



# **Exclusion Policy**

Last Reviewed: May 2018

Next Review Date: May 2021

## **Rationale**

This policy is an appendix of Washingborough Academy's Behaviour Policy; it deals with the policy and practice which informs the Academy's use of exclusion. It is underpinned by the shared commitment of all members of the Academy community to achieve a very important aim;

*To ensure the safety and well-being of all members of the Academy community, and to maintain an appropriate educational environment in which all can learn and succeed*

## **Introduction**

This policy should be read in conjunction with the Department for Education's (DfE) publication [Exclusion from maintained schools, Academies and pupil referral units in England](#)

The decision to exclude a pupil will be taken in the following circumstances;

- In response to a serious breach of the Academy's Behaviour Policy
- If allowing the student to remain in the Academy would seriously harm the education or welfare of the pupil or others in the Academy.

Exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the member of the Senior Leadership Team who is acting in that role).

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the Behaviour Policy;

- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour
- Verbal or physical abuse of other pupils or Academy staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm
- Indecent behaviour

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

## **Exclusion procedure**

- Most exclusions are of a fixed term nature and are of short duration.
- The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year
- The Governors have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a student being excluded for over 15 days in a school term or missing a public examination. (the Academy has adopted the Lincolnshire County Council guidelines)

- The Governors have established arrangements to review fixed term exclusions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations
- Following exclusion parents are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter
- A return to School meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Management Team and other staff where appropriate
- During the course of a fixed term exclusion where the pupil is to be at home, parents are advised that the pupil is not allowed on the Academy premises, and that daytime supervision is their responsibility, as parents/guardians.
- Work will be provided by the class teacher.

### **Permanent Exclusion**

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. The final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).
2. When a serious criminal act has been committed, the Academy will involve the police in any such offence.

### **General factors the Academy considers before making a decision to exclude**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the Academy or the student concerned. Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will;

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the Academy policies
- Allow the student to give her/his version of events
- Check whether the incident may have been provoked.

If the Head is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

## Appendix:

### Model Letters

***5 school days or fewer in one term, and where a public examination is not missed.***

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The exclusion begins/began on **[date]** and ends on **[date]**. **[Insert the following sentence if considering converting the fixed term into a permanent exclusion]** However, pending further investigations this fixed period of exclusion may lead to permanent exclusion.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[reason for exclusion]**.

**[For pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during this period of exclusion unless there is reasonable justification for this. I must advise you that you may 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, it will be for you to show reasonable justification. We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Governing Body of **(name of Academy)**. If you wish to make representations please contact **[Name of Contact]**, Clerk to the Governing Body, on/at **[contact details — address, phone number, email]**, as soon as possible. Whilst the Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record. In these circumstances it should also be noted that Governors are not legally required to invite you to a meeting.

You should also be aware that if you believe the exclusion has occurred as a result of discrimination you may make a claim under the Equality Act 2010 to the First- Tier Tribunal, (Special Educational Needs and Disability) or in the case of other forms of Discrimination, to the County Court.

(<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>).

You also have the right to see a copy of **[Child's Name]**'s school records. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

For more information you may wish to access a copy of the 2012 DfE Guidance on Exclusions at <http://www.education.gov.uk>.

You may also find it useful to contact the Children's Legal Centre on 08088020008 or on <http://www.childrenslegalcentre.com>.

The Education Out of School Team at Lincolnshire County Council is also available to provide you with advice and support in relation to exclusion procedures. They can be contacted on 01522 554525 or [Out\\_of\\_school@lincolnshire.gov.uk](mailto:Out_of_school@lincolnshire.gov.uk)

**[Child's Name]'s exclusion expires on [date] and we expect [Child's Name] to be back in school on [date] at [time] [unless I have notified you otherwise] – (if considering possible permanent exclusion)**

Yours Sincerely  
**[Name]**  
Headteacher

***fixed period exclusion of more than 5 school days (up to and including 15 school days) in a term.***

Dear **[Parent's name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The exclusion start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**. **[Insert the following sentence if considering converting the fixed term into a permanent exclusion]** However, pending further investigations this fixed period of exclusion may lead to permanent exclusion.

I realise that this exclusion may well be upsetting for you and your family, but my decision to exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded for this fixed period because **[specify reasons for exclusion]**.

**[for pupils of compulsory school age - next 3 paragraphs]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if exclusion is for fewer than 5 days]** of this exclusion, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school days of his **[or her]** exclusion **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[if the individual exclusion is for more than 5 days]**

From the **[6th school day of the pupil's exclusion [specify date]** until the expiry of his exclusion we **[ set out the arrangements if known at time of writing, if not known say that the arrangements will be notified within 48 hours with a further letter.]** will provide suitable full-time education. On **[date]** he should attend at **[give name and address of the alternative provider if not the home school]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter within 48 hours].**

You have the right to request a meeting of the school's Pupil Discipline Committee to whom you may make representations, and my decision to exclude can be reviewed. As the period of this exclusion is more than 5 school days in a term the Discipline Committee must meet if you request it to do so. The latest date by which the Discipline Committee must meet, if you request a meeting, is **[specify date — no later than the 50th school day after the date on which the Discipline Committee were notified of this exclusion]**. If you do wish to make representations to the Discipline Committee, and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone**

**number, email]**, as soon as possible. **(Name of Child)** also has a right to express their views regarding this exclusion and may do so by attendance at the Pupil Discipline Committee Meeting, if appropriate, or through other means e.g. written submissions or representation. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you believe the exclusion has occurred as a result of discrimination you may make a claim under the Equality Act 2010 to the First- tier Tribunal, (Special Educational Needs and Disability) or in the case of other forms of Discrimination, to the County Court.

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the Pupil Discipline Committee.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

For more information you may wish to access a copy of the 2012 DfE Guidance on Exclusions at <http://www.education.gov.uk>.

You may also find it useful to contact the Children's Legal Centre on 08088020008 or on <http://www.childrenslegalcentre.com>.

The Education Out of School Team at Lincolnshire County Council is also available to provide you with advice and support in relation to exclusion procedures. They can be contacted on 01522 554525 or [Out\\_of\\_school@lincolnshire.gov.uk](mailto:Out_of_school@lincolnshire.gov.uk)

**[Child's Name]**'s exclusion expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**. **[unless I have notified you otherwise] – (if considering possible permanent exclusion)**

Yours sincerely

**[Name]**  
Headteacher

## **Permanent exclusion.**

Dear **[Parent's Name]**

I regret to inform you of my decision to permanently exclude **[Child's Name]** with effect from **[date]**. This means that **[Child's Name]** will not be allowed in this school unless he/she is reinstated by the Governing Body's Pupil Discipline Committee. I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude **[Child's Name]** has not been taken lightly. **[Child's Name]** has been excluded because **[reasons for the exclusion — include any other relevant previous history]**.

### **[For pupils of compulsory school age]**

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. on **[specify the precise dates]** unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

### **[For pupils of compulsory school age].**

For the first five school days of the exclusion we will set work for **[Child's Name]** and would ask you to ensure this work is completed and returned promptly to school for From the sixth school day of the exclusion Lincolnshire Children's Services will provide suitable full-time education for **[Child's Name]** and you will be contacted by the Local Authority in the next few days regarding this.

### **[For pupils of compulsory school age]**

**[Where pupil lives in a Local Authority other than the excluding school's Local Authority]** I have also today informed **[name of officer]** at **[name of Local Authority]** of your child's exclusion and they will be in touch with you about arrangements for **[his/her]** education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the Governing Body must meet to review my decision. At the review meeting you may make representations to the Governing Body if you wish and ask them to reinstate your child in school. **(Name of Child)** also has a right to express their views regarding this exclusion and may do so by attendance at the Governing Body meeting or through other means e.g. written submissions or representation.

You also have the right to request that a representative from the Local Authority attends the meeting as an observer. For more information regarding this, please contact the Local Authority on the telephone number provided below.

The Governing Body has the power to reinstate your child immediately or from a specified date. Alternatively, they have the power to uphold the exclusion, in which case you then have a right to request that an Independent Review Panel considers the Governors decision. The latest date by which the Governing Body must meet is **[specify the date — the 15th school day after the date on which the Governing Body was notified of the exclusion]**.

You and your child have the right to make representations to the Governing Body and if you wish to be accompanied by a friend or representative please contact the Clerk to the Governors **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. You will be notified by the Clerk of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform **[name of Clerk]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you believe the exclusion has occurred as a result of discrimination you may make a claim under the Equality Act 2010 to the First- Tier Tribunal, (Special Educational Needs and Disability) or in the case of other forms of Discrimination, to the County Court.

<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the Pupil Discipline Committee.

You also have the right to see a copy of **[Child's Name]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[Child's Name]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

For more information you may wish to access a copy of the 2012 DfE Guidance on Exclusions at <http://www.education.gov.uk>.

You may also find it useful to contact the Children's Legal Centre on 08088020008 or on <http://www.childrenslegalcentre.com>.

The Education Out of School Team at Lincolnshire County Council is also available to provide you with advice and support in relation to exclusion procedures. They can be contacted on 01522 554525 or [Out\\_of\\_school@lincolnshire.gov.uk](mailto:Out_of_school@lincolnshire.gov.uk)

Yours sincerely

**[Name]**  
Headteacher

## **Model letter - Invitation to a Pupil Discipline Committee Meeting – Academy**

Dear (Name of Parent)

Pupil Discipline Committee Meeting –Permanent Exclusion

Name of Pupil

Further to (Headteacher's) letter to you, I am writing to confirm the School Governors' Pupil Discipline Committee will meet on (date, time and venue).

The meeting is being held following (Headteacher's) decision to permanently exclude (name of pupil) from with this school with effect from (date of exclusion). The Pupil Discipline Committee is required to hold a meeting to review the Head teacher's decision.

You are invited to attend this meeting and to make representations, verbally and/or in writing. You are also able to bring a representative or friend to this meeting. (Name of pupil) is also invited to attend this meeting to put forward his/her views regarding the exclusion. If he/she is unable to attend or you feel that this would not be appropriate, the Pupil Discipline Committee would welcome his/her views in written form or verbally through yourself.

The Pupil Discipline Committee will include the following Governors:

(Governors names)

The Local Authority may also attend this meeting as an observer.

If you wish to submit any written representations I would be grateful if you could forward these to me by (date) so that I can arrange for copies to be circulated to all parties prior to the meeting.

If you are to be accompanied by a representative or friend I would be grateful if you could confirm their details prior to the meeting.

In the meantime if you have any queries, please do not hesitate to contact me on the above telephone number.

Yours sincerely

Clerk to Governors

## **Model letter 5 - Academy**

### **From the clerk to the Governing Body parent upholding a permanent exclusion.**

Dear **[Parent's name]**

The meeting of the Governing Body at **[school]** on **[date]** considered the decision by **[head teacher]** to permanently exclude **[name of pupil]**. The Governing Body, after carefully considering the representations made and all the available evidence, has decided to uphold **[name of pupil]**'s exclusion.

The reasons for the Governing Body's decision are as follows: **[give the reasons in as much detail as possible, explaining how they were arrived at.]**

You have the right to request that an Independent Panel is appointed to review this decision. If you wish to do so, please notify me by no later than **[specify the latest date — the 15th school day after receipt of this letter]**. If you have not done so by this date you will lose your right to request an Independent Review.

Please also advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform me if it would be helpful for you to have an interpreter present at the hearing.

You must set out the reasons for your request in writing, and if appropriate should also include reference how the pupil's special educational needs are relevant to the exclusion. You also have the right to request that a Special Educational Needs (SEN) expert is appointed to attend the Independent Review Meeting. Their role is to give advice on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. You have the right to make this request regardless of whether or not the school recognises that (*name of child*) has special educational needs. There will be no cost incurred by parents where a request is made for an SEN expert to attend the meeting.

A three-member Independent Review Panel will comprise one serving, or recently retired (within the last five years), head teacher, one serving, or recently serving, experienced governor/ management committee members and one lay member who will be the Chairman. The Review Panel will rehear all the facts of the case — if you have fresh evidence to present to the panel you may do so. The Panel must meet no later than the 15th school day after the date on which your request is lodged. In exceptional circumstances Panels may adjourn the hearing until a later date.

The Independent Review Panel can make one of three decisions:

- They may uphold you child's exclusion
- They may recommend that the governing body reconsiders their decision
- They may quash the decision and direct that the Governing body considers the exclusion again.

The Independent Review Panel's decision is binding on all parties.

For further advice you may wish to contact the Education Out of School Team on 01522 555816

For more information you may wish to access a copy of the 2012 DfE Guidance on Exclusions at <http://www.education.gov.uk>.

You may also find it useful to contact the Children's Legal Centre on 08088020008 or on <http://www.childrenslegalcentre.com>.

The arrangements currently being made for **[pupil's name]**'s education will continue.

Yours sincerely

**[name]**

Clerk to the Governing Body