

**GREAT CHESTERFORD C. OF E. PRIMARY ACADEMY**



Two are better off than one, because together they can work more effectively.

**Ecclesiastes 4:9**

**Exclusion Policy**  
**March 2021**

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## 1. Aims and objectives

Great Chesterford C. of E. Primary Academy is committed to safeguarding and promoting the welfare of children and young people in its care, believing that, "The Welfare of the child is paramount"- Children Act 1989. This policy plays an integral part in safeguarding our children and promoting their well - being in order to ensure their optimum development.

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](#) (2017).

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](#)

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

### 3. Principles

Exclusion is a sanction used by the school only in cases deemed as serious breaches of the School Behaviour Policy. A student may be at risk of exclusion from school for:

- Verbal or physical assault of a student or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

Great Chesterford C. of E. Primary Academy seeks to avoid exclusions. These take place only for very serious incidents or when other strategies have been tried and have failed over time. In most cases, exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which may lead to exclusion.

The school has policies, procedures and staff training in place that promotes good behaviour and seeks to prevent poor behaviour. The school will apply these policies in a consistent, rigorous and non-discriminatory way and all areas of their application will be monitored routinely to satisfy legal requirements under race, disability and gender discrimination law.

The Headteacher and staff will identify pupils whose behaviours place them at risk of exclusion, and seek additional provision to meet their individual needs, which could include working in partnership with other agencies and parents.

The governing body has a statutory duty to do their best to ensure that the necessary provision is made for any pupil who has Special Educational Needs. It is unlawful to exclude a disabled pupil for a reason related to their disability without justification.

**Looked-after children:** Many looked-after children have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. Schools are expected to proactively support and cooperate with carers and the local authority as a corporate parent in doing everything possible to avoid excluding a looked-after child.

**Internal exclusion** may be used to defuse situations that require a pupil to be removed from class but may not require removal from the school premises. The internal exclusion could be to a designated area within the school, with appropriate support and supervision. This may continue during break periods. Internal exclusion will be for the shortest time possible and will be subject to review.

**Fixed term and permanent exclusions** are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline.

These could include:

- Sustained bullying (see Anti Bullying Policy)
- Frequent high level disruption to lessons
- Frequent high levels of non-compliance
- Frequent high levels of disrespect to adults who work in school

A serious offence could by itself justify a pupil's exclusion.

These could include:

- Violence towards an adult or child
- Swearing at an adult
- Racist verbal abuse

Appendix A: The DfE list provides the codes for and descriptors of reasons for exclusions.

## **Classrooms**

Classrooms must be places where learning and teaching are able to take place. If this is prevented from happening by an individual or group, the behaviours must be tackled. The aim of our behaviour policy is:

- to help pupils recognise appropriate behaviour and provide strategy / guidance on achieving this
- to reward positive behaviour
- to provide support for behaviour modification if pupils persist in making inappropriate choices in their behaviour

To support the children we have a clear sanctioning and reward process that is shared with the children. It is regularly reinforced to ensure that the children are clear about the levels of expectation of their behaviour.

- We accept that it is the behaviour that is the problem and not the child.
- The behaviour of children giving cause for concern will be assessed.
- Triggers or antecedents should be established.
- Individual programmes will be planned to help modify inappropriate behaviour.
- The child may be placed on the Special Educational Needs Register in accordance with the criteria in Essex guidelines.
- Parents will be invited to discuss their child's behaviour and an individual programme drawn up. Parents will be kept informed of progress.

## **Behaviour Support Plans/Consistent Management Plans**

Behaviour Support Plans will be used as a means to help support the pupil in making appropriate behaviour choices. The plan will:

- Identify objectives and address one target at a time;
- Include strategies for managing the environment, the class or group, the activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours;
- Specify the behaviour that is unacceptable and the consequence should it occur e.g. time- out, reporting to Headteacher etc;
- Include some form of self-assessment – e.g. chart to grade their own behaviour during a session – to encourage responsibility for their own behaviour;
- Include a timetable for review of progress;
- Should be applied consistently – all members of staff, supply teachers and parents need to be informed.

## **Exclusion**

Individual situations will be investigated according to need. The Headteacher will gather evidence; seek the opinions and advice of colleagues. The views of the pupil/s will also be sought to gain the full picture before action is taken. If satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done; the Headteacher may exclude the pupil. The Headteacher alone has the power to exclude or the Deputy Headteacher (when acting upon their behalf).

All exclusion cases will be treated in the strictest confidence. Only those who need to know the details of an exclusion should be informed of them.

## **4. 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)

## **5. 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.

## **6. Roles and responsibilities**

### **6.1 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 body**

Responsibilities regarding exclusions are delegated to the Pupil Discipline Committee.

The Pupil Discipline Committee has a duty to consider the reinstatement of an excluded pupil (see section 7).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

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.

## **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.

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

The Pupil Discipline 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 Pupil Discipline 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 governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Pupil Discipline Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Pupil Discipline 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, Pupil Discipline 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 governing body 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, pupil discipline committee'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 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. 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 academy trust 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 pupil discipline 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/director of the academy trust, 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 academy trust, 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 academy trust, 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:

- Agreeing a behaviour contract
- Internal isolation for elements of the school day

## **11. Monitoring arrangements**

The headteacher 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 headteacher every 3 years. At every review, the policy will be approved by the governing body.

## **12. Links with other policies**

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report



## Appendix A

### Reasons for exclusion

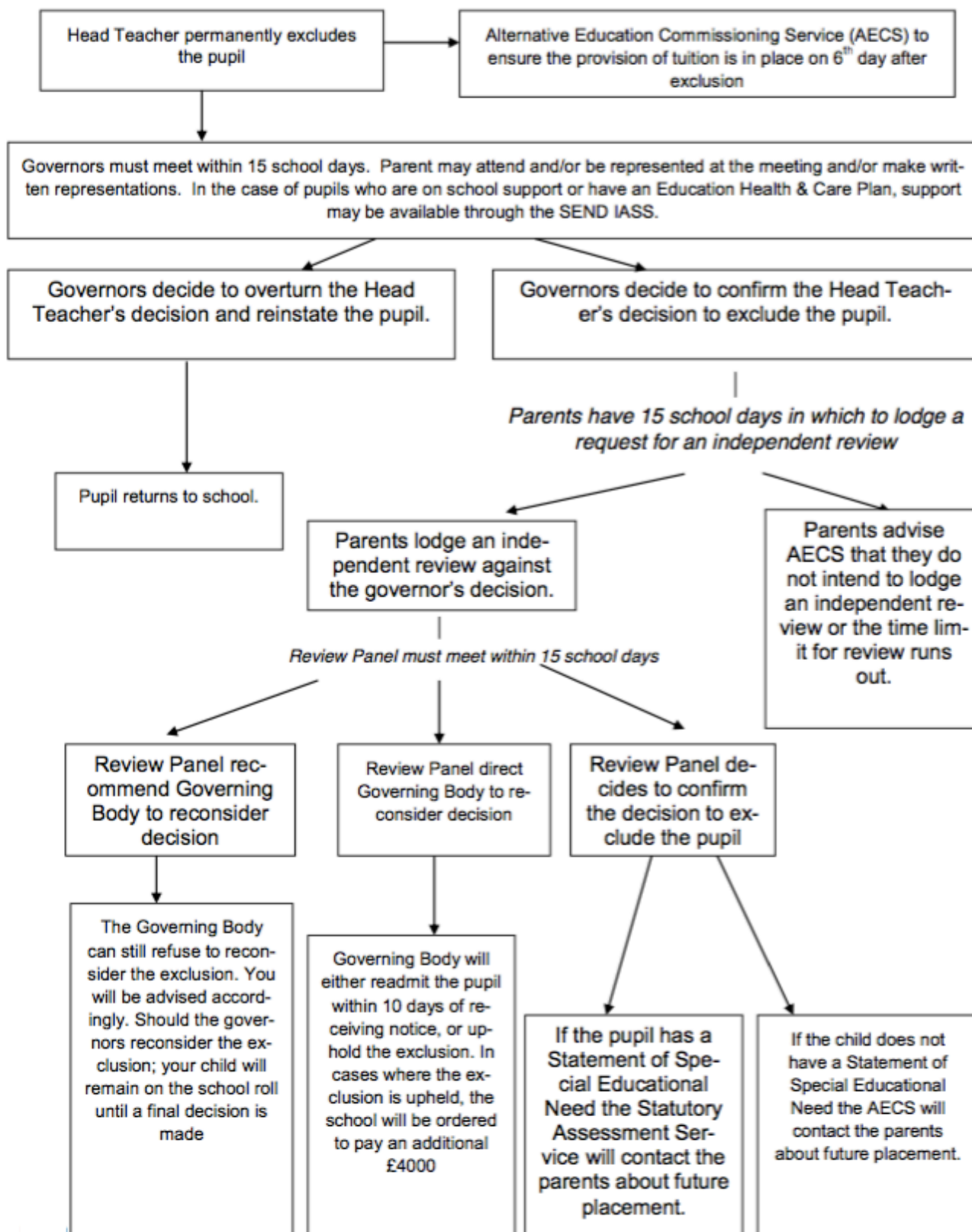
The table below provides a full set of the descriptors of reasons for exclusions including the DFE codes for reporting.

<b>Exclusion Code</b>	<b>Pupil Exclusion Reason</b>	<b>Includes</b>
<b>OW</b>	<b>Use or threat of use of an offensive weapon or prohibited item</b>	<p>Carrying or bringing onto the school site an offensive weapon / prohibited item such as knives, sharp instruments and BB guns,</p> <p>Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property</p> <p>Use of an offensive weapon</p>
<b>LG</b>	<b>Abuse against sexual orientation and gender identity</b>	<p>Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender)</p> <p>Homophobic, biphobic and transphobic bullying</p> <p>LGBT+ graffiti</p> <p>LGBT+ taunting and harassment</p> <p>Swearing that can be attributed to LGBT+ characteristics</p>
<b>DS</b>	<b>Abuse relating to disability</b>	<p>Derogatory statements or swearing about a disability</p> <p>Bullying related to disability</p> <p>Disability related graffiti,</p> <p>Disability related taunting and harassment</p>
<b>MT</b>	<b>Inappropriate use of social media or online technology</b>	<p>Sharing of inappropriate images (of adult or pupil)</p> <p>Cyber bullying or threatening behaviour online</p> <p>Organising or facilitating criminal behaviour using social media</p>
<b>PH</b>	<b>Willful and repeated transgression of protective measures in place to protect public health</b>	<p>Deliberate breaching of protective measures such as (but not limited to): non-compliance with social distancing, causing distress such as through purposefully coughing very near to other</p>

		pupils or adults, or any other deliberate breach of public health protective measures which the school has adopted.
<b>PP</b>	<b>Physical assault against pupil</b>	Fighting Violent behaviour Wounding Obstruction and jostling
<b>PA</b>	<b>Physical assault against adult</b>	Violent behaviour Wounding Obstruction and jostling
<b>VP</b>	<b>Verbal abuse / threatening behaviour against pupil</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>VA</b>	<b>Verbal abuse / threatening behaviour against adult</b>	Threatened violence Aggressive behaviour Swearing Verbal intimidation
<b>BU</b>	<b>Bullying</b>	Verbal, physical, cyber bullying or threatening behaviour online, racist bullying, sexual bullying, homophobic, biphobic and transphobic bullying, bullying related to disability
<b>RA</b>	<b>Racist abuse</b>	Racist taunting and harassment Derogatory racist statements Swearing that can be attributed to racist characteristics Racist bullying Racist graffiti
<b>SM</b>	<b>Sexual misconduct</b>	Sexual abuse Sexual assault Sexual harassment Lewd behaviour Sexual bullying Sexual graffiti
<b>DA</b>	<b>Drug and alcohol related</b>	Possession of illegal drugs Inappropriate use of prescribed drugs Drug dealing Smoking

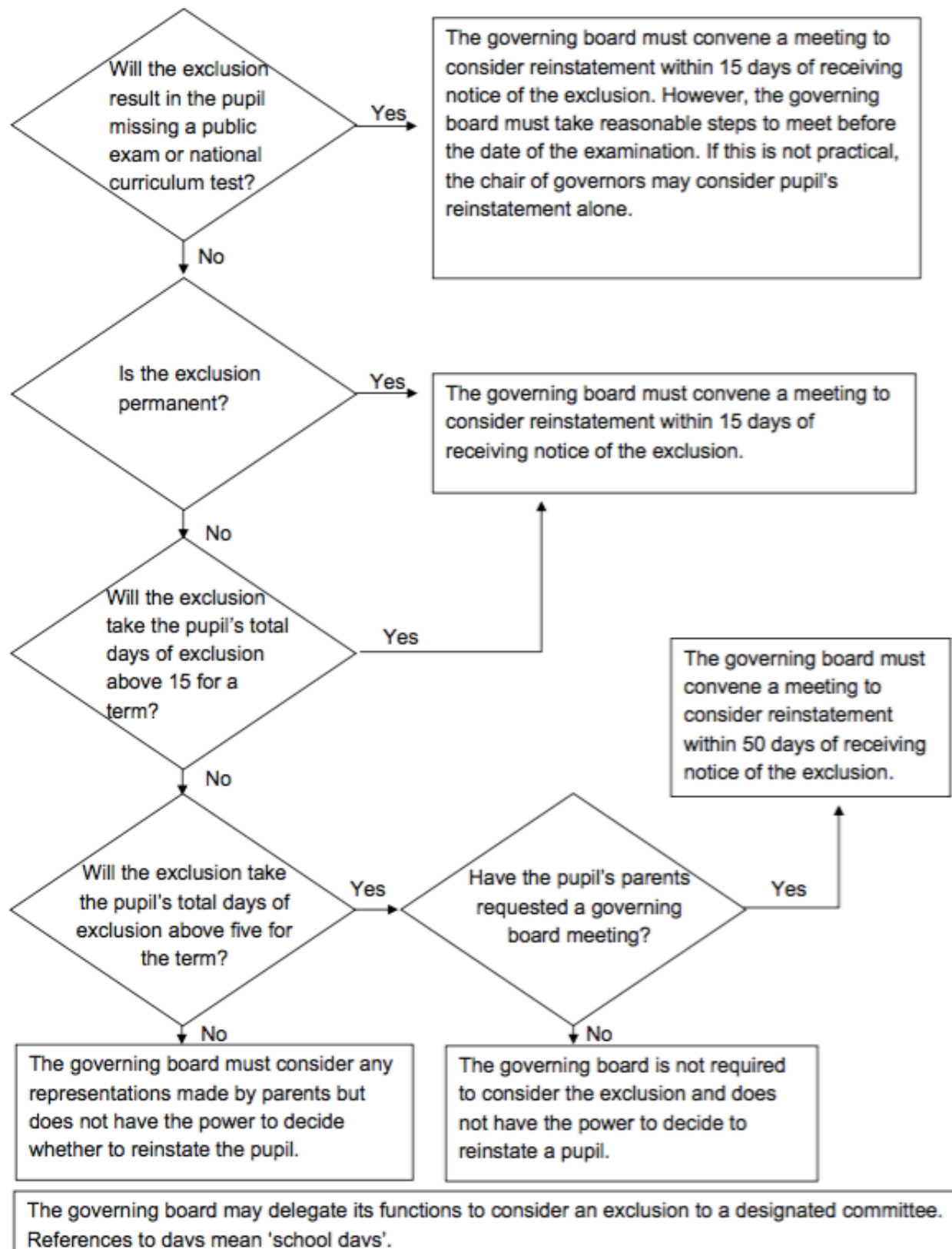
		Alcohol abuse Substance abuse
<b>DM</b>	<b>Damage to property</b>	Damage includes damage to school or personal property belonging to any member of the school community  Vandalism  Arson  Graffiti
<b>TH</b>	<b>Theft</b>	Stealing school property  Stealing personal property (pupil or adult)  Stealing from local shops on a school outing  Selling and dealing in stolen property
<b>DB</b>	<b>Persistent or general disruptive behaviour</b>	Challenging behaviour  Disobedience  Persistent violation of school rules  Raising of fire alarms falsely

## **Appendix B: Parents' Guide to the Procedure for Permanent Exclusion**



## APPENDIX C

### A summary of the governing board's duties to review the head teacher's exclusion decision



## **Appendix D**

### **Independent review panel training**

The academy trust 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