



# Exclusions Policy

## 1. Contents

1. INTRODUCTION	3
2. WHAT EXCLUSION MEANS	3
3. WHO EXCLUDES A PUPIL?	3
4. TYPES AND DEFINITIONS OF EXCLUSIONS	3
5. EXCLUSION PROCEDURES	3
6. PARENTAL/CARERS RESPONSIBILITIES	3
7. WHAT TO DO DURING AN EXCLUSION	4
8. AS A PARENT/CARER WHAT TO DO IF YOU DO NOT AGREE WITH THE EXCLUSION	4
9. DECISIONS THE GOVERNORS CAN MAKE	4
10. INDEPENDENT REVIEW PANEL	4
11. SCHOOL REGISTERS	5
12. ADVICE	5
13. REFERENCES	5
14. APPENDIX I – EXCLUSIONS FLOWCHART	6

## 1. Introduction

Castlebar Primary School and the local authority (LA) work in partnership to raise standards, achievement and address the issues of behaviour and discipline within the school community.

Castlebar School has policies, procedures and staff training in place to promote positive behaviour. Behaviour policies need to be applied consistently and be widely publicised so that all pupils, school staff and parents are aware of the standards of behaviour expected of pupils.

Exclusion should usually only be used as a final step when a wide range of other strategies have been tried and failed. It is an acknowledgement by the school that it has exhausted all available strategies for supporting the child to remain in school.

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

## 2. What exclusion means

A child will be excluded from their school because of unacceptable/intolerable behaviour.

## 3. Who excludes a pupil?

Only the Headteacher can decide to exclude a pupil from school or, if they are absent, the deputy/assistant head, who should make it clear that they are the acting Headteacher.

## 4. Types and definitions of exclusions

There are three types of exclusion:

- **Permanent exclusion** - This means that the Headteacher has decided that the pupil should not return to the school. Pupils with statements of special educational need should not be permanently excluded except in the most exceptional circumstances. Headteachers/teachers will usually be aware of increasing problems before the situation has escalated and should try every practicable means to maintain placements, including seeking LA and other professional advice and support. Where this process has been exhausted the school should liaise with the LA to arrange an interim annual review of the statement and seek advice from the relevant agencies.
- **Fixed term exclusion** - A fixed term exclusion is for a set number of school days, between one and 45 days in an academic year. The number of days will be stated in the letter the Headteacher sends to the parents. The exclusion is temporary and the pupil will return to school at the end of the exclusion. Please note that the number of days stated by the Headteacher relates only to school days and not weekends, holidays and teacher training days.
- **Lunchtime exclusion** - This type of exclusion is used to exclude a pupil for the lunchtime period only. The exclusion is treated as a fixed term exclusion equivalent to half a school day.

Exclusions for indefinite periods are not legal.

## 5. Exclusion procedures

The Headteacher will follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handling of exclusions.

## 6. Parental/Carers responsibilities

During the first one to five days of an exclusion (except for a lunchtime exclusion as specified above), the parent/carer must ensure their child is not in a public place during school hours. If they fail to do so, they will have committed an offence under Section 103(3) of the Education and Inspection Act 2006 and will be liable to a fixed penalty. (There is no appeal process but they have a defence if they can prove they had reasonable justification for their failure to comply.) If the exclusion is permanent or for six or more days, they must ensure that their child attends the alternative full-time provision which will be put in place from the sixth day (again except for lunchtime exclusions). Failure to do so could lead to action being taken against them for the non-attendance.

## 7. What to do during an exclusion

It is important for the parent/carer to liaise closely with the school; the school will be setting and marking work for the child for the first one to five days of any exclusion. The parent/carer has the right to see their child's school record, but due to confidentiality restrictions, they must put their request in writing.

## 8. As a parent/carer what to do if you do not agree with the exclusion

If you do not agree with the Headteacher's decision to exclude your child you have the right to state your views to the governors of the school. This can be done by writing to the governors, via the clerk to the governing body at the school's address.

- For exclusions of up to five days in one term: If you do not agree with the exclusion, you have the right to submit representations to the governors. The governors must consider and respond to your representations. You may also request that the governors meet to discuss the exclusion, but they do not have to.
- For exclusions between six and 15 days in a school term: If you do not agree with the exclusion, you have the right to submit representations to the governors. You also have the right to request that the governors meet to discuss the exclusion. If you make this request, the governors must meet within 50 school days of the date they were notified of the exclusion. The meeting is unlikely to take place before the exclusion ends and the governors are therefore unlikely to be able to direct reinstatement. However, the meeting can still provide the opportunity for all parties to make their views known. You have the right to present your views both in writing before the meeting and by speaking at the meeting. The governors may then add their written views to your child's school file.
- For all exclusions over 15 days in a school term (including permanent exclusions) or where your child will lose the opportunity to take a public examination: The governors must meet to consider the Headteacher's decision to exclude and that meeting must take place between the sixth and fifteenth school day after the date they were notified of the exclusion. The governors will meet at a time convenient to you, school staff, the local authority representative and themselves. If, due to exclusion, your child will miss the opportunity to take a public examination, the time limits do not apply and the governors will try to meet before the exam. A friend or relative may accompany you to the meeting to support you. It is advisable that your child attends, although it is recognised that this could be stressful for them.

## 9. Decisions the governors can make

After listening to the views of all parties, the governors will reach a decision. The governors may decide that the child should be reinstated, in which case they will return to school as soon as possible. (For short exclusions the governors may not meet until after the child has returned to school).

If the governors agree with (uphold) the Headteacher's decision to exclude, the child will return to school once they have served the number of days or lunchtimes originally stated by the Headteacher.

## 10. Independent Review Panel

If the child remains permanently excluded at the end of the process, the local authority will be responsible for finding suitable educational provision for them.

Where parents (or excluded child, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded child, they can ask for this decision to be reviewed by an independent review panel. Details of how to do this will be given in the governors' decision letter sent to the parent/carer after the meeting. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded child. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision. If the governing body does not subsequently offer to reinstate the child, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

## 11. School registers

Schools can exclude pupils with education, health and care (EHC) plans, but should note that these pupils are especially vulnerable to the impact of exclusion. The school in this situation would consider whether an early annual review or interim/emergency review of the EHC plan or statement should take place.

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 governing board 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.

## 12. Advice

The local authority (LA) can be contacted for advice on the process and procedures for exclusion. A representative of the LA will attend all governors meetings for permanent exclusions and fixed term exclusions of more than five days.

Their role is to advise the governors and to ensure the school has followed the DfE (Department for Education) guidance. They will also attend any independent appeal panels.

- Principal Officer or Support Officer, Behaviour Service and Exclusions 2nd Floor SW, Perceval House, 14-16 Uxbridge Road, Ealing W5 2HL Tel: (020) 8825 5070
- Ealing I SAID service (Impartial Advice, Information and Support on Disability and special educational needs) provides free and confidential advice, information and support to parents, carers, children and young people aged up to 25. Advice is free, impartial and confidential. (Previously known as ContinYou Ealing Parent Partnership Service). Lido Centre, 63 Mattock Lane, London W13 9LA, Tel: (020) 8280 2251, Email: [isaidealing@family-action.org.uk](mailto:isaidealing@family-action.org.uk), Website: <https://www.family-action.org.uk/what-we-do/children-families/special-educational-needs-services-children/isaid/>
- Advisory Centre for Education (ACE) National organisation that can offer telephone and written advice to parents/carers of excluded children. 1c Aberdeen Studios, 22 Highbury Grove, London, N5 2DQ. General advice line: 0808 800 5793 Exclusion line: (020) 7704 9822 Website: [www.aceed.org.uk](http://www.aceed.org.uk)
- Somali School Home Liaison Team Tel: (020) 8993 8211 Fax: (020) 8993 6733
- Coram Children's Legal Centre provides free legal information, advice and representation to children, young people, their families, carers and professionals, as well as training and consultancy on child law and children's rights. <http://www.childrenslegalcentre.com>

## 13. References

- <https://www.egfl.org.uk/services-children/exclusions>
  - Exclusion Procedures - Guidance for schools and governors (07/2017)
  - Parent Carer Guidance Leaflet
  - Exclusion notification forms
- <https://www.gov.uk/government/publications/school-exclusion>
  - Exclusion from maintained schools, academies and pupil referral units in England, statutory Guidance (Ref: DFE-00184-2017)

## 14. APPENDIX I – Exclusions flowchart

