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1. Aims

Our service aims to ensure that:

The exclusions process is applied fairly and consistently

The exclusions process is understood by the management committee, staff, parents and pupils, and home schools

Pupils in the service 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](#). However this is adapted to be relevant to the Health Needs Service.

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

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](#).

3. The Decision to Exclude

Only the executive headteacher, or acting headteacher, can exclude a pupil from school or service. However our service is a health needs service and any incidents that may result in a permanent exclusion will be referred to the home school by the executive headteacher. The pupil may be asked to return to the home school in the most extreme circumstances. We will reinforce with the home school that our service is aware that off-rolling is unlawful and will advise the home school of the legal responsibilities they hold.

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.

The service will take account of any special educational needs when considering whether or not to exclude a pupil. The executive headteacher will ensure that reasonable steps have been taken by the service to respond to a pupil's SEND needs so the pupil is not treated less favorably for reasons related to the disability. Reasonable steps will include:

- Differentiation in the school's Behaviour Policy
- Developing strategies to support, improve or prevent the pupil's behaviour including PSP's, IHCP's, risk assessments
- Requesting external help with the pupil

- Staff training
- Personalised behaviour management plans (Including Positive Handling Plans, Positive behaviour Plans, Pupil Support Plans)
- Staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it.

A specific incident affecting order and discipline in the school may be such a reason. No exclusion or removal from the service will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation. Those practices will be communicated with the home school in order for them to be fully aware of the situation and support KHNES in supporting the pupil.

3a. Reasons to Exclude

Reasons for exclusion include:

- Serious breach of the service's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the service.

Any exclusion will be at the recommendation of the executive headteacher and the discretion of the management committee.

3b. Fixed Term Exclusion

Fixed term exclusion will be used for the shortest time necessary to secure benefits without adverse educational consequences. Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the service had already offered and implemented a range of support and management strategies.

These could include:

- Discussion with the pupil
- Mentoring (adult support)
- Discussion with parents and with the home school
- Setting targets and agreeing an individual behaviour plan and amendments to the risk assessment and pupil support plan
- Checking on any possible provocation
- Mediation
- Removal from class/s setting for a period of time and access to remote learning
- Multi-agency support

Exclusion will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

3c. Single Incident Temporary Exclusion

This may be used in response to a serious breach of service rules and policies or a disciplinary offence. In such cases the executive headteacher will investigate the incident thoroughly, usually via the management

team, and will consider all evidence to support the allegation, taking account of the service policies. The pupil will be encouraged, and if necessary be supported by familiar staff or parents, to give his/her version of events.

A member of the Leadership Team will check to find out whether the incident may have been provoked, for example by bullying or harassment. If necessary the executive headteacher will consult a member of the management committee, but not a member who may have a role in reviewing the executive headteacher's decision.

3d. Permanent Exclusion

A permanent exclusion is a very serious decision and the executive headteacher will consult with a member of the management committee and the home school before enforcing it.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies, such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Possession or use of an illegal drug on the school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Persistent disruptive behaviour

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.a Executive headteacher

If the executive headteacher decides to exclude a pupil they will;

- Ensure that there is sufficient recorded evidence to support the decision
- Explain the decision to the pupil as appropriate
- Contact the parents, explain the decision and ask that the child be collected
- Contact the home school to discuss and explain the situation, send a letter to the parents/home school confirming the reason for the exclusion, whether it is a permanent or temporary exclusion, the length of the exclusion and any terms or conditions agreed for the pupil's return
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked
- Plan how to address the pupil's needs on his/her return
- Plan a meeting with parents and pupil on his/her return

5.b Pupils' behaviour outside of the service

Pupils' behaviour outside service on service trips and sporting events is subject to the service's behaviour policy. Poor behaviour choices in such circumstances will be dealt with as if it had taken place in service.

Marking Attendance Registers following Exclusion when a pupil is excluded temporarily, he/she will be marked as absent using Code E.

6. Considering the reinstatement of a pupil

KHNES management committee and home school 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 or national curriculum test

If requested to do so by parents, the management 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 the service 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 pupil 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 pupil.

The management committee in liaison with the home school can either:

Decline to reinstate the pupil, or

Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, management committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Executive 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.

Management committee will notify, in writing, the headteacher, the home school headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent the management committee decision will also include the following:

The fact that it is permanent from our service and the pupil will return to the home school

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 home school and 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

7. An 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 pupil.

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 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 home school governors 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 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 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, home school or governing board/management committee of the excluding school

Are the headteacher of the excluding school or service, or have held this position in the last 5 years

Are an employee of the LA or the governing board/management, of the excluding school/service (unless they are employed as a headteacher at another school)

Have, or at any time have had, any connection with the LA, service, home school, home school governing board, 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 home schools governing board or service management committee decision

Recommend that the home schools governing board or service management committee reconsiders reinstatement

Quash the home schools governing board's or management committees 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 home school governing board/ service management committee 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 a fixed-term 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:

The points below are suggestions only and should be adapted to your school's specific circumstances.

Agreeing a behaviour contract

Putting a pupil 'on report'

10. Monitoring arrangements

The Executive leadership monitors the number of exclusions every term and reports back in the form of a quality assurance report to the headteacher and management committee. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Anthony Walmlsey every one years. At every review, the policy will be approved by the executive headteacher and the management committee of KHNES.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report