



# Policy Statement

## Kepier Exclusions Policy

- Produced by Mr C Devlin, Assistant Principal
- Ratified by Mrs N Cooper, Principal
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### 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by governors, staff, parents and learners.
- Learners in school are safe and happy.
- Learners 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.

It is based on the following legislation, which outline schools' powers to exclude learners:

- 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 learners.
- 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**

Exclusions will be used as a sanction for learners at Kepier. This takes account of the statutory published regulations and guidance applied from September 2017. (DfE - Exclusions from maintained schools, Academies and PRUs in England). The Principal will consider the responsibilities under the Equality Act 2010 before excluding a learner:

- The Principal or acting Principal of Kepier can authorise fixed term or permanent exclusions which must be on disciplinary grounds.
- A learner may be excluded for one or more fixed periods (up to 45 days in any one year may be imposed) by the Principal acting on the advice of some or all of the following – Vice Principal, Assistant Principals, Senior Pastoral Leader and Year Manager, or permanently.

The Principal may exclude a learner from the Kepier school site where they are required to attend an alternative placement, if the learner fails to engage in this intervention, the Principal may decide to issue a formal exclusion due to defiance.

### **4. Definition**

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET, staff training days or school closures due to exceptional circumstances do not count as a school day.

### **5. Roles and responsibilities**

#### **5.1 The Principal Informing parents**

The Principal or nominated member of staff will provide the following information via telephone (where possible) by telephone, to the parents / carers of an excluded learner:

- 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 learner may be involved in this.
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a learner, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

A letter will be sent to parents detailing all of the above information from the Clerk of Learning Matters Trust.

The Principal or nominated member of staff 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 learner to identify the person they should report to on the first day.

### **Informing the governing board and local authority**

The Principal will notify the Chair of Governors and the local authority (LA) of:

- A permanent exclusion.
- Exclusions which would result in the pupil being excluded for more than 15 school days in a term or 45 school days in an academic year.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the learner's 'home authority' of the exclusion and the reason(s) for it without delay.

The governing body is made aware of exclusions at the termly Welfare and Support Committee.

### **5.2 The Governing Body**

Responsibilities regarding exclusions is delegated by the Governing Body to the Principal, or in their absence a delegated member of staff.

The Governing Body has a duty to consider the reinstatement of an excluded learner (see section 6).

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 body has delegated responsibility to the Principal to ensure suitable full-time education for the learner is organised. This provision will begin no later than the sixth day of the exclusion. Provision does not have to be arranged for learners in their 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 learner**

A quorum of three members from the Learner Discipline Panel will consider the reinstatement of an excluded learner 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 learner's total number of school days of exclusion to more than 15 in a term or 45 school days in an academic year.
- It would result in a learner missing a public examination.

If requested to do so by parents, the Learner Discipline Panel will consider the reinstatement

of an excluded pupil within 50 school days of receiving notice of the exclusion if the learner 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 learner missing a public examination, the Learner Discipline Panel will consider the reinstatement of the learner before the date of the examination. If this is not practicable, the Learner Discipline Panel will consider the exclusion and decide whether or not to reinstate the learner.

Learner Discipline Panel 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 Learner Discipline Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 learner's educational record.

The Clerk to the Trust will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Learner Discipline Panel 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 learner's SEN are considered to be relevant to the exclusion.
  - That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the Learning Matters 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.

## **7. An independent review**

If parents apply for an independent review, Learning Matters Trust will arrange for an independent panel via Together for Children / Sunderland Local Authority to review the decision of the governing board not to reinstate a permanently excluded learner. Applications for an independent review must be made within 15 school days of notice being given to the parents by the Learner Discipline Panel of its decision to not reinstate a learner. 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 Principal 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 Principals during this time.
- Principals or individuals who have been a Principal within the last 5 years.

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

- Are a member or director of the Learning Matters Trust or governing board of the excluding school.
- Are the Principal of the excluding school, or have held this position in the last 5 years.
- Are an employee of the Learning Matters Trust, or the governing board, of the excluding school (unless they are employed as a Principal at another school).
- Have, or at any time have had, any connection with the Learning Matters 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.

## **8. School registers**

A learner'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 learner 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 learner's name from the register.

Where alternative provision has been made for an excluded learner and they attend it, code

B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded learners 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 learner, parents, a member of senior staff and others, where appropriate.

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

- Discussion will take place regarding the decision to exclude a child.
- Specific behaviour targets will be set regarding the learners behaviour.

### **10. Monitoring arrangements**

Shaun Van-Lindon (Senior Pastoral Leader) monitors the number of exclusions every term and reports back to the Principal and Governors. He also liaises with the local authority to ensure suitable full-time education for excluded learners.

This policy will be reviewed by Colin Devlin (Assistant Principal) and Shaun Van-Lindon every year. At every review, the policy will be shared with the governing body.

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

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy