



**Discovery Schools**  
Academy Trust



**Danemill**  
Primary School

*Only the best is good enough.*

# Exclusion Policy 2018-2021

This policy is underpinned by the commitment of Discovery Schools Academy Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve

## This policy was approved as follows:

<b>Approver:</b>	Education Standards Committee	<b>Date:</b>	20.11.2018
<b>DSAT owner:</b>	Helen Stockill	<b>Version:</b>	1.0
<b>Review frequency:</b>	3 years	<b>Next review date:</b>	June 2021
<b>Status:</b>	Mandatory		

This policy applies to all DSAT schools

## Document History

Version	Version Date	Author	Summary of Changes
<b>V0.1</b>	June 2018	Paul Stone	Draft policy created
<b>V0.2</b>	July 2018	Anna Mousley	Appendices added
<b>V0.3</b>	August 2018	Helen Stockill	Added sample letters and formatting changes
<b>V1.0</b>	20.11.18	Helen Stockill	Approved by the Education Standards Committee

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## 1. Aims

This policy is designed to briefly outline the Trust's approach to exclusions within the statutory framework as defined in 'Exclusion from maintained schools, academies and pupil referral units in England'. It provides additional guidance and templates, which complement and reinforce the statutory guidance.

Our Trust aims to ensure that:

- The exclusions process is applied fairly and consistently in all schools
- The exclusions process is understood across all governance levels and by school leaders, staff, parents and pupils
- Our schools are a safe and happy environment for all pupils
- Disadvantaged pupils are not unfairly discriminated against

## 2. Types of exclusion

There are three types of exclusion that a school may use:

- |                   |   |
|-------------------|---|
| <b>Permanent</b>  | The pupil will not return to the school   |
| <b>Fixed term</b> | This is a temporary exclusion which can be between 0.5 and 45 school days in length. No pupil may be excluded for more than a total of 45 school days in any one academic year  |
| <b>Lunchtime</b>  | Fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes. (Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a review meeting is triggered) |

INFORMAL or UNOFFICIAL exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

## 3. The decision to exclude

Only the headteacher, head of school, or acting head, can exclude a pupil from school. A permanent exclusion will be made 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 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) or is a looked after child (LAC);

In the case of **a permanent or fixed term exclusion over 5 days**

- The headteacher should seek advice from the Trust Behaviour Lead Professional, Megan Williams, for a case review prior to making the decision.

## 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

#### Behaviour Management

The Headteacher must establish a behavior policy that is compliant with DfE and Trust guidance that provides a consistent approach to behaviour management.

#### Exclusions

The Headteacher is responsible for ensuring the Exclusion Policy is implemented and for reporting to the Governors. The Headteacher will:

#### Inform parents

Following the exclusion decision, the headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil (See [Appendix 1: Exclusion Letters](#) and [Appendix 3: PEX.3 Permanent Exclusion Guidance for Parents](#))

- The reason for the exclusion in sufficient detail
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the cluster governing board
- Where there is a legal requirement for the cluster governing board to meet to consider the reinstatement of a pupil, that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- That the parent is legally required to ensure that their child is not present in a public place during school hours without a good reason for the first 5 days of an exclusion or until the start date of any alternative provision. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

For fixed term exclusions over 5 days, the school must arrange alternative provision and include the following information when notifying parents of the exclusion:

- The start date for the 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.

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

#### Inform the cluster governing board and local authority

The headteacher must immediately notify the cluster 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 national curriculum test

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 for it without delay.

For all other exclusions, the headteacher will notify the advisory board (through the SOAP) and LA once a term.

## 5.2 The DSAT Board of Trustees

The responsibilities of DSAT’s Board of Trustee are to:

- Regularly review this policy to ensure it is fit for purpose and is compliant with statutory regulations;

Monitor exclusions through reports submitted to the Board or its committees.

## 5.3 The cluster governing board

Responsibilities regarding the consideration and review of exclusions is delegated to the school’s cluster governing board. Where a review is requested or legally required, the cluster governing board will form a Pupil Discipline Committee coordinated by Anna Mousley, Clerk for Governance.

(See [Appendix 5: Pupils Discipline Committee Terms of Reference](#); [Appendix 6: Pupil Discipline Committee Committee Panel Guidance](#), [Appendix 7: Pupil Discipline Committee template agenda](#)).

## 6. Cluster governing board’s requirements to consider an exclusion

The requirements of the cluster governing board to consider an exclusion depend upon a number of factors which are outlined in the table below:

Type	Governors to meet?	Decisions open to the governors	Notification of outcome of panel
<i>Permanent</i>	<b>Yes</b> - by the 15th school day after receiving notice of the exclusion.	Decline to reinstate the pupil or direct reinstatement immediately or by a particular date	In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil’s file for future reference.
<i>Exclusion resulting in a pupil missing a national curriculum test</i>	<b>Yes</b> - Governors should try to meet before the date of the test and by the 15th school day after receiving notice of the exclusion.		
<i>Fixed Term: &gt; 15 days in a term (either one of or cumulatively)</i>	<b>Yes</b> - by the 15th school day after receiving notice of the exclusion.	Decline to reinstate the pupil or direct reinstatement immediately or by a particular date. (not applicable if exclusion has been served – can only annotate pupil file	
<i>Fixed Term: &gt; 5 but less than 15 days in a term (either one of or cumulatively)</i>	<b>Only if</b> the parent requests a meeting should the governors then meet to consider representations within 50 school day after receiving notice of the exclusion	Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular date. (not applicable if exclusion has been served – can only annotate pupil file	
<i>Fixed Term: 5 days or fewer in a term</i>	<b>If</b> the parent submits representations, the governors must consider them. Governors are not required to arrange a meeting with parents.	Governors cannot direct reinstatement	

## 7. Pupil Discipline Committee Meeting

The proceedings for a Pupil Discipline Committee (PDC) meeting are set out in [Appendix 6: Pupil Discipline Committee Panel Guidance](#).

In reaching a decision, the PDC 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. All records are kept inline with the records management policy. The PDC will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay. (See [Appendix 8: Exclusions sample letter](#))

Where an exclusion is permanent, the letter 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 Discovery Schools Academy Trust 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.

## **8. An independent review panel**

If parents apply for an independent review, Discovery Schools Academy Trust will arrange for an independent review panel to review the decision of the PDC 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 PDC 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.

- 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

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

- Are a paid employee of Discovery Schools Trust, or cluster board /advisory board member of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Have not had the required training within the last 2 years. (See [Appendix 9: Independent Review Panel Training](#)).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the PDC's decision
- Recommend or direct that the PDC reconsiders reinstatement
- Quash the cluster 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 school 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. (See [Appendix 10: Reintegration Meeting Template](#)).

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

- Agreeing a behaviour contract
- Agreeing regular update meeting with parents
- Putting a pupil 'on report'
- Internal seclusion
- Modification of timetable

## **10. Monitoring arrangements**

The Cluster Leader monitors the number of exclusions. Termly data is provided to the local advisory board and responsible cluster governing board for review.

This policy will be reviewed by the Head of Governance every 3 years. At every review, the policy will be shared with the cluster board.

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

The Exclusion Policy should be read in tandem with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy and the Equal Opportunities Policy.

## **12. 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.