



# St Mary's Catholic Primary School, Knaresborough

## Exclusion Policy and Procedures

**“With Christ at the centre, we show  
Unity, Respect, Joy, Love and Courage.”**

### **St Mary's School Mission Statement**

Policy review date- Spring 2022  
Person Responsible- Helen Tomlinson  
Ratified by Academy Council- Spring 2022  
Review date- Spring 2025

## Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

## Legislative Background

In addition to this policy, Headteachers, governing bodies, local authorities and independent appeal panels should have regard to DfE Statutory Guidance: *Exclusion from maintained schools, Academies and pupil referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion – September 2017*.

## Related School Policies

- Behaviour policy
- Equalities policy
- Anti-bullying policy

## Types of Suspension/Exclusion

- **Fixed-Term Suspensions (FTS)** will be for a fixed number of school days. An individual fixed period suspension should be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate back into the school afterwards. They must not exceed 45 school days in an academic year as either a single suspension or a number of shorter suspensions added together.

If a pupil receives more than 15 days of fixed-term suspension in a term, governors must meet to review the suspension. A school can suspend a pupil for lunchtimes but the school should make efforts to resolve any difficulties before using a suspension. In exceptional cases, a further fixed-term suspension or a permanent exclusion can be issued to follow the initial FTS. If this happens, the headteacher must write to the parent/carer to give reasons for the change.

- **Permanent Exclusions (PEX)** are issued when the headteacher believes a pupil should never return to the school because they have seriously or persistently breached the school's behaviour policy and that allowing them to remain in school would seriously harm their education or welfare (or that of others in the school).

This type of exclusion must be reviewed at a meeting by a panel of governors. The pupil and parent/carer will have the opportunity to put their case at the meeting, can be represented by someone who can speak on their behalf and can be supported by a friend, if they wish. If governors agree with the Headteacher's decision to permanently exclude the pupil, pupil and parent/carer have a legal right to a further opportunity to challenge this decision via an Independent Review.

## Suspension/Exclusion as a Last Resort

A pupil will be suspended/excluded from school only as a last resort and as a result of serious and/or persistent breaches of the school behaviour policy and where allowing them to remain in school would be of serious detriment to the education or welfare of the pupil or others in school.

Other options should be investigated before resorting to an suspension/exclusion. The NYCC [Ladder of Intervention](#) provides structured, step-by-step guidance for schools to support individual pupils who have

social and emotional needs manifesting in challenging behaviour that could lead to a suspension/exclusion. The [guidance](#) details a graduated response to ensure early help is in place to support children and young people with social, emotional and mental health needs, including those that are at risk of suspension/exclusion.

Before taking the decision to suspend/exclude, the Headteacher should consider the following:

- **What whole-school approaches and provision are in place to support this pupil?**  
e.g. whole school behaviour policy and inclusive practice to support behaviour for learning, quality first teaching, etc. *Are school policies inclusive or do they discriminate against particular pupils with specific needs?*
- **What measures or strategies has the school put in place to support this specific pupil?**  
e.g. behaviour plan, specific learning support, mental health and wellbeing advice, etc. *Have support and intervention been put in place and has enough time been allowed for the intervention or support to take effect?*
- ***If there have been multiple, repeat suspensions/exclusions for similar reasons (e.g. abusive behaviour, drug use, etc.) what has been put in place to successfully address the causes? Where the school is repeatedly suspending/excluding for the same reason, this could indicate unmet needs.***
- **What support has been sought from outside agencies, including the Local Authority? Through its universal and targeted provision, the LA provides access to a range of services. Has school accessed any of the following?**
  - SEND guidance (for pupils with Special Educational Needs or a Disability)
  - Ladder of Intervention
  - SEND Assessment (leading to an Education Health and Care Plan)
  - Local Behaviour Collaborative or the Pupil Referral Service (PRS)
  - Referral to the Locality Hubs to support additional educational and/or social, emotional and mental health needs
  - Advice and support from an Educational Psychologist, the Early Help Service, Child and Adolescent Mental Health Service (CAMHS), Youth Justice Service or Children's Social Care
  - An Early Help (EH) Assessment and Action Plan

### Grounds for Exclusion

In line with paragraph 16 of the statutory guidance, before excluding a pupil permanently, the Headteacher must be convinced that there is sufficient evidence that the pupil has committed a disciplinary offence and that allowing the pupil to remain in school would seriously harm the education or welfare of that pupil or others in the school.

### Protocol – Investigation

Before deciding whether to suspend/exclude a pupil the Headteacher should

- make sure that a thorough investigation has been carried out, consulting others if necessary;
- give the pupil a chance to say what happened;
- think carefully about the evidence available;
- ensure that the suspension/exclusion is for the shortest time necessary;
- take into account the school's Behaviour and Equality Policies and, if appropriate, the Race Relations Act and Disability Discrimination Act;
- check whether bullying or racial or sexual harassment (or any other coercion) led to their actions

## Protocol – Decision

The decision to suspend/exclude (either for a fixed-term or permanently) can only be taken by the Headteacher. Upon coming to the decision to suspend/exclude, the school must inform the parent/carer by telephone as soon as possible and follow this with a formal letter. To ensure statutory returns can be made to the DfE and so that alternative education can be put in place (in the event of a permanent exclusion), the school should also inform the Local Authority.

## Local Authority Support

To ensure schools comply with statutory guidance issued by the DfE, the Local Authority recommends use of forms, templates and model letters developed by the NYCC Inclusive Education Service. These forms and the most up-to-date information and guidance on exclusions can be accessed via:

<https://cyyps.northyorks.gov.uk/exclusions>

## School Exclusion Procedures

These procedures are based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

They are 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

In addition, the procedure are based on:

- 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](#)

### 3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil 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 pupil 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 pupil.”

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 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)

#### **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 Headteacher**

###### **Informing parents**

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion/suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Academy Council and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Academy Council 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 Academy Council and local authority**

The headteacher will immediately notify the Academy Council and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- 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 Academy Council and LA once a term.

## 5.2 The Academy Council

Responsibilities regarding exclusions are delegated to the Academy Council

The Academy Council has a duty to consider the reinstatement of an excluded pupil (see section 6).

## 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 pupil

The Academy Council will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, the Academy Council will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil 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 pupil missing a public examination the Academy Council will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Academy Council will consider the exclusion and decide whether or not to reinstate the pupil.

The Academy Council can either:

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

In reaching a decision, the Academy Council will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 pupil's educational record.

The Academy Council will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Academy Council's 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 pupil's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the BWCAT to appoint a 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 a 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 BWCAT will arrange for an independent panel to review the decision of the Academy Council not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Academy Council 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 governor's 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 director of the BWCAT, or Academy Council 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 the BWCAT or the Academy Council, of the excluding school (unless they are employed as a headteacher at another school)
  - Have, or at any time have had, any connection with the BWCAT school, Academy Council, 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 (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Academy Council's decision
- Recommend that the Academy Council reconsiders reinstatement
- Quash the Academy Council'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 pupil'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 pupil 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 Academy Council 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.

## **9. Returning from a suspension**

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

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation

## **10. Monitoring arrangements**

Principal Lead Administrator (PLA) monitors the number of exclusions every term and reports back to the Acting Headteacher. They also liaise with the local authority to ensure suitable fulltime education for excluded pupils.

This policy will be reviewed by the PLA name of role/individual] every 3 years. At every review, the policy will be approved by the Academy Council.

## **Appendix 1: Independent review panel training**

The BWCAT 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 headteachers, Academy Councils 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



