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Exclusion Policy

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| **Reviewed and modified by:** | Natalie Varnham- Business Manager |  |
| **Signature:** |  | |
| **Approved by:** | Joy Brown – Head Teacher | |
| **Signature:** |  | |
| **Date:** | 08/09/2023 | |
| **Next review due by:** | 08/09/2024 | |

This policy is based on DfE guidance ‘preventing and tackling bulling’ July and supporting documents. It also considers the DfE statutory guidance ‘Keeping Children safe in Education 2022’ and ‘Sexual violence and sexual harassment between children in schools and colleges’ guidance. The setting has also read Childnet’s ‘Cyberbullying: Understand, Prevent and Respond: Guidance for Schools’.

1. **Aims**

Lodge Farm aims to ensure that:

* The exclusions process is applied fairly and consistently
* The exclusions process is understood by the advisory board, staff, parents, and students
* Students in school are safe and happy
* Students do not become NEET (not in education, employment, or training)

**2: Legislation and Statuary guidance**

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies, and student referral units (PRUs) in England.

It is based on the following legislation, which outlines schools’ powers to exclude students:

* Section 52 of the Education Act 2002, as amended by the Education Act 2011
* The schools Discipline (Student Exclusions and Reviews) (England) Regulations 2002
* Sections 64-68 of the Schools 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 students.
* Section 579 of the Education Act 1996, which defines ‘school day’
* The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full Time Education for Excluded Students) (England) (Amendment) Regulations 2014

3: The Decision to exclude

Only the Head Teacher, can exclude a student 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 student from the school roll without 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 student’’

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 student will be taken only:

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

Before deciding whether to exclude a student, either permanently or for a fixed period, the Head Teacher will:

* Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
* Allow the student to give their version of events
* Consider the impact an exclusion will have on the student

**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 Head Teacher

Informing parents

The Head Teacher will immediately provide the following information, in writing, to the parents of an excluded student:

* 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 advisory board and how the student may be involved in this
* Where there is a legal requirement for the Chair of Governors to meet to consider the reinstatement of a student, 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 Head Teacher will also notify parents by the end of the afternoon session on the day their child is excluded for the first 5 school days of an exclusion. Or until the start date of any alternative provision where this earlier, parents are legally required to ensure that their child is not present in a public place during school hours without 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 student 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 sixth day of an exclusion, in which case the information can be provided with less than 48 hours’ notice with parents’ consent.

Informing the Chair of Governors and local authority

The Head Teacher will immediately notify the Chair of Governors and the local authority(LA) of:

* A permanent exclusion, including when a fixed- period exclusion is made permanent
* Exclusions which would result in the student being excluded for more that 5 school days (or more than 10 lunchtimes) in a term
* Exclusions which would result in the student missing a public examination

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

For all other exclusions, the Head Teacher will notify the Board of Governors and LA once a term.

**5.2 The Chair of Governors**

The Chair of Governors has a duty to consider the reinstatement of an excluded student (see section 6)

Within 14 days of receipt of a request, the chair of governors will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed- period exclusion of more than 5 school days, the Chair of Governors/ LA will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students 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 student**

The Chair of Governors will consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:

* The exclusion is permanent
* It is a fixed-term exclusion which would bring the students total number of school days of exclusion to more than 15 in a term
* It would result in a student missing a public examination
* If requested to do so by parents, the Chair of Governors will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the Chair of Governors will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of Governors (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether to reinstate the student.

The Chair of Governors can either:

* Decline to reinstate the student, or
* Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the advisory board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher 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 student’s educational record.

The Chair of Governors will notify, in writing, the Head Teachers, parents and the LA of its decision, along with the reasons for its decisions, without delay.

Where an exclusion is permanent, the Chair of Governors 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 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 student’s SEN are considered to be relevant to the exclusion
* That, regardless of whether the excluded student has recognised SEN, parents have a right to require a representative from the LA
* 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 review
* The 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 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 LA will arrange for an independent panel to review the decision of the Chair of Governors not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Chair of Governors of its decision not to reinstate a student.

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 Board of Governors category and 2 members will come from the Head of School 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 advisor or volunteer
* Chair of Governors who have served as a member for the 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 head teacher within the last 5 years.

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

* Are the Proprietor of the school, or Chair of Governors of the excluding school
* Are the Head of the excluding school, or have held this position within the last 5 years.
* Are an employee of the LA, Chair of Governors of the excluding school (unless they are employed as a Head Teacher at another school)
* Have, or at any time have had, any connection with the LA, school, Governors, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially.

A clerk will be appointed to the panel

The independent panel will decide on one of the following:

* Uphold the Chair of Governors decision
* Recommend that the Chair of Governors reconsiders reinstatement
* Quash the Chair of Governors 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 student’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 not to reinstate the student 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 independent review panel

Where an application for an independent review has been made, the Chair of Governors will wait until that review has concluded before removing a student’s name from the register.

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

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

**9. Returning from a fixed- term exclusion**

Following a fixed- term exclusion, a reintegration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

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

* Agreeing a behaviour contract
* Internal isolation/ withdrawal

**10. Monitoring Arrangements**

The Head Teacher monitors the number of exclusions every term and reports back to the Board of Governors. They will also liaise with the Local Authority to ensure suitable full- time education for excluded students.

This policy will be reviewed by The Head Teacher annually. At every review, the policy will be shared with the Governors.

**11. Links with other policies**

This exclusions policy is linked to our:

* Behaviour Policy
* SEN Policy and information report