



EXCLUSION POLICY

This policy has been adopted by the Senior Leadership Team on:

Date adopted:

12th July 2021

Signed:

A handwritten signature in black ink, appearing to be "J. Smith", is written over a horizontal line.

Next review due:

July 2023

1. Context:

As a Pupil Referral Unit (PRU) we are mindful that many of our students have already been permanently excluded ('expelled') from a school and prior to that are likely to have had many fixed term exclusions ('suspensions').

As outlined in our Relationship & Behaviour Policy, at the VLC we believe that all behaviour is a means of communication and that 'poor' behaviour is usually a sign of an unmet need or difficulty coping in school. As such, consequences, such as exclusion, should be used as a last resort and they should seek to focus on repairing the student's relationship with peers, adults and the school.

2. Aims:

This policy seeks to ensure that:

- Any exclusions meet the requirements outlined in the statutory DfE guidance "Exclusion from maintained schools, academies and pupil referral units in England" (2017)
- The exclusions process is understood by students, staff, parents/carers and the Management Committee
- The exclusion process is applied fairly and consistently across all phases in the school

3. Decision to exclude

3.1 Only the Principal or Acting Principal, can exclude a pupil from school. A permanent exclusion (expulsion) would be a very rare decision and would be a last resort in unusual circumstances.

3.2 Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:
"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

3.3 A decision to exclude a pupil will be taken only:

- In response to a serious breach of the school's relationship behaviour policy, **and**
- If allowing the students 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 Principal 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 special educational needs (SEN) and whether the behaviours that lead to an exclusion are a consequence of need that the school has not appropriately sought to meet

4. Roles and Responsibilities

4.1 The Principal

Informing parents

The Principal will 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/carers' right to make representations about the exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Management Committee to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal will also notify parents/carers 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/carers 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

Informing the Management Committee and local authority

The Principal will immediately notify the Management Committee and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- 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 Principal 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 Principal will notify the Management Committee once a term.

5.2 The Management Committee

Responsibilities regarding exclusions are delegated to the Management Committee who also have a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the Management Committee will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the LA will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

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.

5. Considering the reinstatement of a student

The Management 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 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

If requested to do so by parents, Management 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 pupil missing a public examination, the Management Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the chair of the Management Committee (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the student.

The Management 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, the Management Committee 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 student's educational record.

The Management Committee will notify, in writing, the Principal, parents/carers and the LA of its decision, along with reasons for its decision, immediately.

Where an exclusion is permanent, the Management Committee 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 the LA 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. Independent Review

If parents apply for an independent review, the LA 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 Management Committee of its decision to not reinstate a students.

7. Links with other policies

- Relationships & Behaviour Policy
- SEND Policy