Thames View Infants
Exclusion Policy

1. Aims

The TVI Learning Academy Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Trustee's, Directors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils 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 pupils:

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 pupils
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

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

3. The decision to exclude

Only the Headteacher (HT), or in their absence the 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 and investigate 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 or Disability (SEND)

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, staff training days (INSET's) do not count as a school day.

5. Roles and responsibilities

5.1 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 the fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent

- Information about parents' right to make representations regarding the exclusion to the Board of Directors and how the pupil may be involved in this
- In the case of the fixed-period exclusion the date and time of the re-integration meeting (see section 9 below)
- Where there is a legal requirement for the Board of Directors delegated committee to meet to consider the reinstatement of a pupil, and that parents have a right to:
    - attend the meeting
    - be represented at a meeting (at their own expense)
    - to bring a friend or advocate

The Headteacher will also instruct the class teacher to provide the class work to take home and complete during the first 5 days of the exclusion which should be returned for making. On the 6th day of any exclusion alternative provision should be in place (see below).

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 the 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 and contact details 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.

Informing the Board of Directors and Local Authority, (LA)

The Headteacher will immediately notify the Board of Directors and the LA* of:

A fixed-period exclusion of any length including lunchtime exclusions (home dinners) or isolations
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/statutory assessment

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.

In addition, the Inclusion Leader will notify the Board of Directors and LA termly of all exclusions and children "at risk of exclusion" using the LA reporting mechanism.

**please see Appendix 1 for a template copy of the EX1 form sent to the LA and Appendix 2 for the template letter informing parents of the exclusion.*

5.2 The Board of Directors at Thames View Infants

Responsibilities regarding exclusions are delegated to the Appeals Committee consisting of at least 3 members of the Board of Directors. The Committee has a duty to consider the reinstatement of an excluded pupil (see section 6 below)

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

Within 14 days of receipt of a request for information, the Board of Directors will provide the Secretary of State (DfE) with information about any exclusion(s) in the last 12 months.

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.

The school has a named Inclusion Officer allocated by the LA. The Inclusion officer's role is:

- To support the school with preventing exclusions
- Working with the school and families to seek resolutions/solutions to sudden and long term Social, Emotional and Mental Health needs (SEMH) affecting the consistent education of the child and others in the school
- To raise needs to the LA and signpost the school/family to appropriate supporting agencies
- To hold information regarding children "at risk of exclusion" and advise on next steps
- To give advice, support and direction to the school, Headteacher and Board of Directors regarding the process of exclusion
- To attend meetings regarding exclusion on behalf of the LA
- To support the identification of "Day 6" provision and alternative provision for children with longer term SEMH needs
- To hold the school accountable for the support of children with complex needs and check the "legality" of an exclusion whether it be for a fixed-period or permanent

6. Considering the reinstatement of a pupil

The Appeals Committee 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/statutory assessments

If requested to do so by parents, the Appeals Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where the exclusion would result in a pupil missing a public examination/statutory assessments, the Appeals Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the Board of Directors (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 pupil.

The Appeals Committee 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 Appeals Committee 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 (taken by the Clerk to the Schools Trustees/Board of Directors) 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 Appeals Committee will notify, in writing, the Board of Directors, Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where the exclusion is permanent, the Appeals 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 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 school, with the support of the LA Inclusion Officer, 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/advocate 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 school, with the support of the LA Inclusion Officer, will arrange for an independent panel to review the decision of the governing board 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 Appeals Committee 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 Board of Directors category and 2 members will come from the 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/Director/Member/Trustee or volunteer
- School Govenors/Directors/Members who have served as such for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time

- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a Member/Director of the LA/school or Board of Directors of the excluding Academy Trust
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Academy Trust or the Board of Directors, 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 Academy Trust, school, Board of Directors, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (see appendix 2 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following outcomes:

- Uphold the Board of Directors decision to exclude
- Recommend that the Board of Directors reconsiders reinstatement
- Quash the Board of Directors 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 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 Board of Directors will wait until that review has concluded before removing a pupil's name from the register.

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

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following the fixed-period exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. The date and time of this will be included in the initial notification letter sent at the time of the exclusion (see section 5).

The following measures may be implemented when a pupil returns from their fixed-period exclusion:

- *Agreeing a behaviour contract/parental engagement plan/support plan*
- *Specialist or additional support in or out of class*
- *Other support strategies such as a Common Assessment Framework (CAF), referral to Social Care, referrals to medical agencies or specialist settings/professionals for children with more complex and long term needs*

10. Monitoring arrangements

The Headteacher designates the Deputy Headteacher, also the Inclusion Leader, to monitor the number of exclusions every term and report back to the Board of Directors through the Head Teacher Report and to

the LA using the "at risk of exclusion" register. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Claire Smith (Deputy Headteacher and Inclusion Leader) in line with the Safeguarding Policy and the termly duties detailed within it.

11. Links with other policies

This exclusion policy is linked to the following policies, all available on the school website:

- Behaviour policy
- Inclusion policy and information report
- Safeguarding Policy
- Learning and Teaching Policy
- PSHE policy
- Anti Bullying Policy
- LBBD Guide for those with responsibility for Exclusions (for school staff)

Appendix 1 *EX1 - Notification to LA of Headteacher's decision to exclude a pupil*

Section A: Personal details

Pupil's legal surname:				First name:	
Date of birth		Gender M/F:		UPN No:	
Address:				ULN No: (if pupil is in Year 9 or above)	
				Postcode:	
Parent/Care				Emergency contact details:	
Telephone:					
Mobile:					
School:				Year group:	

Seection B – Looked After Children details

Looked After Chil		Child in Need		Child Protection	

Responsible authority			
Contact name/numb of responsible officer (virtual school)		Exclusion pac sent	Y / N
Name of social worker:		Exclusion pac sent	Y / N

Section C - SEN details

SEN Status

N – No Special Educational Need		**K** – School Special Educational Need Support	
Q – Under Statutory Assessment		**E** – Statement /EHC plan	

SEN Area of Need

SpLD = Specific Learning Difficulty		MLD = Moderate Learning Difficulty	
SLD = Severe Learning Disability		PMLD = (Profound & Multiple Learning Difficulties)	
SEMHD = Social, Emotional and Mental Health Difficulties		SLCN = Speech, Language & Communication Needs	
HI = Hearing Impairment		VI = Vision Impairment	
MSI = Multi Sensory Impairment		PD = Physical Difficulty	
ASD = Autistic Spectrum Disorder			

Section D – Exclusion details

Type of exclusion:

Lunchtime		Permanent		Fixed term	

Number of school days missed (Lunch = 0.5 day exclusion)	
Will the exclusion affect attendance at any public examinations?	
Will the school make suitable arrangements?	

Start date of exclusion:		Return date:	

Main reason for exclusion

PP = Physical assault against a pupil Includes fighting, violent behaviour, wounding, obstruction and jostling.		**PA = Physical assault against an adult** Includes violent behaviour, wounding, obstruction and jostling.	
VP = Verbal abuse/threatening behaviour against a pupil Includes threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation and carrying an offensive weapon.		**VA = Verbal abuse/threatening behaviour against an adult** Includes threatened violence, aggressive behaviour, swearing, homophobic abuse and harassment, verbal intimidation and carrying an offensive weapon.	
BU = Bullying Includes verbal, physical and homophobic bullying.		**RA – Racist abuse** Includes racist taunting and harassment, derogatory racist statements, swearing that can be attributed to racist characteristics, racist bullying and racist graffiti.	
SM = Sexual misconduct Includes sexual abuse, sexual assault, sexual harassment, lewd behaviour, sexual bullying and sexual graffiti.		**DA = Drug and alcohol related** Includes possession of illegal drugs, inappropriate use of prescribed drugs, drug dealing, smoking, alcohol/substance abuse.	
DM = Damage Includes damage to school or personal property belonging to any member of the school community, vandalism, arson and graffiti.		**TH = Theft** Includes stealing school property, stealing personal property(from an adult or pupil), stealing from shops and other establishments on a school outing, selling and dealing in stolen property.	
PDB = Persistent disruptive behaviour Includes challenging behaviour, disobedience and persistent violation of school rules.		**Other** Includes incidents which are not covered by the categories above. This category should be used sparingly. ……	

Serious incident form completed Yes / No (*delete as applicable*)

Section E: Additional information			
Free school meals start date			
Mode of travel (walk, bus, car etc)			
Have you attached 12 weeks' attendance history?		Y / N	
Have you attached the parental exclusion letter?		Y / N	
If the exclusion requires 6th day provision, have you notified the tuition provider directly?		Y / N	
Medical conditions			
Name of doctor		Surgery tel. no.	

Section F – Pupil's ethnicity			
Bangladeshi		White and Black African	
Indian		White and Black Caribbean	
Pakistani		Any other mixed background	
Any other Asian background		White British	
Black African		Irish	
Black Caribbean		Traveller of Irish heritage	
Any other Black background		Any other White background	
Chinese		Any other ethnic group	
White and Asian			

Nationality: …….. Religion: ……
Language: ……..

Signature: …….. Headteacher Date: ……

Please send a copy to your day 6 provider and return to David Botterill, School Improvement Service,
5th Floor, Roycraft House, 15 Linton Road, Barking, IG11 8HE.
david.botterill@lbbd.gov.uk

Appendix 2

Template letter to parents informing them of the exclusion:

Dear Parent/Carer (Personally address),

I have decided to exclude xxxxxxx for a fixed period of time. This means that xxxx will not be allowed in school between xxpm on xxxxxxx and the close of school on xxxxxxxxx. He should return to School on xxxxxxxxx.

I realise that this exclusion may well be upsetting for you, but please be assured that I have not taken this decision lightly. Archie has been excluded for this fixed period because allowing him to remain in school follow the incident today would seriously harm his education and welfare as well as the other pupils and staff in the school.

The reason for today's exclusion is:

- xxxxxxxxxxxx

From our on-going discussions, you'll know that xxxxxxx behaviour presents in the following ways, at times:

During this state period Fixed Term Exclusion you have a duty to ensure that your child is not present in a public place in school hours unless there is reasonable justification for this. You may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, you will need to show reasonable justification.

You have the right to make representations about my decision to the Board of Directors by contacting xxxxxxx our Chair through the school office. The Board of Directors has no power to direct reinstatement however they must consider your representations, and may place a copy of their findings on your child's school record.

If you think your child has been discriminated against due to disability or any other reason, you have the right to make a claim to the First Tier Tribunal or County Court. (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm

You have agreed to attend a meeting regarding the reintegration of Archie into school on date and time of meeting. The purpose is to discuss how we can manage your child's return to school.

The following sources of support are available:

- The Coram Children's Legal Centre can be contacted on 08088 020 008 or at http://www.childrenslegalcentre.com.
- Parents in Partnership Service on 0208 593 4422.
- You may view the Department for Education statutory exclusions guidance at http://www.education.gov.uk/aboutdfe/statutory/g00210521/statutory- guidance-regs-2012.

Yours sincerely

Headteacher

Appendix 3:

Independent review panel training:

The Academy Trust 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, 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