



Ryefield Primary School's Exclusion of Pupils Policy

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EXCLUSIONS OF PUPILS POLICY

Introduction

Ryefield 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. Unfortunately, in certain circumstances, the Headteacher may feel they have no option but to exclude a pupil.

What suspension and exclusion means

A suspension means that a pupil is not allowed to attend school or go on to school premises for a period of time. An exclusion means that, due to unacceptable behaviour, they may be permanently unable to attend the school.

Who excludes a pupil

Only the Headteacher can decide to exclude a pupil from school, or if they are absent, the Deputy Head, who should make it clear that they are acting in the Headteacher's absence.

Types and definitions of exclusions

There are three types of exclusion:

- *Permanent exclusion*
This means that the Headteacher has decided that your child should not return to school. Permanent exclusion will only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- *Suspension*
A suspension 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 that the Headteacher has sent you. The suspension is temporary and your child will return to school at the end of the suspension. Please note that the number of days stated by the Headteacher relates only to school days and not weekends, holidays and teacher training days.
- *External Lunchtime suspension*
This type of suspension is used to exclude a pupil for the lunchtime period only. The suspension is treated as a fixed term suspension equivalent to half a school day.

Suspensions for indefinite periods are not lawful

Your responsibilities

During the first one to five days of an exclusion (except for a lunchtime suspension as specified above), you must ensure your child is not in a public place during school hours. If you fail to do so, you will have committed an offence under Section 103(3) of the Education and Inspections Act 2006 and will be liable to a fixed penalty. (There is no appeal process but you have a defence if you can prove you had reasonable justification for your failure to comply.)

If the exclusion is permanent or for six or more days, you must ensure that your child attends the alternative full-time provision which will be put in place from the sixth day (again except for lunchtime suspensions). Failure to do so could lead to action being taken against you for the non-attendance.

What to do during an exclusion

It is important for you to liaise closely with the school; the school will be setting and marking work for your child for the first one to five days of any exclusion. You have the right to see your child's school record, but due to confidentiality restrictions, you must put your request in writing.

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. In accordance with DFE publication "***Exclusion from maintained schools, academies and pupil referral units***," **September 1st 2012** the statutory guidance is as follows:

- *For suspensions of up to five days in one term:*
If you do not agree with the suspension, 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 suspension, but they do not have to.
- *For suspensions between six and fifteen days in a school term:*
According to DFE guidance, the governing body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the suspension if:
 - The exclusion is permanent
 - It is a fixed period suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term or;
 - It would result in a pupil missing a public examination or national curriculum test

Also:

- If requested to do so by the parents, the governing body must consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the suspension if a pupil would be excluded from school for more than 5 days, but not more than 15, in a single term
- *For all suspensions 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 by the 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 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.

Decisions the governors can make

After listening to the views of all parties, the governors will reach a decision. The governors may decide that your 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 your child has returned to school).

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

If the governors agree with (uphold) the Headteacher's decision to permanently exclude your child, you have the right to request that an Independent Review Panel will review the governors' decision. Details of how to do this will be given in the governors' decision letter sent to you after the meeting. The decision of the Independent Review Panel is final. If your child remains excluded at the end of the process, the local authority will be responsible for finding suitable educational provision for them.

Students returning from a Suspension

All students returning from a suspension are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspension can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school.

Advice

The local authority (LA) can be contacted on the process and procedures for exclusion.

A representative of the LA will attend all governors meetings for permanent exclusions and suspensions of more than five days. Their role is to advise the governors and to ensure the school has followed the Department for Education guidance. They will also attend any independent review panels.

Temporary arrangements applying to suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022

All suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates) are subject to temporary arrangements with regards to the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels. This is a contingency measure should there be any further public health restrictions to limit the spread of COVID-19 that might make it difficult for meetings to be held in person within the normal statutory timescales.

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss a suspension or permanent exclusion that occurs between 25 September 2021 and 24 March 2022 (inclusive), must ensure that any such meeting takes place within the normal statutory timescales described in the statutory guidance [Suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England](#).

If the deadlines are missed because of COVID-19, the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

Governing boards and IRPs should:

- *facilitate remote access meetings where it is not reasonably practicable to meet in person*
- *consider the [actions for schools during the coronavirus \(COVID-19\) outbreak](#)*

A permanent exclusion should be taken as having ‘occurred’ on the first day of the permanent exclusion.

Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.

For any suspension or permanent exclusion that occurred between 25 September 2020 and 24 September 2021, the above also applies.

Conducting remote meetings

For suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates), meetings of governing boards or IRPs should be held via remote access if:

- *it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to COVID-19 and the governing board, or arranging authority for IRPs, is satisfied that:*
 - *all the participants agree to the use of remote access*
 - *all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used*
 - *all the participants will be able to put across their point of view or fulfil their function*
 - *the meeting can be held fairly and transparently via remote access*

The governing board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place.

Those who have no intention of taking part in the meeting should not be treated as ‘participants’ for the purposes of the conditions.

When determining if it is practicable to meet in person, the governing board or arranging authority should assess:

- *the facts of the case*
- *the circumstances in which a meeting in person could be expected to take place*
- *the needs of the intended participants, as far as this is possible*
- *the latest public health guidance, including the [actions for schools during the coronavirus outbreak](#)*

Arranging a remote access meeting

The governing board or arranging authority should explain the technology they propose to use and make sure that the participants, particularly pupils and their families, know that they do not have to agree to a meeting to be held via remote access.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Governing boards, arranging authorities and panel members must:

- *comply with relevant equalities legislation*
- *recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language*

The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required. For example, governing boards and arranging authorities may wish to run a 'test meeting' to trial if technology that is going to be used is suitable.

If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

Fairness and transparency

The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.

If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and pupils to take account of their wishes.

Running the meeting

If a meeting is held via remote access, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal. Parents may be joined by a friend or representative as normal.

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants, governing boards and IRPs must:

- *provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting*
- *indicate a named person who participants can contact with any questions they may have beforehand*
- *consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting*
- *ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:*
 - *how participants should indicate they wish to speak*
 - *how any 'chat' functions should be used*
 - *whether there will be any breaks in proceedings*
 - *how participants can access advocacy services during the meeting*

Applications for an independent review

The deadline for applications for an independent review has been reinstated to normal statutory timescales (15 days) in relation to permanent exclusions occurring from 25 September 2021. Applications for an independent review must be made within 15 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.

Schools must allow 15 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 (as amended).

The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 remains 25 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.