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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 students
- Students in school are safe and happy
- Students 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 student referral units \(PRUs\) in England](#).

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Student Exclusions and Reviews\) \(England\) 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

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

3. The decision to exclude

Only the Executive Headteacher, or Headteacher, can exclude a student from school. A permanent exclusion will be taken as a last resort.

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a student, either permanently or for a fixed period, the Executive Headteacher/Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has an Education Health and Care plan
- Take into account all mitigating factors

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 Executive Headteacher

Informing parents

The Executive Headteacher/Headteacher will provide the following information, in writing, to the parents of an excluded student:

- 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 student may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, 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 Executive Headteacher/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 student 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 Executive Headteacher/Headteacher will, without delay, notify the governing board and the local authority (LA) of:

- A permanent exclusion
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

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

For all other exclusions, the Executive Headteacher/Headteacher will notify the governing board and LA once a term.

5.2 The governing board

Responsibilities regarding exclusions is delegated to the Exclusions Committee (comprising 3 Governors) of the governing board.

The Exclusions Committee has a duty to consider the reinstatement of an excluded student (see section 6).

Provision does not have to be arranged for students in the 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 student

The Exclusions Committee will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the Exclusions Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the Exclusions Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Exclusions Committee will consider the exclusion and decide whether or not to reinstate the student.

The Exclusions Committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, Exclusions Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Executive Headteacher/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 student's educational record.

The Exclusions Committee will notify, in writing, the Executive Headteacher/Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, Exclusions 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require St Paul's Way Trust (SPWT) 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, the University Schools Trust (UST) will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by Exclusions Committee of its decision to not reinstate a student.

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 Executive Headteacher/Headteacher category.

- **Chair:** 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 Governor:** 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 Executive Headteachers during this time
- **Head teacher Category:** Executive Headteacher/Headteacher or individuals who have been an Executive Headteacher/Headteacher within the last 5 years

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

- Are a director of the UST, or governing board of the excluding school
- Are the Executive Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the UST, or the governing board, of the excluding school (unless they are employed as an Executive Headteacher at another school)
- Have, or at any time have had, any connection with the UST, school, governing board, parents or student, 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 student'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 student 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 student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students 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 student, parents, a member of senior staff and other staff, where appropriate.

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

- *Completing an Early Help Assessment (EHA)*
- *Agreeing a behaviour contract*
- *Putting a student 'on report'*
- *Internal isolation*
- *Learning Support*
- *Referral to external agencies*
- *Mentoring*

10. Monitoring arrangements

Jubair Ahmed (Deputy Headteacher of Behaviour and Inclusion) monitors the number of exclusions every term and reports back to the Headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by Jubair Ahmed every year. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour for learning policy
- AEN Policy
- SEND offer
- Anti-bullying policy
- Safeguarding policy

12. We follow the Department of Education's (DfE) guidance on internal exclusions (see Appendix 2)

Appendix 1: independent review panel training

The UST 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 Executive Headteachers/Headteacher, 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

Appendix 2: Internal Exclusion

Introduction

This guidance on internal exclusion is aimed at all schools and offers advice and good practice that schools may find helpful. There is no requirement for schools to follow this guidance, it should be used as a guide as to what internal exclusion should look like.

Internal exclusion is an internal process within the school and is used when the objective is to remove the pupil from class, not from the school site, for disciplinary reasons. It may be a formal process within the school but it is not a legal exclusion so exclusions legislation and the department's guidance on exclusion from school does not apply. Sending a pupil off site for behavioural reasons is a legal exclusion and has to be dealt with and recorded as such. There is not a prescribed model for the use of internal exclusion. This advice is intended to support schools to consider best practice in relation to their own setting and individual circumstances. Internal exclusion can form part of a whole school approach to promoting positive behaviour. Many schools operate behaviour management systems which involve the use of internal exclusion.

Internal exclusion may serve a number of different purposes, although its primary function is as a sanction to accommodate those pupils who have been removed from a lesson at very short notice for poor behaviour. It is mainly a feature of secondary provision. In a primary school the facility may more commonly be the head teacher's room or other teaching area, while in secondary schools there may be a designated 'remove room'. Internal exclusion or remove rooms are often supervised by senior staff, although not exclusively so. Remove rooms are a separate resource from a Learning Support Unit which provides short-term teaching and support programmes tailored to the needs of pupils who need help in improving their behaviour, attendance or attitude to learning.

Advice on establishing and maintaining a Learning Support Unit can be found at www.teachernet.gov.uk/learningsupportunits/. It is not advisable to use the term 'internal seclusion' as the word 'seclusion' legally means forcing a child to spend time alone against their will, whereas the aim of internal exclusion should be to provide appropriately supervised education not simply as a punishment but to secure improvements in the pupil's behaviour. It is also inappropriate to use the term 'inclusion room'. In this guidance we refer simply to a 'remove room'.

Effective Practice

As part of a whole school approach to behaviour and attendance, internal exclusion usually offers immediate, short-term provision in order that learning and teaching for the majority of pupils can continue uninterrupted. Any period of internal exclusion should be for the shortest time possible. It is good practice to develop a clear and shared understanding between all staff, children and young people, parents and carers about the policy and practice involved in internal exclusion. If internal exclusion is one of the disciplinary measures used by a school, this should be reflected in the school's behaviour policy. Guidance for schools on the establishment of school behaviour policies (including both the relevant legal requirements and good practice advice) is available at <http://www.teachernet.gov.uk/wholeschool/behaviour/schooldisciplinepupilbehaviourpolicies/>.

Remove rooms **should be** used:

- for pupils who have been internally excluded and referred through the correct channels
- when a potentially explosive situation can be resolved by placing pupils in the remove room
- in line with the school's behaviour policy

Remove rooms **should not be** used:

- for statutory education provision for excluded pupils
- as a place where pupils catch up on coursework or missed exams and tests
- for pupils sent without using the school's referral mechanism

Internal exclusion should **not become:**

- a provision for long-term respite care
- a dumping ground for pupils who may need specific support
- a 'badge of honour' for children and young people (i.e. they can gain inappropriate approval from their peers)
- a fast track to permanent exclusion

Referrals

There needs to be a transparent referral system for pupils who are internally excluded. An internal exclusion could, for example, be authorised by the Head of Year or a senior member of staff on the recommendation of the class teacher. The reasons for the referral to the remove room should be made clear to the pupil (and parents/carers if appropriate). The referral should also include information on what lessons the pupil will be missing and any suggested work that can be completed in the remove room. All referrals should be reported to the head teacher. Schools may wish to inform parents of any longer referral to the remove room. This would help to emphasise the seriousness of the sanction. Parents and carers need to know and understand the school's policy on internal exclusion, as part of the school's behaviour policy.

Education in the remove room

Pupils should understand that they will be required to complete set work whilst excluded from class and this work should be provided by teachers. Pupils should also be encouraged to reflect on the reasons for their internal exclusion. Where pupils are placed in internal exclusion for more than half a day, particular attention should be given to the activities they will undertake during this time.

These activities might include:

- completing a task set by the class or subject teacher
- completing a task set by staff supervising internal exclusion
- discussing the incident with an adult
- conducting a self-review resulting in a practical outcome such as a written apology
- analysis of the pupil's behaviour with supervising staff, with suggestions as to how the same situation can be avoided in the future

Structure

The programme of activities for the remove room should be carefully planned and structured. As internal exclusion is a sanction for poor behaviour, then any time a pupil spends in the remove room should be focused and used constructively to tackle any problems or carry on with class work. It is important that the pupils understand exactly what they have to do and why they are doing it. The remove room may operate different start and finish times compared to the rest of the school. If this is the case, then timings would need to be co-ordinated with any transport arrangements that are already in place and any out-of-school responsibilities that the pupil may have, such as escorting a younger pupil home or being a primary carer for a family member.

Environment

The remove room may be located within a classroom in a quiet area of the school, be a separate room within the school or in a separate building with its own entrance. A limit should be set regarding the number of pupils that can be in the remove room at any one time as overcrowding will diminish the positive effect this sanction can have. Staff should have access to an internal telephone or mobile phone. It is important that the remove room is completely separate and distinct from the Learning Support Unit and from any special educational needs bases. Appropriate resources, such as pens, pencils, rulers, calculators and PCs, should be available for the staff member on duty to lend to pupils while in the room. It is also useful to have a variety of literacy, numeracy and problem solving exercises ready for pupils to carry out if they have finished their work or while waiting for it to arrive. This will help to ensure that all the time pupils spend in the room is usefully occupied. The pupils should have appropriate access to toilets and drinking water. Lunch may be provided in the room unless this contravenes health and safety regulations, in which case it is advisable to ensure lunch is provided at a different time from the rest of the school. It is also useful to have examples of the type of behaviour expected (as described within the school behaviour policy) on display, as a reminder to pupils as they reflect on the incident that has resulted in their internal exclusion. It may also be helpful

to provide a display of reflective questions, as a stimulus, as pupils consider the consequences of their actions and how they might put a situation right.

Costs including staffing

Schools will wish to consider the costs involved in setting up provision for internal exclusion. There may be some initial start-up costs, but thereafter costs will mainly relate to staffing. The remove room could be supervised by staff on a rota basis or a permanent member of staff could take on this role, with the support of senior staff. Schools will want to ensure that all staff who supervise internal exclusion have the appropriate skills in managing difficult situations where pupils may be volatile, upset, angry or distressed in some way. This could potentially be a good development opportunity for staff and some staff may benefit from additional training. They will need to understand the purpose and functions of internal exclusion and be confident in applying agreed policy and procedure.

Monitoring

It is good practice to monitor all referrals to the remove room on a regular basis, including the gender, ethnicity, SEN status and age of pupils referred to the remove room and also the class from which they were removed and the length of time each pupil spends in the remove room. This can result in a useful set of data that will help with early intervention projects and school self evaluation. Schools can use the data to analyse referrals to internal exclusion and identify any trends that may occur.

Procedures

Flowchart on the Procedure for Fixed Term Exclusion

