

Leytonstone School

EXCLUSION POLICY



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1. Aims and Introduction

'Leytonstone School is a village.

We are proud, a family, a community; we are citizens.

We work hard together, hands held, challenged to improve, and we improve, every day.

Every member of our community is dedicated to growth. We are both teacher and student; when we make mistakes, we reflect, regroup and improve.'

Our school aims to ensure that:

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

Introduction

The decision to exclude a student will be taken in the following circumstances:

- (a) In response to a serious breach of the school's Behaviour Policy
- (b) If allowing the student to remain in school would seriously harm the education or welfare of other persons or the student him/herself in the school.

Exclusion is an extreme sanction and is only administered by the Head Teacher. Exclusion, whether for a fixed term or permanent may be used for any of the following:

- 1) Verbal abuse to staff and others
- 2) Verbal abuse to students
- 3) Physical abuse towards/attack on staff
- 4) Physical abuse towards/attack on students
- 5) Indecent behaviour
- 6) Damage to property
- 7) Misuse of illegal drugs
- 8) Misuse of other substances
- 9) Theft
- 10) Serious actual or threatened violence against another student or a member of staff
- 11) Sexual abuse or assault
- 12) Supplying or possession of an illegal drug
- 13) Carrying an offensive weapon
- 14) Arson
- 15) Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.
- 16) Refusal to engage in the school's internal exclusion procedure
- 17) Bringing the school into disrepute

[All of which constitute examples of unacceptable conduct, and are infringements of the school's behaviour policy]

This is not an exhaustive list and there may be other situations where the Head Teacher makes the judgement that exclusion is an appropriate sanction.

At times the Head Teacher will decide not to use the extreme sanction of an exclusion but will decide that a Pastoral Support Plan should be drawn up to try avoid the sanction of an exclusion in the future. This might be accompanied by an internal exclusion.

The school believes that the best place to help a student to improve their learning and to manage their behaviour better is being in school. Exclusion from the School is a last resort to give space and time for a more effective sustainable solution to be found.

FORMS OF EXCLUSION

The school adopts a number of forms of exclusion but in all cases of any period of exclusion from a student's normal educational experience a full and complete record is to be kept in order to allow for analysis against the following objectives:

- To support a return to positive conduct with key indicators demonstrating improvement in conduct.
- To continue to provide a learning experience that allows academic progress to be made.

Individual Behaviour Plan (IBP)

This is not a formal exclusion tool for the management of serious negative conduct but is a precursor to exclusion should the student's conduct not improve and meet conditions that are set as part of the agreement. The agreement is to be signed by the student, their parents/carers and the school, and copies retained by all parties. This document is also used to support classroom teachers and the student to improve their behaviour.

PASTORAL SUPPORT PROGRAMME (PSP)

A **PSP** is a structured and co-ordinated 16-week school intervention for secondary schools, designed to support students at risk of permanent exclusion. It is intended to support students to avoid exclusion and is not intended to be a step in the process of permanent exclusion.

INTERNAL EXCLUSION

A period of exclusion where students spend a day or more working away from their peers on the school site within the Internal Exclusion provision. The school provides work to be completed during the period of exclusion and is likely to involve work with our specialist staff in order to reflect and support a return to positive conduct. If it is clear that the Internal Exclusion provision is not being effective in deterring poor behaviour, the school will consider alternative strategies for addressing that behaviour. It is at this stage that a child may be referred to the Waltham Forest Fair Access Panel so that alternative approaches can be discussed and a period of respite within the Borough might be deemed appropriate.

FIXED-TERM EXCLUSION

A period of exclusion from the school site for a defined number of days where parents/carers are fully responsible for their child being at home during school hours. A fixed term exclusion may also be served in an alternative provision as arranged. The school provides work to be completed at home during the period of exclusion, arranged by the student's Head of Year, and is to be brought back into school at the reintegration meeting following fixed-term exclusion. Heads of Year should see Appendix 2 for further details on the procedure for reintegration following fixed-term exclusion.

PERMANENT EXCLUSION

Permanent exclusion is extremely rare. There are, however, circumstances whereby a student's behaviour means that we are no longer meeting their educational needs, and those of other students, by continuing to educate them at the School.

2. Legislation and statutory guidance

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

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

3. The decision to exclude

Only the Head Teacher, or acting Head Teacher, can exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a student 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 Student."

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 student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others
- Before deciding whether to exclude a student, 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 exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

3.1 Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him".
- Arson
- Behaviour which poses a significant risk to the child's own safety.

The school will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

3.2 Fair Access Panel (FAP)

The school is part of a consortium of all state secondary schools in Waltham Forest. As a group we regularly meet and attempt to support each other by offering students a fresh start and alternative provision if the school has exhausted all reasonable means of supporting a student with improving their conduct and behaviour. The School will use the FAP if a student is facing permanent exclusion or the levels of fixed Term exclusion are becoming excessive.

4. Definition

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

5. Roles and responsibilities

5.1 The Head Teacher

Informing parents

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

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a Student, 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 student 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 board and local authority

The Head Teacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Head Teacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Head Teacher will notify the governing board and LA once a term.

5.2 The governing board

Responsibilities regarding exclusions are delegated to the Governors Disciplinary Committee (GDC) consisting of at least 3 governors.

The GDC has a duty to consider the reinstatement of an excluded Student (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the local authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

5.3 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.

6. Considering the reinstatement of a Student

The GDC will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the GDC will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the GDC will consider the reinstatement of the student before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the Student.

The GDC can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the GDC 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 student's educational record.

The GDC will notify, in writing, the Head Teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the GDC 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority 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
 - That 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

7. An independent review

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the GDC of its decision to not reinstate a student.

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 of the Local Authority or governing board 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 the Local Authority or the governing board, 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 the Local Authority school, governing board, parents or student, 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 (see appendix 1 for what training must cover)

A clerk will also be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board'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.

8. School registers

A student'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 student 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 student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a Student returns from a fixed-term exclusion and will be minuted in the meeting:

- Agreeing a behaviour contract
- Student will go on a Pastoral Support Plan
- Putting a student 'on report'
- Internal isolation

- Individual Behaviour Plan

10. Monitoring arrangements

The Deputy Head responsible for Pastoral Engagement monitors the number of exclusions every term and reports back to the head teacher and governing board. They also liaise with the local authority to ensure suitable full-time education for excluded Students.

This policy will be reviewed by the Chair of Governors every 3 years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy
- Anti-Bullying Policy
- Safeguarding and Child Protection policies including Peer on Peer abuse policy

Appendix 1: Independent review panel training

The Local Authority must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making

- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Head Teachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: Procedure for reintegration following Fixed Term Exclusion

The following is a procedural guide for SLT Pastoral Line Links (SLT), Heads of Year (HOY) and Form Tutors (FT) to use in the reintegration of students following fixed-term exclusion.

AHEAD OF THE REINTEGRATION MEETING

When the decision to exclude has been taken the following will happen:

1. The SLT Line Link or HOY depending on circumstance contacts the parents/carers of the student and informs them of the incident that is being investigated and if already arranged:

a. Of the nature of the exclusion;

b. How long it is for;

c. Of the intended date and time of the reintegration meeting (agreed with the parent/carer and then confirmed with the school admin team including Attendance Officer).

2. Point c above can be arranged by the School Office Manager if at the first point of communication this was not yet arranged. The SLT line link or HOY will need to arrange with them who will attend and the best time for a reintegration meeting to be held and this is then confirmed with parents/carers.

3. The HOY or member of SLT who will lead the reintegration meeting will arrange the terms of the return to School Agreement Following Exclusion. This may include one or more of the following:

- Personalised timetable
- Restorative meeting held between relevant parties
- Intervention/support strategy ie external agency referral to be discussed and agreed by parent.

4. The HOY or member of SLT that will lead the reintegration meeting arranges a room for it to take place in.

AT THE REINTEGRATION MEETING

5. The HOY or member of SLT leading the reintegration meeting collects any relevant paper work, the students' latest Progress report and takes the student and their parents/carers to the venue for the meeting.

6. The HOY or member of SLT leading the reintegration meeting will make a judgement on whether or not to have the student in from the beginning of the meeting or start by talking with the parent/carer first – If the parent is spoken to first then the way that the meeting will progress is to be agreed before inviting the student in.

7. The HOY or member of SLT leading the reintegration meeting will speak with the student and discuss a way forward in order to allow for reintegration to occur, to one or a combination of the following:

a. If applicable, a restorative meeting with any member of the school community affected by the negative conduct leading to the exclusion;

b. If applicable, any alternative provision to be agreed in order to support a return to positive conduct;

c. A period of the student being on report to their HOY, FT or a member of SLT (whichever appropriate) to be at least 2 weeks with targets for the report being agreed with the student and parents/carers to support in the monitoring of it.

8. The HOY or member of SLT leading the reintegration meeting will make a judgement about whether or not the student is ready to be reintegrated:

a. If the student is not judged to be ready to be reintegrated they are not allowed to and a further meeting is arranged in order to discuss next steps, allowing a period of time where the parent/carer can speak with the student away from the school setting. The student will be placed in internal exclusion if needed.

FROM THE REINTEGRATION MEETING

9. The HOY is responsible for any actions that are agreed at the reintegration meeting being confirmed in writing and completed.

10. Any actions, including IBPs or PSPs and the period of being on report, are reviewed by all stakeholders following an appropriate length of time in order to analyse the exclusion against the objectives.

11. The HOY is responsible for ensuring that all staff are aware of the students' return to school and the level of report that they are working on.