

# Paxcroft Primary School

## Exclusion Policy

Reviewed: January 2024

Next date of review: January 2025



## **EXCLUSION POLICY**

This document should be read and understood with reference to the following documents:

### **School policies:**

- [Accessibility Plan](#)
- [Anti-Bullying Policy](#)
- [Behaviour Policy](#)
- [Positive Handling Policy](#)
- [Safeguarding and Child Protection Policy](#)
- [Single Equality Policy](#)

### **UK Government, Department for Education and Local Authority guidance:**

- Behaviour in schools: Advice for head teachers and school staff (DfE September 2022)
- Equality Act (2010)
- [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, include pupil movement \(DfE September 2022\)](#)
- [Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies \(Jan 2013\)](#)
- [SEND Code of Practice](#)
- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 as amended in 2014
- Local Authority model letters and forms for school use

## **DEFINITIONS**

**Academic year:** means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

**Alternative Provision (AP):** refers to suitable full-time education that is arranged for a pupil from the sixth school day (or earlier) or a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion.

**Managed moves:** these are used to initiate a voluntary process which leads to the transfer of a pupil to another mainstream school on a permanent basis

**Parent/s:** includes the pupil's birth parents or any other person who has parental responsibility, including the LA) e.g. a foster carer or relative.

**Permanent Exclusion:** is when a pupil is no longer allowed to attend a school (unless reinstated.

**Pupils:** a person for whom education is provided at school unless:

- the person is 19+ and the education being provided for them at the school is further education
- if the education being provided is part-time education suitable to the requirements of people who are over compulsory school age
- if the school is a maintained school and the education is being provided under section 27 of the Education Act 2022

**Suspension:** an exclusion for a fixed period of time

## **PRINCIPLES**

- Paxcroft Primary School is committed to valuing diversity and equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect and feel able to contribute to the best of their abilities.
- The Governing Body recognises that it is unlawful to take into account anyone's sex, marital status, race, ethnic or national origin, disability, religion or belief, pregnancy/maternity or

gender reassignment. It is the governors' aim that no one at the school should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

- For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services.
- We aim not to suspend or permanently exclude pupils and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour and we strive to never 'give up' easily on a child as we recognise that each person has a unique contribution to make to the school life and we want to support them to achieve this.
- A decision to suspend or permanently exclude a pupil is seen as a last resort by the school and as necessary to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm and supportive environments. The physical and emotional health of our children and our staff is a primary concern and we therefore accept that in some rare situations, exclusion may be necessary if all other strategies have been exhausted.

### **THE POLICY AND ITS AIMS**

- The school's policy is based on the statutory guidance issued by the Department for Education (DfE): [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, include pupil movement \(DfE September 2022\)](#)
- This document can be reached by clicking on the link or alternatively, can be obtained in hard copy from the school office.
- The DfE guidance is a comprehensive document which covers the law in relation to exclusions, the responsibilities of the various parties involved, together with the procedures to be followed, in which order and by whom.
- This aim of this policy is not to set out in great detail the information that is contained within that document but more to address the key points that parents and pupils should be aware of in the event of a child being suspended or permanently excluded, together with the responsibilities of the head teacher, the governing body, parents and pupils, and the local authority
- Parents and pupils are encouraged to approach the school directly if they do not understand any part of the process or have any questions regarding the contents of this policy.

### **KEY POINTS:**

- Only the head teacher can suspend or permanently exclude a pupil and only on disciplinary grounds. As already stated, suspension and permanent exclusion is viewed as a last resort after all fair and reasonable steps have been taken to intervene and support a pupil as well as to explore and address the many issues that might be significantly contributing to their poor behaviour, including those outside of school.
- These may include well known and long term issues related to a pupil's specific educational needs or other problems within school but might equally be due to recent events; such as bereavement, mental health issues or incidents of bullying, of which the school were unaware.
- It is important that any decisions that are made to suspend or permanently exclude a pupil take into account any safeguarding concerns there might be in relation to that pupil.
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- Head teachers should also take the pupil's views into account, considering these in the light of their age and understanding, before making their decision, unless it would be inappropriate to do so. They should inform the pupil about how their views have been taken into account and, where relevant, pupils should be given support to express their view.
- In order to address the particular needs of a pupil either to try to prevent the need for a suspension or permanent exclusion, or to support the pupil in returning to school following a

suspension, the school may seek to identify the provision of any external support (AP) that might be available (see 'Off-site direction' below) or alternatively a voluntary managed move.

- The behaviour of a pupil outside school can be considered grounds for suspension or permanent exclusion.
- The decision to suspend or permanently exclude a pupil must be lawful, reasonable and fair and are outlined in significant detail in the DfE guidance.
- 'Off-rolling' or 'unofficial' suspension such as sending a pupil home 'to cool off' are unlawful, even if the parents are in agreement. Whenever a pupil is made to leave school or forbidden from attending school on disciplinary grounds, this must be done in line with this guidance and the same procedures must always be followed.
- Any suspension or permanent exclusion must be recorded and a pupil may be suspended for one or more fixed-periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- A fixed-period suspension does not have to be for a continuous period (i.e. it could be for part of the school day such as lunch time) but the same legal requirements apply to all suspension and must still be included in any records regarding the total number of school days missed. Lunch time suspensions for example counts as half a day and must be recorded as such.
- Schools should have in place a strategy for reintegrating a pupil who returns to school following a fixed-period suspension and for managing their future behaviour (see section on 'Reintegration' below).
- A decision to exclude a pupil permanently should only be taken in response to a serious breach or persistent breaches of the school's Behaviour policy and, where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils in the school. Examples of the type of behaviour that would be seen as grounds for suspension or permanent exclusion can be found in the DfE document on page 14.
- In the case of a suspension the head teacher should take steps to ensure that work is set and marked for pupils during the first 5 days. This can include utilising any online pathways. For any permanent exclusion, the head teacher must take reasonable steps to ensure that work is set and marked during the first 5 days where the pupil will not be attending alternative provision.

#### **Cancellation of a fixed term suspension or permanent exclusion**

- The head teacher may cancel any suspension or permanent exclusion that has already begun, but only where it has not yet been reviewed by the governing body. When this happens the parents, governing body and LA should be notified without delay and, where relevant the Virtual School Head and/or social workers. Parents should also be offered the chance to meet with the head teacher to discuss the circumstances that led to the cancellation.

#### **Off-site direction**

- Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting (AP) to improve their behaviour, where interventions and targeted support have not been successful. The use of an AP should be based on an understanding of the support a pupil needs in order to improve their behaviour, as well as any SEND or health needs. It should not be used as a sanction or punishment for past misconduct.
- Whilst the school's aim is always to work in partnership with parents, such provision can be arranged without the consent of parents under the general powers of the governing body, should they believe it to be in the best interests of the pupil, either to prevent a suspension or permanent exclusion, or as part of the support put in place following a fixed term suspension.
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- Depending on the individual needs and circumstances of the pupil, off-site direction into AP can be full-time or a combination of part-time support in AP and continued mainstream education. A proposed maximum period of time should be discussed and agreed upon as part of the planning phase for an off-site direction. As part of planning, alternative options should be considered

once the time limit has been reached, including a managed move on a permanent basis (if a pupil is in a mainstream school) upon review of the time-limited placement.

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- **'Managed moves'**: A managed move is used to begin a process which ultimately leads to the transfer of a pupil to another mainstream school permanently. They should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves should only occur when it is considered to be in pupil's best interests.
- Managed moves should be offered as part of a planned intervention.
- If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school's formal complaints procedure with the governing body

## **RESPONSIBILITIES:**

### **Head teacher:**

- The head teacher should ensure that they are familiar with the contents of the DfE guidance and their legal duties as outlined in that document.
- The head teacher must take account of their legal duty of care when sending a pupil home following a suspension or permanent exclusion.

### **The head teacher's duty to inform parents:**

- Where the head teacher has decided that either a fixed-period suspension or permanent exclusion is necessary, s/he is required to provide parents with the following information in writing, delivered to their last known address (either by hand or post or electronically, where parents have given their written consent for this to be done):
  - the reason(s) for the suspension or permanent exclusion
  - the period of the suspension or, for a permanent exclusion and the fact that it is permanent
  - full information on the parents' rights to make representation to the governing body, the steps that must be followed in so doing and how the pupil might be involved in this process
  - where there is a legal requirement for the governing body to consider the suspension or permanent exclusion (see section below on the 'Responsibilities of the governing body'), that parents have a right to attend that meeting, to be represented at the meeting (at their own expense) and to bring a friend
- As well as fulfilling the legal obligation to provide this information in writing when the pupil's suspension or permanent exclusion begins, the head teacher will try, wherever possible, to contact parents personally in advance in order to give them the opportunity to ask questions or raise concerns directly.
- Where the suspended or permanently excluded pupil is of compulsory school age, the head teacher must also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. Parents who fail to comply with this duty without reasonable grounds are committing an offence and may be given a fixed penalty notice or be prosecuted. The head teacher must notify the parents of the days on which this duty applies without delay and, at the latest by the end of the afternoon session.
- The head teacher should also set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school
- In addition, where the decision has been taken to find alternative provision then the following information must also be included:
  - the start date for any provision of full time education that has been arranged for the pupil during the exclusion
  - 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, and

- any information required by the pupil to identify the person they should report to on the first day
- However, where the information regarding any AP is not available by the end of the afternoon session, it can be provided in a subsequent notice but no later than 48 hours before the provision is due to start. The only exception to this time scale is where the AP is due to start before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice.
- When notifying parents about a suspension or permanent exclusion, the head teacher should draw the parents attention to relevant sources of free and impartial information and this should include the sources outlined in Appendix A below.

**The head teacher's duty to inform social workers and Virtual School Heads about a suspension or permanent exclusion:**

- In circumstances where the pupil has a social worker and/or a Virtual School Head, the head teacher must, without delay, also notify them in writing, including all the information as detailed in the DfE guidance

**The head teacher's duty to inform the governing body and the local authority about a suspension or permanent exclusion**

- The head teacher must, without delay, notify the governing body and the local authority of:
  - any permanent exclusion (including where a fixed-period suspension is followed by a decision to permanently exclude the pupil)
  - any suspension which would result in the pupil being suspended for a total of more than five school days (or more than ten lunchtimes) in a term
  - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test
- The head teacher must also notify the local authority and governing body once per term of any other suspension or permanent exclusion not already notified, including the reason(s) for and the duration of any fixed-period suspension.
- For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the head teacher must also notify the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

**Governing Body**

**Responsibility to arrange for the education of suspended pupils**

- For a fixed-period suspension of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the suspension.
- Where a child receives consecutive fixed-period suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one fixed-period suspension or more than one fixed-period suspension.
- It is important for schools to help minimise the disruption that suspension can cause to a pupil's education. Whilst the statutory duty on governing bodies or local authorities is to provide full-time education from the sixth day of a suspension, there is an obvious benefit in starting this provision as soon as possible. In particular, in the case of a looked after child, the school and the local authority should work together to arrange AP from the first day following the suspension.
- Where it is not possible, or not appropriate, to arrange AP during the first five school days of an suspension, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

**The governing body's duty to consider suspensions and permanent exclusions**

- Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.<sup>1</sup>
- Part 7 of the DfE guidance lays out the procedures that must be followed in this process.
- At our school, the full governing body will appoint (annually) an 'Exclusion Committee' of at least 3 governors who will carry out their duties as laid down by the DfE.
- There are certain circumstances under which the governing body must legally consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice, which are if:
  - the exclusion is permanent
  - it is a fixed-period suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
  - it would result in a pupil missing a public examination or national curriculum test, in which case the governing body, so far as it is reasonably practicable, should consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practicable for sufficient governors to consider the reinstatement before the date of the test, the chair of governors may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.
- However, the governing body are also required to consider suspensions where a pupil is suspended for more than 5 days but less than 16 days in any school term if the parents make representations. When parents do make representations, the governing body must consider and decide within 50 days of receiving notice of suspension whether the suspended pupils should be reinstated. In the absence of any representation from the parents, the governing body is not required to meet and cannot direct the reinstatement of the pupil.
- In such cases where the governing body do meet, the guidance clearly lays out that the following parties must be invited: parents (and where requested a representative or friend), the pupil if they are 18 years or over, the head teacher, a representative of the local authority, and where applicable, the pupil's social worker and/or VSH. The roles of each party are clearly laid out in the guidance.
- Where legally required to consider reinstating a suspended or permanently excluded pupil, the governing body must notify parents, the head teacher and the local authority of its decision, and the reasons for it, in writing and without delay.
- Where the pupil resides in a different local authority area from the one in which the school is located, the governing body must also inform the pupil's 'home authority'.
- In the case of a permanent exclusion where the governing body decides not to reinstate the pupil, the governing body must also advise parents that they have the right to ask for their decision to be reviewed by an independent review panel (which will be arranged by the local authority) together with all the information they need to make their application for an independent review.
- In addition to the right to apply for an independent review, if parents believe that there has been unlawful discrimination in relation to the exclusion, 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, or the County Court, in the case of other forms of discrimination.

**The governing body's duty to remove a permanently excluded pupil's name from the school register:**

- The governing body must ensure that a pupil's name is removed from the school admissions register if:
  - 15 school days have passed since the parents were notified of the governing body's decision not to reinstate the pupil and no application has been made for an independent review panel or

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<sup>1</sup> [Governance Handbook 2019](#)

- the parents have stated in writing that they will not be applying for an independent review panel
- The school cannot backdate the deletion of the pupil's name to the date the pupil's exclusion began.
- Where an application for an independent review panel has been made within 15 school days, the school must wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

**The governing bodies role in examining data on suspensions and permanent exclusions:**

- Governing bodies should carefully consider the level of pupil moves and the characteristic of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort.
- Governing boards should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in AP and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school may wish to consider reviewing its SEN support

**Local authority**

**Duty to arrange educational provision after a permanent exclusion**

- For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.
- This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority.
- In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement
- The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

**Duty to arrange an independent review panel**

- If applied for by parents within the legal time frame, the local authority must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.
- The legal time frame for an application is:
  - within 15 school days of notice being given to the parents by the governing body of its decision not to reinstate a permanently excluded pupil, 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
- Any application made outside of the legal time frame must be rejected by the local authority.
- The local authority must not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.
- Parents may request an independent review panel even if they did not make representations to, or attend the meeting at which the governing body considered reinstating the pupil.
- The local authority must take reasonable steps to identify a date for the review that all parties, and any expert appointed to give advice in person, are able to attend. However, the review must begin within 15 school days of the day on which the parents' application for review was made.
- The local authority is responsible for arranging the meeting and must follow the steps outlined in the DfE guidance, which includes who is to be involved, when and how parents will be kept informed of the process and the role of any experts.



- Following the meeting of the independent review panel, if the panel upholds the governing body's decision, the clerk to the panel will immediately inform the local authority, the parents and the governing body.
- However, should the panel direct or recommend that the governing body reconsider their decision; the governing body must meet again within 10 school days of being given notice of the panel's decision. Full guidance regarding this process can be found in the DfE document.
- This reconsideration provides an opportunity for the governing body to look afresh at the question of reinstating the pupil, in the light of the findings of the independent review panel.
- Any decision by the governing body to offer reinstatement which is subsequently turned down by the parents should be recorded on the pupil's educational record.
- The governing body's decision should demonstrate how they have addressed the concerns raised by the independent review panel and this should be communicated in standard English for all parties to understand.

#### **REINTEGRATION MEETING:**

- Once a pupil's fixed-period suspension or off site direction has ended, parents and the pupil concerned will be asked to attend a reintegration meeting to discuss the way forward and the steps that all involved will be taking to support and encourage a successful reintegration into school life and ways to manage the behaviour that was the cause of the suspension in the first place. It is important that pupils understand that they are valued and that their previous behaviour should not be seen as an obstacle to future success.
- We believe it is in every pupil's best interests that this meeting taking place however, should parents refuse to attend the meeting, this will be noted in the pupil's records but the meeting with the pupil will still go ahead..

#### **EXCEPTIONAL CIRCUMSTANCES**

- There may be occasions when the time frames within which review panels (be they by the governing body or by the Local Authority Independent Review Panel) may have to be altered or panels may have to be held remotely.
- Where this is the case, the school will issue an addendum to this policy, which will be publicised, either on the school website or available in hard copy from the school office. Parents of any child who is excluded will also be notified.

#### **Policy review:**

- This policy will be reviewed every year or earlier if required by any change in legislation.

## APPENDIX A – Sources of free and impartial information for parents

Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here

<https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network>

Coram’s Child Law Advice service can be accessed through their website

<https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.

ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website:

<http://www.ace-ed.org.uk/>

Independent Provider of Special Education Advice (known as IPSEA – <https://www.ipsea.org.uk/>) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.