

West Wold Federation

(comprising Caistor Church of England and Methodist Primary School and Grasby All Saints Church of England Primary School)

EXCLUSIONS (SUSPENSIONS) AND PERMANENT EXCLUSION POLICY

AGREED BY GOVERNORS ON

SIGNED BY.....

TO BE REVIEWED ON.....

MEMBER OF STAFF RESPONSIBLE.....

GOVERNOR RESPONSIBLE.....

SUB-COMMITTEE RESPONSIBLE.....

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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

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.

5. 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
- 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 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 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.

5.2 The governing board

Responsibilities regarding exclusions is delegated to [name of committee of the governing board] consisting of at least 3 governors.

The [name of committee of the governing board] has a duty to consider the reinstatement of an excluded pupil (see section 6).

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 governing board/name of committee of the governing board] will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, [the governing board/name of committee of the governing board] 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 governing board/name of committee of the governing board] will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

[The governing board/name of committee of the governing board] 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 governing board/name of committee of the governing board] 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 governing board/name of committee of the governing board] 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 governing board's/name of committee of the governing board'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 local authority 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 local authority 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 governing board/name of committee of the governing board] 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 head teachers during this time

Head teachers 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 local authority, or governing board of the excluding school
- Are the head teacher of the excluding school, or have held this position in the last 5 years

- Are an employee of the local authority, 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 local authority 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.

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 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:

- Agreeing a behaviour contract
- Monitoring of behaviour
- Internal isolation

10. Monitoring arrangements

The head teacher monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Staffing and Wellbeing Committee every [number] years. 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

Appendix 1: Independent review panel training

The local authority 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 head teachers, 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 2: Lincolnshire County Council Exclusion Form

EP/EXC1 CONFIDENTIAL					
NOTIFICATION OF A FIXED TERM EXCLUSION					
Guidance on the procedure for excluding a pupil can be found in the DfE document 'Exclusion from maintained schools, Academies and pupil referral units in England 2017'. Schools are required to report details of all exclusions to the LA (including lunch-time exclusions). Please email this form to the Pupil Reintegration Team, within five school days of the exclusion.					
SECTION A: SCHOOL, PUPIL AND PARENT/CARER DETAILS					
School Name					
School Type					
Pupil Full Name				DOB	
Known As		Gender	Male Female		
UPN		Mosaic ID Number			
Exclusion Date		Is Child in Public Care? (LAC)			
Ethnic Group		Student's First Language			
Parents(s)/Guardian 1 (This should be the contact detail for student's primary carer/address)					
Title		Full Name			
Relationship to Student				PR?	Yes No
Address			Parent/Carer's First Language		
			Telephone Number		
			Mobile Number		
Post Code					
Parents(s)/Guardian 2 (This should be the contact detail for student's secondary carer/address)					
Title		Full Name			

Relationship to Student				PR?	Yes	No
Address			Parent/Carer's First Language			
			Telephone Number			
			Mobile Number			
Post Code						
SEN Support						
Does the pupil have a statement or EHCP?		Yes	No	Is the student in receipt of SEN support?		Yes No
Date of last annual review				Have you held an emergency review?		Yes No
If not, why not?						
SECTION B						
LUNCHTIME EXCLUSIONS ONLY						
Start Date			End Date			
			<i>the school day before the pupil returns</i>			
Number of Lunchtimes			Total Days Exclusion			
			<i>1 lunchtime = 0.5 day</i>			
SECTION C						
EXCLUSIONS FROM SCHOOL SESSIONS						
Start Date			End Date			
			<i>The school day before the pupil returns</i>			
Number of Days Excluded			<i>For a fixed period of more than 5 school days the school must arrange suitable full time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the exclusion.</i>			
Details of sixth day provision <i>If applicable</i>						
SECTION D						
TOTAL NUMBER OF DAYS EXCLUDED						

Does this exclusion take the students total of excluded days this term over 15 days?		Yes	No
If Yes Please Note: Exclusion exceeding 15 School Days in one term, either separately or in total, must be considered by the School/Academy governing body (Refer to Section 6.1 of the guidance)			
Total of days has this pupil been excluded this Academic Year (excluding this current fixed term exclusion)			
Autumn Term		Spring Term	Summer Term
Does this exclusion mean that the pupil will not be able to sit a public examination?		Yes	No
Is this fixed term exclusion in place while consideration is given whether to permanently exclude the pupil?		Yes	No

SECTION E			
REASON FOR EXCLUSION			
Please refer to sheet entitled 'National Standard List of Reasons for Exclusions'			
Where a single category provides a suitable description of the reason for the exclusion, that should be selected e.g. Damage. However where appropriate, up to three categories may be recorded			
E.g. Bullying - Racist Abuse			
Physical assault against a pupil		Drugs and Alcohol Related (please indicate which) Drugs Alcohol Tobacco	
Physical assault against an adult			
Verbal abuse/threatening behaviour against a pupil			
Verbal abuse/threatening behaviour against an adult			
Bullying			
Racist Abuse			
Damage			
Theft		Use or threat of use of an Offensive Weapon or Prohibited item. Indicate nature of item Prohibited Item (e.g. Aerosol/Lighter/Laser pen) Offensive item (e.g. Knife/BB gun/Weapon) Object used Offensively (e.g. Classroom Object)	
Sexual Misconduct			
Inappropriate use of Social Media or Online Technology			
Persistent Disruptive Behaviour			
Abuse against Sexual Orientation and Gender Identity			
Abuse relating to Disability			
Willful and repeated transgression of protective measures in place to protect Public Health			
Please give details of the incident that has led to the decision to exclude.			

Parental views	
Student Views <i>The DfE guidance states: "excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process taking into account their age and understanding"</i>	
Signed..... (Headteacher/Acting Headteacher)	Date
This form should be completed as fully and accurately as possible and emailed within five school days of the exclusion to: PRT@lincolnshire.gov.uk . 01522 555816/01522 555798	

EP/EXC3 CONFIDENTIAL**NOTIFICATION OF PERMANENT EXCLUSION**

This form should be completed as fully and accurately as possible and emailed within one day of the permanent exclusion to PRT@lincolnshire.gov.uk

Incomplete forms will not be accepted since the information is vital for the safe and efficient 6th day admission of pupils into the Lincolnshire Teaching and Learning Centre.

In addition, members of the Independent Review Panel (IRP) will have regard to the Lincolnshire Ladder of Intervention when considering any application for review – as should school PDCs. If a school has failed to follow the Ladder, the IRP will question the schools reasons for considering permanent exclusion a "last resort" (DfE Statutory Guidance, 2017)

Common Transfer Files (CTF) should be sent to: Lincolnshire Teaching and Learning Centre **via S2S**.

All sections of the form must be completed.

SECTION A: SCHOOL, PUPIL AND PARENT/CARER DETAILS

School Name					
Date of PX			6 th day date		
School contact					
Pupil Full Name			DOB		Year group
Known As			Gender	Male	Female
UPN			Mosaic ID		
Ethnic Group			School Year		
			Pupil's First Language		
Parents(s)/Guardian 1 (This should be the contact detail for student's primary carer/address)					
Title		Full Name			
Relationship to Pupil			PR?	Yes	No
Address			Parent/Carer's First Language		
			Telephone Number		
Post Code			Mobile Number		

Parents(s)/Guardian 2 (This should be the contact detail for student's secondary carer/address)					
Title		Full Name			
Relationship to Pupil				PR?	Yes No
Address			Parent/Carer's First Language		
			Telephone Number		
Post Code			Mobile Number		
SEN Support <i>PLEASE NOTE: Pupils with EHCPs or Statements should not be permanently excluded without an emergency review having first been convened.</i>					
Does the pupil have a statement or EHCP?	Yes	No	Is the student in receipt of SEN support?	Yes	No
Date of last annual review			Date of emergency review?	Yes	No
Has EHC referral been made?	Yes	No	Name of SENCO		
Please detail the outcome of the most recent review here and attach a copy to this form.					
PLEASE ATTACH A COPY OF THE STATEMENT/EHCP/IEP DETAILING ANY ADDITIONAL NEEDS AND ANY ADDITIONAL SUPPORT REQUIRED					
AGENCY INVOLVEMENT INCLUDING SOCIAL CARE <i>PLEASE NOTE: Pupils who are looked after must not be permanently excluded without reference to the Virtual School and the Director of Children's Services</i>					
Is the pupil subject of:	Looked After Child Status	Child Protection Plan	Child in Need	Team Around the Child	Receiving free school meals
Date of last meeting/review			Date of next meeting/review		
Social Worker/Lead Professional Name					
Telephone Number			Agency		
Email Address					
Have you discussed this exclusion with the social worker/lead professional?			Yes	No	
Youth Offending Service / Police			Yes	No	

		Description of involvement	
Please note any other agency involvement here;			
Date of admission to school:		Previous schools attended	
PASTORAL SUPPORT PLAN <i>Please attach a copy of the child's most recent pastoral support plan (PSP)</i>			
Date of implementation of first PSP		Date of most recent review meeting	
Have you held an emergency PSP review?			
If not, please state the reasons why;			
SECTION B: REASON FOR EXCLUSION <i>Please refer to sheet entitled 'National Standard List of Reasons for Exclusions'</i> <i>Where a single category provides a suitable description of the reason for the exclusion, that should be selected e.g. Damage. However where appropriate, up to three categories may be recorded</i> <i>E.g. Bullying - Racist Abuse</i>			
Physical assault against a pupil		Drugs and Alcohol Related (please indicate which) Drugs Alcohol	
Physical assault against an adult			
Verbal abuse/threatening behaviour against a pupil			
Verbal abuse/threatening behaviour against an adult			

Bullying		Tobacco	
Racist Abuse			
Damage		Use or threat of use of an Offensive Weapon or Prohibited item. Indicate nature of item Prohibited Item (e.g. Aerosol/Lighter/Laser pen) Offensive item (e.g. Knife/BB gun/Weapon) Object used Offensively (e.g. Classroom Object)	
Theft			
Sexual Misconduct			
Inappropriate use of Social Media or Online Technology			
Persistent Disruptive Behaviour			
Abuse against Sexual Orientation and Gender Identity			
Abuse relating to Disability			
Willful and repeated transgression of protective measures in place to protect public health			
Please give a detailed description of the incident(s) which led to the decision to permanently exclude that have not been included in the letter of notification to parents			
An account of the investigation of the incident (timeline and staff involved)			
Parental views			
Student Account of Incident and Views <i>The DfE guidance states: "excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process taking into account their age and understanding"</i>			

Would you have any concerns about a Pupil Reintegration Caseworker making a home visit?	
IS THE PERMANENT EXCLUSION IS RESPONSE TO A ONE-OFF INCIDENT OR PERSISTENT MISCONDUCT	
One-off Incident	Persistent Misconduct
Complete section C	Complete section D
SECTION C: PERMANENT EXCLUSION FOR A ONE-OFF INCIDENT	
<i>The local authority endorses a restorative approach to behaviour whereby, if a pupil has damaged a relationship or breached the school's behaviour policy, they should be given the opportunity to repair harm, to renew their commitment to school ethos and to learn from the mistake.</i> <i>Schools are required to indicate what has prevented all of the following inclusive measures from either enabling the pupil to remain in school or undertaking a managed move.</i>	
Inclusive Measure	School Action/Decision
Provide opportunity for the pupil to repair the harm and embark on a period of close monitoring.	
Refer to 2012 guidance on drugs misuse to avoid permanent exclusion for possession and LSCB model drugs policy For more serious incidents, consult the LCC Drugs and Substance Misuse Protocol.	
Consider intent with possession of (potential) weapon. Carry out a risk assessment, using LSCB banned items model policy	
Consider mitigating circumstances, e.g. bullying or	

bereavement.			
If none are sufficient to allow the pupil to remain in the school then a managed move should be considered			
SPECIAL CASES - The "Final Straw" Scenario If the breach of policy justifies a permanent exclusion only because of previous violations, then it must be categorised as "Persistent Disruptive Behaviour" to accurately reflect this. The pupil will then, therefore, be expected to have been supported through the steps outlined in Section D.			
SECTION D: PERMANENT EXCLUSION FOR PERSISTENT MISCONDUCT			
THE LINCOLNSHIRE LADDER OF BEHAVIOURAL INTERVENTION <i>The following section refers to the Lincolnshire Guidance as underpinned by current statutory guidance</i>			
Step One			
Has the pupil been screened for any unmet learning needs?	Yes	No	Date this was undertaken
What was identified? <i>Were any unmet needs found?</i> <i>What were they?</i>			
What action was taken? <i>Detail school support, agency support, IEP, pen portrait etc</i>			
Have you offered to complete an early help assessment with the pupil/family?	Yes	No	Date this was offered/completed
If not, please state the reasons why			
Step Two			

Have you made a referral to BOSS?	Yes	No	If not, why?	
Date of referral			Outcome of referral (accepted or rejected)	
Have you considered a managed move?	Yes	No	If not, why? <i>If yes, please note which school was identified and list actions taken towards this</i>	
Step Three				
<i>PLEASE NOTE: prior to accessing a pre-exclusion placement BOSS support must have been accessed</i>				
Have you applied for a pre-exclusion placement at the Springwell Lincoln City Academy ?	Yes	No	Outcome of Application (accepted or rejected)	
If not, please state the reasons why;				
SECTION E: Key Educational Information				
Pupil strengths				
Pupil needs				
Pupil wishes and feelings				
Examples of teaching strategies that generate positive outcomes, day to day				
Examples of strategies that are most effective when problems arise and challenging behaviour is presented				
Are there any attendance issues?	Detail of attendance issues / truancy episodes			Current % attendance

Achievement/Attainment						
It is vital that sufficient information on the academic performance of the pupil is provided to enable suitable educational provision to be made available within the statutory time limits.						
Subject	Teacher Assessment			GCSE/FS Information & Examination board	Current grades/levels	Expected grades/levels
	KS1	KS2	KS3			
English						
Maths						
Science						
ICT						
Technology						
Art						
Drama						
PSHE/CIT						
PE						
History						
Geography						
Languages						
Music						
RE						
Additional Pupil Information (e.g. other achievements/areas of interest/skills)						
Boxall Profile Attached Yes / No						
Signed					Date	
.....(Headteacher/Acting Headteacher)						

This form should be completed as fully and accurately as possible and emailed within one school day of the permanent exclusion to: PRT@lincolnshire.gov.uk. Pupil Reintegration Team, Children's Services, County Offices, Newland, Lincoln, LN1 1YQ 01522 554525	