



Long Sutton County Primary School

Exclusion of Pupils Policy

## EXCLUSION OF PUPILS

### Reference Points:

- DfE Guidance - Exclusion from Maintained Schools, Academies and Pupil Referral Units in England (Issued September 2012)
- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Review) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England)
- Model Letters and forms available from Education Out of School Team
- [www.education.gov.uk](http://www.education.gov.uk)

### Contact Points

Education Out of School Team (01522/552572)

Education Out of School Co-ordinator (01522/553214)

Education Out of School Officers (01522/553318/3510)

Parent & Pupil Liaison Officers (01522/553495/3362)

SEN Officer Casework & Planning (01522/552847)

Education Officer for Children in Public Care (South) (01522/553645)

Education Officer for Children in Public Care (North) (01522/553653)



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### Action Points

Head teachers, teachers in charge of Pupil Referral Units (PRU), Governing Bodies, LA's and Independent Review Panels must by law have regard to the DfE Guidance Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, (as detailed above) when making decisions about exclusions and administering the exclusion procedure. This means that, whilst the Guidance does not have the force of statute, there is an expectation that it will be followed unless there is a good reason to depart from it. This Guidance is not exhaustive and judgements will need to take account of the circumstances of individual cases.

These procedures apply to all pupils who attend Maintained schools, Academies and Pupil Referral Units, including any who are below or above compulsory school age.

The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Head teachers are strongly advised to refer to the full guidance issued by the DfE which can be found on:- <http://www.education.gov.uk>

### Model Letters

The LA also advises Head teachers to use the model letters provided for exclusions. Model letters for maintained schools can be found at the end of this document in Appendices 1 to 5; whilst model letters for use by Academies can be found under Appendices 6 to 10.

Head teachers will need to be particularly aware of the requirement in the guidance to provide full-time education for any pupil who is excluded for a fixed period of more than 5 school days. Further information regarding this can be found on the above website and in the 2012 Exclusion Guidance.

### Notification Forms

The Local Authority provides the necessary forms to complete upon excluding a child. These forms are as follows:

- Form EXC1 – Notification to LA of fixed period exclusions.
- Form EXC3 – Notification to LA of a permanent exclusion.
- Initial Notification of permanent exclusion form.



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Samples of these forms are provided under Appendices 11 to 13, but Word and Excel versions are also available on request from the Education Out of School Team.

For further information and/or clarification on any point, please contact the Education Out of School team directly.

### **Pupils with Special Educational Needs**

Head teachers should try every practicable means to maintain the placement of pupils with special educational needs, including seeking LA and other professional advice as appropriate. Where this process has been exhausted, the school should liaise with the LA about initiating an "interim" annual review of the statement. Head teachers should make every effort to avoid excluding a pupil part way through the statutory assessment process.

Where a pupil is excluded from a special school, during the period between the Headteacher's initial decision and the meeting of the Governors' Discipline Committee, the Headteacher should work with the LA to see whether more support can be made available, or whether the statement can be changed to name a new provision. If either of these options is possible, the Headteacher should normally withdraw the exclusion.

### **Support agencies**

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs. In such circumstances schools should consider initiating a Team Around the Child (TAC) or other appropriate support services.

### **Trial admissions**

Head teachers should not admit pupils on a trial basis or refuse admission on the grounds that the pupil may disrupt the education of other pupils. If the pupil is seriously disruptive, the proper procedures must be followed as for any other pupil.

### **"Voluntary" withdrawal**

Pressure on parents to secure the "voluntary" withdrawal of their children from a school roll is not acceptable and the proper procedure should be used.



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## **Removal of pupils from school in exceptional circumstances**

Where a Headteacher has removed a pupil from the school under section 29 (3) of the Education Act 2002, Head teachers are reminded that the school is responsible for providing a full time programme of education and that the removal should be for the shortest time possible. This situation should be kept under regular review and all parties involved kept informed. Schools and Academies are advised to contact the Education Out of School team for advice before removing any child under section 29 (3).

## **Independent Review Panels**

Parents have a right to appeal to an Independent Review Panel following a permanent exclusion even if they did not make representations to the Governors' Discipline Committee. For a maintained school the Panel is convened by the Legal Office (telephone number 01522/552579) and consists of 3 members who are independent of the LA, the school and its Governors. The decision reached by the Review Panel is binding by the school. Academies must at their own expense, arrange for an Independent Review Hearing if requested by parents/carers. Academies are able to purchase services from the County Legal team to organise and manage this process if they so wish.

## **Continued education**

If a permanently excluded pupil is not reinstated, arrangements will need to be made for their continued education and a variety of options exist. The Local Authority's Education Out of School Team will support parents/carers in securing alternative educational provision.

Admission to a mainstream school can only be refused if it is full, i.e. to admit the pupil would prejudice the provision of efficient education. It is not legal to refuse admission on the following grounds.

- the child has been excluded from the previous school;
- the child is, or may be, disruptive or badly behaved;
- the child has, or might have, a criminal record;
- it is felt that the child would be better served by admission to a different school;
- The child has a statement of SEN designating the school or might have special needs.

Parents do, of course, have a right to appeal against a refusal to admit.



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## **Review**

The Headteacher and Governing Body will review this policy every two years in consultation with staff.

Written – June 2015

Review – June 2017

Bill Lord

Head Teacher