



TYWARDREATH SCHOOL

EXCLUSION POLICY AND GUIDANCE

Date guidance becomes effective: Immediately

Review date (2 years from approval): April 2022

Person responsible for Implementation and Monitoring: Headteacher/ Director of Education

Links to other relevant policies: Behaviour, Safeguarding, Anti-Bullying, Peer on Peer Abuse, Sexual Harassment, ICT Acceptable Use, Banned Substances,

Legal Framework: This guidance supports the statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

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

Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)

[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, this guidance supports:

Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

Section 579 of the [Education Act 1996](#), which defines 'school day'

The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

[Equality Act 2010](#)

Our School acknowledges its legal duties under the Equality Act 2010, in particular in respect to safeguarding, disability and Special Educational Needs.

1. The Aims of this guidance are:

Specifically, this guidance aims to ensure that:

- The exclusion process is fair, consistently applied and transparent
- The exclusion process is clear, transparent and understood by parents, pupils, staff and Governors
- That schools are implementing the Statutory guidance [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#) appropriately and templates are provided to support schools in the process

2. Introduction

Our schools have clear standards for pupil behaviour. These standards are aligned with the school's values and ensure that all members of the school community are respected and can learn and work in a positive and safe environment. In some circumstances, exclusion from school is a necessary and integral part of the school's approach to upholding our values and standards and to providing a safe environment where pupils can learn and staff can work without disruption. **All our behaviour policies contained explain that there is a potential for an exclusion and what the process will be (the statutory guidance will be followed at all times and expressly make reference to the Equality Act 2010).**

3. Types of Exclusion

Our schools can use two types of exclusion, dependent on the circumstances of the incident:

- a. A fixed term exclusion (also called 'suspension'). This is an exclusion for a specified period of time, after which the pupil will return to school.
- b. A permanent exclusion. This type of exclusion is used for the most serious incidents. The pupil, after due process has been followed, does not return to school and will be removed from the school roll.

4. The Decision to Exclude

Only the headteacher or acting headteacher, can decide to exclude a pupil from school. A decision to permanently exclude a pupil is made after discussion with the Director of Education from the trust. We are committed to following all statutory exclusion procedures to ensure that every child receives an education in a safe and caring environment.

A decision to permanently 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.

Examples of behaviours which **may** be considered serious, and therefore may warrant consideration of a permanent exclusion include (but are not limited to):

- Bullying or cyberbullying
- Serious incidents of physical violence or aggression, or threats of violence, including those which are pre-meditated
- Possession of banned substances in school including those which are illegal e.g. drugs, weapons, alcohol
- Sexual abuse or violence
- Serious discriminatory behaviour (including but not limited to discrimination against protected characteristics)
- Deliberate false activation or damage to fire alarms, fire prevention systems or other safety equipment puts the safety of members of the school community at risk
- Other behaviours which put at risk the safety and/ or education of others

5. Procedure for Exclusion

Before deciding whether to apply any form of exclusion (fixed term or permanent) the Headteacher will as per the Statutory guidance:

- Consider all the relevant facts and evidence, including due consideration of provocation. Where appropriate, the investigation will include staff and pupil witness evidence as well as consideration of other evidence.
- Where possible provide the pupil with an opportunity to account for their actions
- Take into account a pupil's special educational needs (SEND) including, when appropriate, the specialist knowledge and advice of the SENDCo
- Discuss with the PELs (Primary Executive Leads) or the Director of education from the trust

The Headteacher will make the decision to exclude on the balance of probabilities, carefully weighing up the available evidence and taking reasonable time to reflect on the decision.

6. Length of Exclusion (Fixed Term Exclusions)

The Headteacher will take into account the seriousness of the incident, the pupil's school record (including previous exclusions) and the impact of the incident on other members of the school when deciding the appropriate length of an exclusion. Typically Fixed Term exclusions are up to 5 days, and only the most serious incidents, or those which have been persistent, will result in Fixed Term exclusions which are longer than 5 days. The school recognises that lengthy exclusion from school may be detrimental to a pupils' education and welfare and all exclusions are carefully considered so that the length of time is proportionate to the incident and circumstances. The Headteacher may not exclude a child for a total of more than 45 days in any academic year.

Where significant or substantial information comes to light from further investigation, following an initial decision to apply a Fixed term exclusion, the headteacher may extend the period of exclusion. Alternatively, the new evidence may result in a decision being made to permanently exclude the pupil.

7. Informing Parents about a Decision to Exclude.

The headteacher will provide the following information, in writing, to the parents of an excluded pupil as soon as reasonably possible after the incident, and wherever possible before the exclusion begins:

- The reason(s) for the exclusion

- The length of 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, that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and/or to bring a friend

The headteacher will notify parents by the end of the afternoon session on the first 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.

8. Provision of Education during Exclusion

The school will always provide work for pupils to complete during any period of exclusion, for the first 5 days. Work will, wherever possible, follow the pupils planned curriculum and timetable. Where this is not reasonably possible (e.g. the pupil does not have access to specialist equipment) then the teacher will set alternative work. Completed work should be returned to the school for marking and feedback.

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

In the case of a permanent exclusion, provision of education is the responsibility of Cornwall Council Local Authority from Day 6 onwards.

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

9. Pupil Welfare during Exclusion

The school will assess the risk to pupil welfare of any exclusion and take appropriate measures to mitigate for this risk, including, as appropriate:

- Welfare support from a trusted adult, at a frequency determined by the Headteacher/ Designated Safeguarding Lead. This may be managed either via home visits, phone call or via an online platform e.g. Teams/

- Welfare support from an external agency e.g. social care, alternative education setting or suitable alternative
- A key adult as a point of contact in school for parents and the pupil, during the period of exclusion
- Other support appropriate to the pupils' needs and circumstances

10. Informing the Governing Board and Local Authority (Cornwall Council)

The headteacher will ensure that the local governing body (through the Chair), the Trust (via the Director of Education) and the LA are immediately informed of:

- A decision to permanently exclude a pupil
- Any fixed term exclusion which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Any exclusion 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.

11. Responsibilities of the Governing Body

The Governing Body reviews records of school exclusions termly, reported to the appropriate Committee with responsibility for monitoring pupil Behaviour.

Responsibilities regarding review of individual decisions to exclude pupils are delegated to a Governor panel consisting of at least 3 governors. Please see the DFE guidance for further information. The panel has a duty to consider the reinstatement of an excluded pupil in some circumstances.

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

12. Independent Review of Permanent Exclusion

Parents may request an independent review of a permanent exclusion, following the Governor Review where the Governing Board do not reinstate a permanently excluded pupils. If parents request an independent review, the academy will arrange for an independent panel to review the decision of the governing board.

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

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 governors category and 2 members will come from the headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member or trustee of TPAT, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of TPAT, or on the governing board of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with TPAT, the school, governing board, parents or pupil, 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

A clerk will be appointed to the panel.

The independent panel will decide one of the following: To uphold the governing board's decision

- To recommend that the governing board reconsiders reinstatement
- To 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.

13. School Registers

In the case of permanent exclusion, a pupil's name will be removed from the school register if:

- 15 school days have passed since the parents were notified of the Governor exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing (including via email) 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 pupil's name from the register.

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

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

14. Returning to School following a Fixed-Term Exclusion

Following a fixed-term exclusion, a re-integration (sometimes called 'return to school') meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The purpose of this meeting is to discuss and agree the support that the pupil requires to re-integrate positively into the school community. The overarching aim is to support the pupil to learn from the incident, understand the consequences of their behaviour on others, and to prevent

further incidents of inappropriate conduct and in doing so, to reduce the risk of future and further exclusion from school. This support may be short term, medium term or long term. The following strategies are examples of support which may be implemented when a pupil returns from a fixed-term exclusion:

Agreeing a behaviour contract

Putting a pupil 'on report'

Use of 'internal' provision where the pupil does not return to mainstream lessons for a period of time

Adaptations to timetable, class groups or tutor groups

Early Help or other social care or external partner support

A key adult/ mentor or other additional trusted adult support

A managed move, alternative provision (e.g. referral to an APA) or Trust exclusion

There should be agreement in the meeting about the appropriate timescale for any additional support to be in place, and the timescale for review.

15. Monitoring arrangements

The headteacher monitors the number and type of exclusions every term and reports back to the local governing board. The Headteacher is responsible for liaison with the local authority to ensure suitable full-time education for excluded pupils, in line with statutory requirements.

Appendix 1

Power to search

Our School has the right to search pupils for 'prohibited items' including knives and weapons, alcohol, behaviour changing drugs/substances, stolen items, tobacco and cigarette papers (including e-cigarettes), lighters/matches, fireworks, pornographic images, any article that has been or is likely to be used to commit an offence (e.g. aerosols) or cause personal injury or damage to property and any other item which has been banned by the school rules. (See Banned Substances). In such cases as there is reasonable evidence to search for any of the above, two members of staff will be present, including a member of the Leadership Team.

Where possession of an item by a child is illegal (items such as knives, drugs, suspected stolen items and pornography) the school will always work in partnership with the police. If during a search an electronic device is found and it is suspected that it has been or will be used to commit an offence or cause injury, damage to property, disrupt teaching or break the school rules, then the school may examine any data or files on the device where there is good reason to do so. The school may also delete files or data if it is thought there is a good reason to do so, unless the device is to be given to the police.

If a pupil fails to co-operate the pupil will be required to leave the school site. The school has not excluded the pupil and the pupil's absence will be treated as unauthorised.

A School's general power to discipline, as set out in Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty, where reasonable to do so. All confiscated items will be disposed of by the school as appropriate.