The Rutland Learning Trust

Providing outstanding education for all pupils – today and tomorrow!

*World-class education and care that allows every child to achieve their potential, regardless of location, prior attainment or background.*

By

Working Together
Sustaining Excellence

Transforming Learning



**Exclusion Policy**

**Why is this policy Required?**

Statutory Requirement

**What changes have been made?**

Removal of reference to RCC

**Impact of this policy:**Statutory Compliance and Clear Guidelines

**Date:**

March 2019 (Reviewed annually)

# Introduction

# Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units (PRUs) in England](https://www.gov.uk/government/publications/school-exclusion).

It is based on the following legislation, which outline schools’ powers to exclude pupils:

* Section 52 of the [Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/52), as amended by the [Education Act 2011](http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted)
* [The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1033/made)
* Sections 64-68 of the [School Standards and Framework Act 1998](http://www.legislation.gov.uk/ukpga/1998/31)

In addition, the policy is based on:

* Part 7, chapter 2 of the [Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2), which looks at parental responsibility for excluded pupils
* Section 579 of the [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/579), which defines ‘school day’
* The [Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1870/contents/made), as amended by [The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/3216/contents/made)

It is the policy of The Rutland Learning Trust to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion.

(Please refer to individual school’s Behaviour Management Policy).

# Purpose of this policy

The Exclusion Policy is designed to briefly outline the Trust’s approach to exclusions within the [DfE Statutory Guidance: Exclusion from maintained schools, academies and pupil referral units in England](https://www.gov.uk/government/publications/school-exclusion) *.* This policy complements and reinforces the statutory guidance, and is designed to clarify how schools in the Trust operate on a day to day basis.

**Principles**

* Exclusion is a sanction used by the schools in the Trust, only in cases deemed as serious breaches of the School’s Behaviour Policies.

A pupil may be at risk of exclusion from school for:

* + - Verbal or physical assault of a pupil or adult;
		- Persistent and repetitive disruption of lessons and other students’ learning;
	+ Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.
* A Fixed Term Exclusion from any of the schools in the Trust can only be authorised by the Headteacher or Deputy acting on their behalf. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.
* In the case of a Permanent Exclusion, this can only be authorised by the Headteacher and must only be done after consulting the Chief Executive Officer and the Chair of Trustees/Governing Body of the intention to impose this sanction, although the final decision rests with the Headteacher of the school.
* The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.
* The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

For the purposes of exclusions, the 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.

# The decision to exclude

Only the Headteacher, or deputy Headteacher, can exclude a pupil from school.

A permanent exclusion will be taken as a last resort.

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 Headteacher will:**

* Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion

were provoked.

* Allow the pupil to give their version of events.
* Consider if the pupil has special educational needs (SEN).

# Notification of an Exclusion

The Headteacher 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 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 pupil may be involved in this.
* Where there is a legal requirement for the governing board 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 Headteacher 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 board and local authority**

The Headteacher 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 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 Headteacher 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 Headteacher will notify the governing board and LA once a term.

* In the case of any exclusion parents will be notified by the Head teacher in a face-to-face meeting.
* A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.
* The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies e.g. the Local Authority Inclusion Officer. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with the LA Inclusion Officer. It is hoped that in most cases following an exclusion, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.
* The Chair of Trustees/Governors, LA Inclusion Officer and relevant school staff will be notified on the day of the exclusion of all Fixed Term Exclusions by being sent a copy of the exclusion letter, which is sent out to parents; it will clearly outline the reasons for the exclusion.

#  Pupils Returning from a Fixed Term Exclusion

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

# Permanent Exclusions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which the school may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off'’ incident.

If your child has been permanently excluded, be aware that:

* + The school's governing body is required to review the Headteacher's decision and you may meet with

them to explain your views on the exclusion;

* + If the governing body confirms the exclusion, you can appeal to an independent appeal panel organised by the local authority;
	+ The school must explain in a letter how to lodge an appeal;
	+ The Local Authority must provide full-time education from the sixth day of a permanent exclusion.

# Appeals

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is Nicola Tyers: ntyers@rutlandlearningtrust.com

# Relationship to other school policies

The Exclusion Policy should be read in tandem with each school’s Behaviour Management Policy as well as other relevant policies, particularly the Inclusion/ SEND Policy, and the Equality & Diversity Policy.

# Monitoring and Review

The impact of this policy will be reviewed by each school’s Local Governing Body.

The Headteacher will provide the Local Governing Body with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

**Appendix 1: Exclusions Flowchart 2019**

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**Appendix 2: Independent review panel training**

 All members of the independent review panel and clerks must 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 headteachers, 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