

Exclusions Policy



Park House School, Newbury

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Version 1

Version control and dissemination

This is version 1 of this Policy. It will be reviewed by Transform Learning Trust every year.

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1. Purpose

1.1. This exclusion policy outlines Park House School's approach to exclusions, in line with statutory guidance¹

1.2. Park House School recognises that exclusion from school should be avoided wherever possible and is committed to seeking alternatives to exclusion wherever reasonable and possible.

1.3. All parties involved in exclusions, including Principals/school leaders, parents, governing bodies and Independent Review Panels, must have regards for statutory guidance. This policy aims to set forth the rights and responsibilities outlined in the guidance with clarity and brevity to ensure that all exclusion proceedings at Park House School are conducted in a fair and just manner. This policy will ensure appropriate notice and opportunity for all relevant parties to participate fully is given, in line with statutory timescales.

2. Applicability

2.1. This policy applies to all incidences of exclusion – both fixed-term exclusion (FTE) and permanent exclusion (PEX).

3. General Principles

3.1. Exclusion can only be for a breach of a school's behaviour policy, which is available to all students and parents. Exclusions cannot be for non-disciplinary reasons, such as:

- additional needs for a disability that the school feels it is unable to meet;
- lack of academic attainment/ability;
- the actions of a student's parent(s); or
- failure of a student to meet specific conditions before reinstatement.

¹ *Exclusion from Maintained Schools, Academies and Pupil Referral Units in England- Statutory Guidance for those with Legal Responsibilities in Relation to Exclusion.* (DfE, 2017, <https://www.gov.uk/government/publications/school-exclusion>)

3.2. There are two types of exclusion: fixed-term (or fixed-period) and permanent.

3.3. Permanent exclusions may only be in response to persistent breaches of the school's behaviour policy or for a 'one-off' serious breach of the behaviour policy, and where allowing the student to remain in school will be detrimental to the education and welfare of the student and/or others at the school.

3.4. There is a limit of 45 school days in an academic year for fixed-term exclusions. The law does not allow for 'converting' a fixed-term exclusion into a permanent exclusion. In cases involving serious breaches of the behaviour policy where additional evidence (including mitigating evidence) is required before making a decision whether to exclude, the school may issue a fixed-term exclusion pending investigation. Following investigation, the school may issue a further separate fixed-term exclusion to begin immediately after the first exclusion ends or a separate permanent exclusion to begin immediately after the end of the fixed-term exclusion.

3.5. On the sixth day of an exclusion, the school (or local authority, in the event of a permanent exclusion) must arrange suitable full-time education for any student of compulsory school age. Where a student receives consecutive fixed-term exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. Schools must carefully assess the quality of the alternative educational provision and ensure appropriate safeguarding measures at these providers.

3.6. The length of fixed-term exclusions will vary depending on context, severity and any aggravating or mitigating factors involved in the incident in question.

3.7. A panel of trustees must review permanent exclusions and any fixed-term exclusions which result in the student being excluded for more than 15 school days (singly or cumulatively) within one term. Schools are responsible for recording all exclusions on the school's relevant Management Information System (MIS) in a timely manner and keeping careful track of fixed-term exclusions that total more than 15 days in a term.

3.8 Permanent exclusions or exclusions taking students over 15 days in one term must be reported to the governing body immediately. Permanent exclusions must also be reported to the local authority as soon as is reasonably possible to enable them to make preparations to fulfil its duty to provide education from the 6th day of exclusion.

3.9. All exclusions will be reported to Trustees in a termly Principal's Report.

4. Roles and Responsibilities

4.1. Only the Principal may exclude a student. In exceptional circumstances or in the case of illness/other absence from school, the decision to exclude may be delegated to another member of the senior leadership team.

4.2 Parent(s) will be informed (via phone call/email in the first instance, followed by a letter) without delay of the length and reason for exclusion. This notification will also include confirmation of the parent's right to make representations to Trustees. To ensure compliance with up-to-date government guidance, the school uses standard letters for this purpose.

4.3. Pursuant to the duty of care placed on schools to ensure welfare, parent(s) must be informed of the exclusion before a student is sent off-site.

4.4. In all cases of permanent exclusion and fixed-term exclusions amounting to over 15 days in a term (cumulatively or singly), the decision of the Principal **must** be reviewed by a panel of trustees. Except in extenuating circumstances, the panel quorum is three trustees, with a clerk appointed in addition. One trustee on the panel will be designated as the Chair of the meeting and, in the event of a request for external independent review by parents (see section below entitled *Independent Review Panel*), will represent the panel at that independent review meeting. The Principal cannot be a member of the panel.

Subject to the availability of trustees, review meetings should be held within a period of 15 days from the date of the exclusion. The Principal will make arrangements for paperwork to be prepared for the panel as soon as possible and at least 5 days prior to the review meeting.

4.5. In fixed-term exclusions totalling **five or fewer school days** (or 10 or fewer lunchtimes or half days) in any one term must be reported to the governing body and recorded on the MIS. The 'governing body' must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

4.6. If an exclusion means that a student will **miss a public exam**, the panel should try to meet before the date of the exam. If this is not practicable, the Trust CEO may use the emergency powers for Chair's action to review the exclusion alone.

4.7. For fixed-term exclusions of **6 to 15 school days**, if the parent(s) make representations, the governing body must consider whether the excluded student should be reinstated within 30 school days of receiving the notice of exclusion. In the absence of any representations from the parents, the governing body is not required to meet and cannot direct the reinstatement of the student.

4.8. For fixed-term exclusions that singly or cumulatively total **more than 15 days** in one term, and for **permanent exclusions**, the panel must hold a formal hearing within 15 school days, whether or not the parent(s) make representations.

4.9. The review panel may confirm the exclusion and decline to reinstate/direct reinstatement of the student. There is no legal option to impose a lesser sanction, i.e. to commute a permanent exclusion to a fixed-term one.

The review panel may direct reinstatement for:

- any student excluded for a fixed term of more than five days
- a student who would miss a public exam
- a student who has been permanently excluded

If the student is to be reinstated, a re-integration programme should be planned with the school.

If reinstatement is not practicable – because the student is already attending another school or because the parent does not want it – the review panel must still consider the representations made by the school/parent(s) and decide whether or not the exclusion was justified. The decision should then be included in the student's record. After the review hearing, the clerk will inform the parties in writing about the result, with reasons for the decision. Decisions are communicated as soon as possible and every attempt is made to do this within 5 working days.

5. Principles of Natural Justice

5.1. All factual determinations are based on a balance of probabilities, both by the Principal and at any subsequent review. This means that the Principal/reviewing panel should accept that something happened if it is more likely that it happened than that it did not happen. In making a decision to exclude, the Principal must ensure that their decision is fair, based on the facts of the incident and does not include any elements of discrimination.

5.2. Members of the panel should be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal or school interest in its result. The Principal should not discuss individual exclusions with members of their governing body as cases may be referred to the governing body for review.

5.3. Parent(s) will be informed of the case put forward by the school (see 5.6) and have an opportunity to challenge it in the review meeting.

5.4. Both parties should be allowed to present their case without unreasonable interruption. Aggressive, repetitive or unnecessarily over-long presentations hinder the effectiveness of the review process and the Chair will retain discretion to curtail any such presentation.

5.5. Parent(s) should be able to bring a friend or adviser with them. An effective meeting, however, will not be able to accommodate large groups of people and the Chair retains ultimate discretion as to the attendance of invited parties beyond a reasonable number.

5.6. All documents to be used in evidence should be distributed to all parties at least five working days before the hearing. If new material is introduced at the hearing, all parties must have time to consider it. Should such material be voluminous, the Chair has the discretion to adjourn the meeting to allow proper review.

5.7. No party to the hearing should be in the presence of the panel unless the other party is also present. Every party should feel that they have had a full opportunity to present their case and have it duly considered.

7. Standard of Evidence for Review Panels

7.1. Guidance has been issued for Principals and governors to clarify the legal standards for review and the high quality of documentary evidence required for panel meetings. Principals and staff members delegated with responsibility for investigating breaches of behaviour policies should refer to this guidance. There should be no delays in gathering evidence and witness statements, both for reliability of recall and given the legal obligation to review exclusions within short statutory deadlines.

8. Independent Review Panel

8.1. If a permanent exclusion is upheld, parent(s) must be told of their right to seek an independent review of the decision reached by trustees and the deadline for seeking such a review. They also have the right to request the attendance of a SEND expert at the Independent Review Panel meeting. Decision letters sent by the school to the parent(s) will include these details of the right of independent review. The parent(s) have 15 school days (from the date of receipt of the review panel's decision) to seek an independent review.

8.2. Within 15 school days of such a request, the governing body will appoint an Independent Review Panel. The independent review is normally attended by the Principal, lead school staff member on the case, and Chair of the original review panel. The clerk of the original panel may attend but plays no formal part in proceedings.

The Independent Review Panel cannot direct a governing body to re-instate a student. It may:

- uphold the exclusion;
- recommend that the original panel reconsider its decision; or
- quash the original panel's decision and direct the panel to reconsider its decision.

In the latter case, the Independent Review Panel will then be expected to order that the school must make a payment to the Local Authority of £4,000 if it does not offer to reinstate the student.

8.3. If the case is subject to parallel police proceedings, the governing body has no power to delay a hearing beyond the statutory time limit. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request independent review in the normal way.