Exclusions Policy

To be read in conjunction with GDF Behaviour & Physical Intervention Policy

Policy Statement

At Graduately Developing Futures (GDF) we believe staff and children are entitled to a safe and secure environment in which to learn and succeed, the safety and well-being of all the members of the school community is paramount. This policy relates to the policy and practice regarding the use of Exclusions. A child will be excluded from GDF only as a last resort as a result of violence, unacceptable breaches of the behaviour policy or of the criminal law.

Aims and Expectations

- To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed
- To reduce the need to use exclusion as a sanction by positively encouraging and recognising acts of respect and consideration to others.

The decision to exclude a pupil may be taken in the following circumstances

- In response to a serious breach of the school's Behaviour Policy
- If allowing the pupil to remain in school may harm the education or welfare of other persons or the pupil him/herself in the school

Exclusion is an extreme sanction and only the Principal has the power to exclude a child from GDF. Exclusions, whether for a fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are breaches of the school's Behaviour Policy

- Refusal to carry out reasonable instructions issued by a member of the school staff
- Verbal abuse directed at staff, professionals working within school or other pupils
- Physical abuse/assault of staff, professionals working within school or other pupils
- Actual or threatened violence against staff, professionals working within school or other pupils
- Inappropriate behaviour of a sexual nature
- Theft
- Possession or misuse of drugs or other illegal/dangerous substances
- Racial abuse
- Vandalism of the school site
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This list is not exhaustive and there may be other circumstances that could arise when the Principal makes the judgement it would be appropriate to exclude a child in school.

Types of Exclusions

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There are three types of exclusion, **internal exclusion**, **fixed period exclusion** and **permanent exclusion**.

Internal Exclusion

Internal exclusion is a short-term behaviour management strategy used to remove a pupil from their usual learning environment while remaining on the school site following serious or persistent breaches of the behaviour policy. It is used only where other interventions have been considered and judged ineffective or inappropriate, and aims to safeguard the learning, safety, and dignity of all pupils while providing an opportunity for reflection and support. The decision to impose an internal exclusion will be made by the Principal, Headteacher or a delegated senior leader. During this period, the pupil will work in a designated supervised area with appropriate work provided to ensure continuity of learning, alongside opportunities for reflection and restorative discussion. A reintegration meeting with relevant staff will take place before the pupil returns to their normal timetable.

Internal Exclusion Procedure

Internal exclusion may be for part of a school day but will not normally exceed one full school day unless exceptional circumstances apply, and all cases will be recorded and monitored to ensure fairness, consistency, and proportionality. Parents will be informed by telephone or email at the end of the day.

Fixed Period Exclusion

A fixed period exclusion is where a child is temporarily removed from school and for a specific period of time. The DFE regulations outline that this can be for up to 45 school days in one school year, even if a child has changed schools. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day. If the fixed period exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth day, e.g. a pupil referral unit

Permanent Exclusion

A permanent exclusion means that a child is being removed from the school roll. However, the Principal must not remove a pupil's name from the school admissions register until the outcome of the Independent Review Panel (if this route is followed by parents).

Fixed Period and Permanent Exclusion Procedure

At GDF the decision to exclude a child will be lawful, reasonable and fair. Every effort will be taken to ensure early intervention be used to address the underlying causes of any inappropriate behaviour before an exclusion is considered. If a child is to be excluded, parents will be notified immediately by telephone and by letter as soon as possible without delay. The parent/carer will be informed:

- If the exclusion is permanent

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- If the exclusion is fixed term, the precise period of the exclusion
- The reasons for the exclusion
- The parent's right to make representations to the governing body, and how the pupil can be involved in this
- Who to contact about making such representations
- The arrangements made by the school for the pupil to continue their education during the first five days of the exclusion, including setting and marking of work. (It is the parents' responsibility to ensure that work sent home is completed by the pupil and returned to school)
- The school days (or school day from) which the pupil will be provided with alternative suitable education.

Exclusions can start on the same day but school will work in partnership with parents to collect their child as we appreciate that this may not be able to happen immediately. During the first five days of a period of exclusion (whether fixed term or permanent), the parents must ensure that the child is not present in a public place during school hours, unless there is reasonable justification.

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion. This duty is set out in section 100 of the Education and Inspections Act 2006.

For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 of the Education Act 1996.

Challenging an Exclusion

Parents have the right to ask the Governing body to consider their representations about an exclusion. This will depend on the length and nature of the exclusion. The Governing body will consider the reinstatement of an excluded child within 15 schools days of receiving the notice of exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in term; or
- The exclusion mean's the child will miss a public exam or national curriculum test

Where the exclusion means that a child will miss a national curriculum test there is a further requirement for a governing body to consider exclusion before the date of the examination or test. If this is not possible, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.

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If the exclusion is for 5 days or fewer, parents can request that the Governors hear their views but they can't overturn the Principal's decision.

When invited to meet the Governing body, parents will be allowed to make representations along with the Principal. The Governing body will:

- Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to Special Educational Needs)
- Ensure any written evidence and information has been circulated, including a list of those who will be present, to all parties at least five days in advance of the meeting
- Allow parents to be accompanied by a friend or representative
- Identify steps they will take to encourage the excluded pupil to attend the meeting, where appropriate, to talk on their own behalf or by other means if they are not attending

The Governing body will consider the interests and circumstances of the excluded child, along with the circumstances in which the child was excluded. When making any decisions they will also have regard to the interest of the other pupils and staff working at the school. The Governing body will look at the facts in relation to the exclusions and reach a decision on whether or not to reinstate the pupil considering is the decision to exclude lawful, reasonable, proportionate, procedurally fair, taking into account a Principal's legal duties. The Governing Body can then either:

- Uphold an exclusion, or
- Direct reinstatement of the pupil immediately or on a particular date

The Governing body must notify the parents, Principal and the local authority of their decision, and the reasons for their decision, in writing without delay. The reasons for the decision should be in sufficient detail to enable all parties to understand why the decision was made.

In the case of a permanent exclusion, where Governors did not overturn the exclusion, the Governing body must write to the parents and include the following information:

- The fact that the exclusion is permanent
- Notice of the parents' right to ask for the decision to be reviewed by an independent review panel and the following:
    - o The date by which the application for a review must be made
    - o The name and address to who the application for a review (and any written evidence) should be submitted
    - o That the application should set out the grounds on which it is made and that, where appropriate, this should include reference to how the pupils special educational needs are considered to be relevant to the exclusion
    - o That parents have a right to require the Governing body to appoint a Special Educational Needs expert to attend the review

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- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.

The Independent Review Panel

If the Governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP). Parents must lodge their application for a review:

- Within 15 school days of notice being given to the parents by the Governing body of their decision to uphold a permanent exclusion; or
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

These are strict deadlines and any application made outside of the legal time frame must be rejected by the Governing body.

If applied for by a parent within the timeframe, the LA, at their own expense, arrange an Independent Review Panel hearing to review the decision of the governing body not to reinstate a permanently excluded pupil. Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the Governing body considered the exclusion. Parents must submit written representations and, if applicable, supporting evidence, when lodging their application within 15 school days of notice being given to the parents by the governing body or within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010.

The role of the panel is to review the Governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel can decide to:

- uphold the exclusion decision
- recommend the governing body reconsiders their decision, or
- quash the decision and direct the governing body considers the decision again.

When considering the Governing Body's decision, the panel should apply the following tests which need to be satisfied to quash the decision:

- Illegality - did the Principal and / or governing body act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality - was the decision of the governing body not to reinstate the pupil so unreasonable that it was not one a responsible person could have made?

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- Procedural impropriety - was the process of exclusion and the governing body's consideration so unfair or flawed that justice was denied?

If any of these criteria are met, then the panel can quash the decision of the governing body and direct that they consider the exclusion again. Where the criteria for quashing a decision have not been met the panel should consider whether it would be appropriate to recommend that a governing body reconsiders their decision not to reinstate the pupil. This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the panel believe justify a reconsideration of the governing body's decision. In all other cases the panel should uphold the exclusion.

There is no further right of appeal against the decision of an Independent Review Panel. However the decision may be challenged if you feel that the review panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned.

The Responsibilities of the Principal

It is the responsibility of the Principal to:

- Ensure the policy is implemented consistently and fairly
- Make the decision to exclude having checked all evidence
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and within 24 hours by letter
- Send details of the exclusion to the Chair of Governors and the LA
- Delegate responsibility for sending work home/marking of work
- Monitor the implementation of the policy and regularly report to Governors

The Responsibilities of the Class Teacher

It is the responsibility of the Class Teacher to:

- Keep appropriate records of incidents that may lead to the decision to exclude
- Send work home for the duration of the exclusion and mark any work returned
- Use the time of the exclusion to review provision e.g.: seating arrangements, differentiation, and behaviour support
- Ensure the child returning from an exclusion is given every opportunity for a fresh start

The Responsibilities of the Governors

It is the responsibility of the Governors to:

- Review the policy in the light of monitoring
- Attend exclusion hearings as required

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Equality
All children will be treated equally and fairly throughout the implementation of this policy. The Principal will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed to the behaviours of those children.

Training
Whole staff and individual training needs will be identified through GDF's self-evaluation process and staff appraisal.

Monitoring
The impact of the policy will be reviewed regularly through careful monitoring of incidents. Termly reports will be made to Governors.

Review
This policy will be reviewed on an annual basis as a minimum. Next review date 01.09.2027

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