



Striving for Excellence

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# EXCLUSIONS OF PUPILS POLICY

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## Introduction

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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 exclusion means

An exclusion means that a pupil is not allowed to attend school or go on to school premises for a period of time, or in some cases permanently, due to unacceptable behaviour.

### 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.
- *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 that the Headteacher has sent you. The exclusion is temporary and your child 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.
- *External 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 lawful

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## Your responsibilities

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During the first one to five days of an exclusion (except for a lunchtime exclusion 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 exclusions). Failure to do so could lead to action being taken against you for the non-attendance.

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### What to do during an exclusion

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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.

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### What to do if you do not agree with the exclusion

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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 1<sup>st</sup> 2012** the statutory guidance is as follows:

- *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 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 exclusion if:
  - The exclusion is permanent
  - It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion 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 exclusion if a pupil would be excluded from school for more than 5 days, but not more than 15, in a single term
- *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 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.

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## Decisions the governors can make

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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.

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## Advice

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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 fixed term exclusions 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.

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## Review Framework

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### Revision History

**Date of this revision:** March 2016

**Date of next revision:** March 2017

The policy should be reviewed annually (or sooner in the event of revised legislation or guidance)

Revision date	By	Summary of Changes Made
March 2016	Curriculum Committee	

### Approval

Name	Signature	Title	Date of Issue	Version
Pam Nash	P Nash	Chair of Governors	March 2016	1