

Wistow Parochial C of E Primary School

Head teacher: Carla Cox

Exclusion Policy

Document Status		
Date of Next Review	**October 2027**	**Responsibility – Full Governing Body**
Date of Policy Creation	**October 2024**	Responsible Governor Name
Date of Ratification at FGB Meeting	**October 2026**	**Allen Blake**
Policy Publication/Communication ☐ On the school website ☐ Shared staff network drive ☐ Updates to staff in staff meetings		*Signed off by the above named Governor during the full governing body meeting held on the date stated as ratified.*

Legislative Background

In addition to this policy, Head teachers, governing bodies, local authorities and independent appeal panels should have regard to DfE Statutory Guidance: *Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England August 2024*

Related School Policies

- Behaviour policy
- Equalities policy
- Anti-bullying policy
- Acceptable Use of Internet Agreement
- Home School Agreement

Types of Suspension/Exclusion

- **Fixed-Term Suspensions (FTS)** will be for a fixed number of school days. An individual fixed period suspension should be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate back into the school afterwards. They must not exceed 45 school days in an academic year as either a single suspension or a number of shorter suspensions added together.

  If a pupil receives more than 15 days of fixed-term suspension in a term, governors must meet to review the suspension. A school can suspend a pupil for lunchtimes but the school should make efforts to resolve any difficulties before using a suspension. In exceptional cases, a further fixed-term suspension or a permanent exclusion can be

issued to follow the initial FTS. If this happens, the Head teacher must write to the parent/carer to give reasons for the change.

- **Permanent Exclusions (PEX)** are issued when the Head teacher believes a pupil should never return to the school because they have seriously or persistently breached the school's behaviour policy and that allowing them to remain in school would seriously harm their education or welfare (or that of others in the school).

  This type of exclusion must be reviewed at a meeting by a panel of governors. The pupil and parent/carer will have the opportunity to put their case at the meeting, can be represented by someone who can speak on their behalf and can be supported by a friend, if they wish. If governors agree with the Head teacher's decision to permanently exclude the pupil, pupil and parent/carer have a legal right to a further opportunity to challenge this decision via an Independent Review.

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Partnership with Parents

In order for pupils to succeed, it is essential that parents work in partnership with the school to consistently reinforce the school's expectations. Wistow School will work in partnership with parents in order to ensure that expectations are clear and parents can reinforce them with their children. This includes keeping parents informed about decisions made in response to a child's chosen behaviours so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

Wistow School is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

Supporting Pupils to Succeed

At Wistow School we aim to include, not exclude. As a team, we approach all challenging behaviour in a supportive and positive way using restorative practice and our nurture training. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never 'give up' easily on a child, as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use Social Emotional and Behaviour tracking systems and CPOMS (our safeguarding and recording software) to assess patterns of challenging behaviour in pupils. Where patterns emerge we will systematically intervene, drawing up an Individual Behaviour Plan with SMART targets with the child, parent and teacher. We will always consider whether the behaviour displayed by the child is a communication of a wider need or could be because the child has additional Social, Emotional and Mental Health (SEMH) needs, which would lead us to believe that they should be covered by the SEN Code of Practice (2014) or covered by the Equality Act (2010) We would always, prior to exclusion, try attempting other strategies in the first instance or, in the case of a serious single incident, a proper investigation.

The Decision to Exclude

Only the Head teacher, or acting Head teacher, can exclude a pupil from school. Permanent exclusions are only to be taken as a last resort.

Wistow School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

> "…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.

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 Head teacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusionwere provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Pupils' behaviour outside school e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally this includes the any serious breach of policy which could 'bring the school into disrepute.

INSET or staff training days do not count as a school day. So for the purposes of exclusions, school day is defined as any day on which there is a school session.

Roles and Responsibilities

The Head teacher

Informing parents

The Head teacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Governing Body and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Body to meet to consider the

reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Head teacher 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 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

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 Governing Body and Local Authority

The Head teacher will immediately notify the Governing Body and the local authority (LA) of:

- A permanent exclusion, including when a suspension 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 Head teacher 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 Head teacher will notify the LA as soon as possible (using the correct notification form) and will inform the Governing Body once a term.

The Governing Body

The Governing Body has a duty to consider the reinstatement of an excluded pupil.

Within 14 days of receipt of a request, the Governing Body will provide the secretary of state with information about any exclusions in the last 12 months.

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

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.

Considering the Reinstatement of a Pupil

The Governing Body 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 suspension which would bring the pupil's total number of school days of exclusion to more than 15in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Governing Body 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 an exclusion would result in a pupil missing a public examination, the Governing Body will consider thereinstatement of the pupil before the date of the examination.

The Governing Body 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 Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head teacher 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.

The Governing Body will notify, in writing, the Head teacher, parents and the LA of its decision, along withreasons for its decision, without delay.

Where an exclusion is permanent, the Governing Body's 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 SET 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.

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

An Independent Review

If parents apply for an independent review, Wistow School will arrange for an independent panel to review the decision of the Governing Body 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 the Governing Body 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 school governor's category and 2 members will come from the Head teacher 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 Head teachers during this time

Head teachers or individuals who have been a head teacher 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 Wistow School or Governing Body of the excluding school
- Are the Head teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of Wistow School or the Governing Body, of the excluding school (unless they are employed as a Head teacher at another school)
- Have, or at any time have had, any connection with Wistow School school,

Governing Body, 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
- A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body's 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.

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 Governing Body 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 (suspended or excluded) will be used.

Returning from a Suspension

Wistow School will organise a re-integration meeting after a suspension. It 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 suspension:

- The points below are suggestions only and should be adapted to your school's specific circumstances.
- Agreeing a behaviour contract
- Supporting the pupils' needs through an IBP (individual Behaviour Plan) with SMART targets that are reviewed and amended regularly.

The aim is to support the pupil, and begin a fresh start, with clear expectations and support to improving behaviour and learning for the pupil.

Monitoring arrangements

Over the year, the Head teacher monitors the number of exclusions every term and reports back to the Governors in every meeting. Should a pupil be excluded, they work together with parents, any outside agencies (if involved) and the LA, to ensure that the pupil is accessing full-time education and that it is suitable for them.

Local Authority Support

To ensure schools comply with statutory guidance issued by the DfE, the Local Authority recommends use of forms, templates and model letters developed by the NYC Inclusive Education Service. These forms and the most up-to-date information and guidance on exclusions can be accessed via: https://cyps.northyorks.gov.uk/exclusions