



# Exclusions Guidance for Leaders and Governors

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UCC Staff Role Responsible	Principal

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## 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](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

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](#)

This policy complies with our funding agreement and articles of association.

## 3. The decision to exclude

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

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 Principal 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 an Education Health Care Plan

## 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.

## **5. Roles and responsibilities**

### **5.1 The Principal**

#### **Informing parents**

The Principal 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 suspension 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
- 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 Principal 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 Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- 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 Principal 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 Principal will notify the governing board and LA once a term.

## **5.2 The governing board**

Responsibilities regarding exclusions is delegated to a UCC Governor Exclusions Panel.

The UCC Governor Exclusions Panel has a duty to consider the reinstatement of an excluded pupil (see section 6).

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

## **5.3 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.

## **6. Considering the reinstatement of a pupil**

The UCC Governor Exclusions Panel 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 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 UCC Governor Exclusions Panel 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 UCC Governor Exclusions Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the UCC Governor Exclusions Panel will consider the exclusion and decide whether or not to reinstate the pupil.

The UCC Governor Exclusions Panel 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 UCC Governor Exclusions Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 UCC Governor Exclusions Panel will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the UCC Governor Exclusions Panel'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

## **7. An independent review**

If parents apply for an independent review, the school 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 UCC Governor Exclusions Panel 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 Principal 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 in post within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a governing board of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the school, or the governing board, of the excluding school (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the 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 Governance Professional 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.

## **8. 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.

## **9. Returning from a suspension**

Following a suspension, 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 suspension:

- *Agreeing a behaviour contract*
- *Putting a pupil 'on report'*
- *Internal isolation*
- *Alternative provision*

## **10. Monitoring arrangements**

The UCC Education Committee monitors the number of exclusions every term and reports back to the Full Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Full Governing Body every year. At every review, the policy will be shared with the governing board.

## **11. Links with other policies**

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report.



## Agenda for a Student Exclusion Panel Hearing

(where the exclusion is permanent or the pupil is still excluded)

1 Introductions by Chair - names and roles

2 Chair explains how the meeting will be conducted and the reasons for the meeting:

- to review the exclusion;
- to consider the views of parents;
- to check that the Principal has had regard to current DfE guidance.

The chair will explain that the parents and the Principal are entitled to be supported by a representative, but this individual is not permitted to pose questions. Their role is to support and advise as appropriate. Comfort breaks and adjournments will be permitted by the chair as appropriate.

3 Chair explains possible outcomes of the meeting:

The Pupil Discipline Committee will decide whether to confirm the exclusion or reinstate the pupil. A letter will be posted to the parents the following day giving reasons for the governors' decision.

4 Principal presents his/her case in support of the exclusion. This is followed by questions from the parents, LA representative and governors.

5 Parents present their views on the exclusion.

This is followed by questions from the Principal and governors.

6 Principal summarises his/her case in support of the exclusion.

7 Parents summarise their views on the exclusion.

8 Chair checks that everyone has said what they want to say.

9 Principal, parents' representative (if present) leave the meeting.

10 Governors make their decision (with Governance Professional in attendance).

## APPENDIX B EXCLUSIONS – INFORMATION FOR PARENTS

1 This information sheet tells you what will happen if your son or daughter has been excluded from College. Exclusion is a very serious step to take. No Principal likes having to exclude a student but sometimes this is necessary if the student has been involved in a serious incident.

2 The Principal will decide if the exclusion should be fixed or permanent. The Principal makes this decision on the day the student is excluded.

### Fixed Exclusion

The student is given a definite date to return to the same College.

### Permanent Exclusion

The student may not return to the original school but is referred to the Home Local Education Authority who will organise the next stage of the process.

3 If your child is excluded, the law says that the Principal must write to you straight away to:

- \* tell you about the exclusion;
- \* tell you all the reasons for the exclusion;
- \* say when your child may return to College (unless the exclusion is permanent).

4 If you are unhappy about the exclusion, you may:

- \* talk to the Principal about it;

or

- \* write to the College's Governing Body expressing your views.

If you want to contact the College's Governing Body, you should write to the Governance Professional. The College can tell you how to get in touch with the Governance Professional to Governors.

5 On some cases there will need to be a meeting of the Disciplinary Committee of the Governing Body. This is necessary if:

- \* you make representations to the Governors; or
- \* you request it; or
- \* the exclusion means that your child will lose an opportunity to take a public exam; or
- \* the exclusion is permanent.

You should be given reasonable notice of the time and date of the meeting.

MR N DAVENPORT

Chair of Governors

## APPENDIX C

Letter template (Fixed term exclusion)

Dear «Parental\_Salutation»

I am writing to confirm that I have decided that «Forename» is excluded from school. The exclusion is for a fixed period of \*\*\*\* day(s) on \*\*\*\*. She will return to school on \*\*\*\*. «Forename» should not enter the school premises without my prior permission.

I have reached this decision after very careful thought and believe that it is the correct course of action in the circumstances. My reason for deciding to exclude «Forename» from school is:

REASON

Government measures mean that you have a duty to ensure «Forename» is not present in a public place in school hours during the days of this exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if «Forename» is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

You may wish to comment on the matter to the Governors. If you wish to do so, you should write, with your comments to the Governance Professional, c/o Uppingham Community College.

I attach a Parents' Information sheet which I hope is of help in this situation.

«Forename» will be readmitted on \*\*\*\*\* at 8.15am by a member of senior staff and should be accompanied by a parent at this time.

Yours sincerely

BEN SOLLY

Principal

Enc

## APPENDIX D

Letter template (Fixed term exclusion longer than 5 days)

Dear «Parental\_Salutation»

I am writing to confirm that I have decided that «Forename» is excluded from school. The exclusion is for a fixed period of xxx days from xxx. She will return to school on xxx, following a meeting with the Governors. You will receive a separate letter regarding this meeting in due course. «Forename» should not enter the school premises without my prior permission.

I have reached this decision after very careful thought and believe that it is the correct course of action in the circumstances. My reason for deciding to exclude «Forename» from school is:

Reason

Government measures mean that you have a duty to ensure «Forename» is not present in a public place in school hours during the days of this exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if «Forename» is present in a public place during school hours on those dates. It will be for you to show reasonable justification. When a student is excluded for more than 5 days she must attend another educational establishment to complete work. We will be in touch with you when these arrangements have been made.

You may wish to comment on the matter to the Governors. If you wish to do so, you should write, with your comments to the Governance Professional, c/o Uppingham Community College.

I attach a Parents' Information sheet which I hope is of help in this situation.

«Forename» will be readmitted on xxx (subject to the Governors meeting) at 8.15am by a member of senior staff and should be accompanied by a parent at this time.

Yours sincerely

BEN SOLLY

Principal

Enc

## APPENDIX E

### Letter template (Permanent exclusion)

Dear «Parental\_Salutation»

I regret to inform you of my decision to permanently exclude «Forename» with effect from xxx (day & date). This means «Forename» will not be allowed in this school unless she is reinstated by the governing body / the discipline committee or by an appeal panel. I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude «Forename» has not been taken lightly. My reason for permanently excluding «Forename» is:

#### Reason

You have a duty to ensure that «Forename» is not present in a public place in school hours during the first five school days of this exclusion unless there is a reasonable justification. You could be prosecuted or receive a penalty notice if «Forename» is present in a public place during school hours at this time. It will be for you to show reasonable justification.

Alternative arrangements for «Forename»'s education will continue to be made. I have informed INSERT County Council of the exclusion and someone will be in touch with you about arrangements for her education.

As this is a permanent exclusion the governing body must meet to consider it. At the review meeting you may make representations to the governing body if you wish and ask them to reinstate your child in school. The governing body has the power to reinstate your child immediately or from a specific date, or, alternatively, they have the power to uphold the exclusion in which case you may appeal against their decision to an Independent Appeal Panel. The latest date by which the governing body must meet is xxx (enter date, 15 school days from exclusion date).

If you wish to make representations to the governing body and wish to be accompanied by a friend or representative please contact Emma Woodhouse, Governance Professional, c/o Uppingham Community College, as soon as possible. You will, whether you choose to make representations or not, be notified by the Governance Professional to the governing body of the time, date and location of the meeting. Please let her know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform Emma Woodhouse if it would be helpful for you to have an interpreter present at the meeting.

You have the right to see a copy of «Forename»'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of «Forename»'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact INSERT NAME at INSERT County Council on 01604 365054 at your earliest convenience who can provide advice on what options are available to you. Additionally, you may find it useful to contact the Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including information on exclusion from school. They can be contacted on 020 7704 9822 or at [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Yours sincerely

BEN SOLLY

Principal

**Northants students**

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