



EXCLUSION AND APPEALS POLICY

Contents

1. Aims	3
2. The decision to exclude	3
3. Definition	4
4. Roles and Responsibilities	4
4.1 The Headteacher	4
4.2 The Local Governing Body.....	5
4.3 The Local Authority (LA)	6
5. Considering the reinstatement of a pupil	6
6. An independent review	7
7. School registers	8
8. Returning from a fixed-term exclusion or internal exclusion	8
9. Links with other policies	8
Appendix 1: Independent Review Panel Training	9

1. Aims

All parties involved in exclusions, including Headteachers, parents, governing bodies and Independent Review Panels, must have regard to the statutory guidance. At 62 pages long, the guidance can be inaccessible and overwhelming to many. This policy aims to set forth rights and responsibilities around exclusion with clarity and brevity to ensure that all exclusion proceedings at Katherine Warrington School are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties, and within the statutorily designated timelines.

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. 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.

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 (SEND)

Katherine Warrington School may choose to use an internal exclusion in lieu of a fixed-term exclusion. The process will mirror that of a fixed-term exclusion, except the pupil will be isolated from their peers in the school building from 8am to 4pm for each day of the exclusion.

There is a limit of 45 school days in an academic year for fixed-term exclusions. The law does not allow for 'converting' a fixed-term exclusion into a permanent exclusion. The school may issue a fixed-term exclusion pending investigation and, where further evidence has come to light, issue a further fixed-term exclusion to begin immediately after the first exclusion ends; or a permanent exclusion to begin immediately after the end of the fixed-term exclusion.

Care must be taken to avoid 'informal' or 'unofficial' exclusions (e.g. sending a child off-site for a 'cooling down' period). However, a pupil whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-term exclusion in an academic year, the Headteacher should consider whether exclusion is providing an effective sanction.

Permanent exclusion should only be used as a last resort where all alternatives have been considered and all strategies to change behaviour have failed. It must be demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Where an excluded pupil has Special Educational Needs (SEN) or is on the SEN register, it must be demonstrated that the school has regard for the SEN Code of Practice and has provided extensive means of support to help meet the pupil's needs. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Any intervention strategies should be discussed with and involve the pupil's parents.

3. 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.

4. Roles and Responsibilities

4.1 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 body panel and how the pupil may be involved in this
- Where there is a legal requirement for the Local Governing Body panel 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.

Independent advice can be obtained from:

Advisory Centre for Education (ACE)

1c Aberdeen Studios

22 Highbury Grove

London N5 2DQ

Phone Numbers

General Advice: Freephone 0808 800 5793

Exclusions Advice: Freephone 0808 800 0327

Exclusions Information: 020 7704 9822 (Answerphone for exclusions advice pack)

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

Informing the Local Governing Body and local authority

The Headteacher will immediately notify the Local Governing Body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- 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 Local Governing Body and LA once a term.

4.2 The Local Governing Body

Exclusions must be reported to governors in the Headteacher's Report.

Responsibilities regarding permanent exclusions is delegated to an exclusion review panel consisting of at least 3 governors, who have a duty to consider the reinstatement of an excluded pupil (see section 5).

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

4.3 The Local Authority (LA)

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

5. Considering the reinstatement of a pupil

The exclusion review panel 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

In reaching a decision, the review panel 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 exclusion review panel 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, the review panel'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 Local Authority 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

6. An independent review

If parents apply for an independent review, the Katherine Warrington School will arrange for an independent panel to review the decision of the Local Governing Body 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 the exclusion review panel 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/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/Headteachers or individuals who have been a Headteacher or Headteacher within the last 5 years

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

- Are a trustee of the Katherine Warrington School, or Local Governing Body 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 Katherine Warrington School, or the Local Governing Body 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 Katherine Warrington School, school, Local Governing Body, 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 Local Governing Body's decision
- Recommend that the Local Governing Body reconsiders reinstatement
- Quash the Local Governing Body'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.

7. 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 Local Governing Body will wait until that review has concluded before removing a pupil's name from the register.

8. Returning from a fixed-term exclusion or internal exclusion

Following a fixed-term or internal 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 Learning Support Plan or Pastoral Support Plan
- Putting a pupil on report to achieve set targets, which will be monitored daily

9. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy

Appendix 1: Independent Review Panel Training

The Katherine Warrington School 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, Local Governing Bodies 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