decision being taken by the Headteacher; the panel may also meet in the case of fixed term exclusions at the request of parents/carers (details available on request).

What Happens After Permanent Exclusion?

Arrangements for the education of a permanently excluded child are the responsibility of the home Local Authority.



5. What are the Alternatives to Formal Exclusion?

Exclusion is a serious step for the school to take. Other strategies are used in conjunction with, or as an alternative to, formal exclusion in order to support a positive ethos in the school. These are briefly outlined below.

Reflection Room

This serves as a base where students whose behaviour does not meet the expectations of our BfL Policy may spend time as an alternative to formal exclusion and where strategies for good behaviour can be learned/reinforced.

Students who have been excluded from school may spend some time in the Reflection Room as part of their reintegration into school life and to have time for any restorative work to be completed. The room may also be used for other inclusion purposes e.g. reintegration, managed move support or coursework catch up.

If a student has had more than one fixed term exclusion, or a number of separate periods in the Reflection Room then the student may be placed at a local school to complete their studies and reintegrate back into the school community over time.

Withdrawal from Lessons/Activities or loss of privileges

In cases where it is deemed that to have a student in a particular lesson or activity would be detrimental to the learning or well-being of others, that student may be required to work separately under the supervision of another member of staff for a period of time.

The senior managers at the school have the right to request that a student works away from their normal classroom when there has been a disciplinary matter. This may be in another classroom, in the Students' Services corridor, in the Reflection room, or being supervised by a senior member of staff.

Students may have the right to participate in activities open to other students in their year group withdrawn for a period of time. This may mean not playing for a team, taking part in a club or event or being stopped from joining a school trip or visit.

What Support is Available to Students at Risk of Exclusion?

The school employs a range of strategies to support students whose behaviour over a period of time presents a high risk of exclusion. (i.e. not "one-off" incidents). This includes:

- regular monitoring by and contact with key staff
- placement on SEND register with associated support if appropriate
- regular meetings with student and parents/carers
- access to external agency support including behaviour management
- review of curriculum provision
- managed move (short or long term) to another school
- Mentoring or referral to counselling services
- Community Service
- Pastoral Support Plan
- Voluntary work placement
- Governors Behavioural Panel

The nature of support will vary according to the needs of each child and will be influenced by the student's place on the Inclusion Register and availability of resources. Parental support is crucial to the success of intervention strategies.

6. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- 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 board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, 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 pupil 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 board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil

- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the headteacher will notify the governing board and LA once a term.

6.2 The governing board

- regularly review the Exclusions Policy
- monitor exclusions termly at School and Community Committee (also reported to the full Governing Body)
- are involved in some reintegration meetings, especially if a student has been excluded on a number of previous occasions
- set up a Disciplinary Panel (3 members) as required

6.3 The LA

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

- advise parents/carers and the school on matters of law and DfE guidance
- monitor exclusions through reports submitted by the school
- have responsibility for the education of students for all those permanently excluded
- may attend reintegration and other meetings

7. Considering the reinstatement of a pupil

The School and Community committee 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 or national curriculum test

If requested to do so by parents, the School and Community 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.

Where an exclusion would result in a pupil missing a public examination, the School and Community Committee 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.

All schools add:

The School and Community Committee 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 School and Community Committee 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 pupil's educational record.

The School and Community Committee 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, the School and Community Committee 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. An independent review

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



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

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 member of the LA, or governing board 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 LA, or the governing board, 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 LA, school, governing board, parents or pupil, 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.

9. School registers

A pupil'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 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 has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

10. Returning from a fixed-term exclusion

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 following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Pastoral interventions
- Restorative meetings
- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Mentoring
- Meetings with the Safer Schools Police Officer

10. Monitoring arrangements

Emily Stanghon (AHT i/c of the Behaviour Policy) monitors the number of exclusions every term and reports back to the headteacher, SLT and the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Emily Stanghon every year. At every review, the policy will be shared with students, parents, staff and the School and Community Governing Committee.

11. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel

- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 1: Coronavirus temporary changes

The DfE has extended its provisions for conducting remote meetings to 24 March 2022.

This means that meetings of governing boards or independent review panels can continue to be remote if it's not reasonably practicable to hold the meeting in person within the statutory timescales due to COVID-19 and:

1. Everyone agrees to it
2. Everyone has access to technology that will allow them to hear and speak throughout the meeting (and to see and be seen, if using a video link)
3. Everyone will be able to put across their view or fulfil their function
4. The meeting can be held fairly and transparently