Pelham Academy Trust
Exclusion of pupils Policy

What is an exclusion?

An exclusion is a disciplinary measure that the Head Teacher can use to deal with unacceptable behaviour. There are three types of exclusion.

Lunchtime - your child may be excluded from school premises for the lunch time period. This can only be for a set length of time (e.g. one week) if your child qualifies for free school meals, he/she is still entitled to receive a meal if they are excluded at lunch time.

Fixed term - your child may be excluded for a specified number of days (maximum 45 days in any one school year). You will be given a start and finish date of the exclusion and when your child is expected to return to school.

Permanent

When is a decision taken to exclude a pupil?

A decision to exclude a pupil permanently should be taken only in response to serious breaches of the school's behaviour policy e.g. If allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

A decision to permanently exclude is a serious one and will usually be the final step if the school has tried a range of sanctions and other strategies to improve behaviour that is consistently falling below what is expected.

However there will be exceptional circumstances where it is appropriate to permanently exclude for a first or 'one off' offence, which might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

When is exclusion not appropriate?

Exclusion should not be used for:

- Minor incidents such as failure to do homework or to bring dinner money
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Breaches of school uniform rules or rules on appearance, except where these are persistent and in open defiance of such rules
• Punishing pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting

Who can exclude?

Only the Executive Head teacher, Head Teacher or designated Acting Head Teacher.

How will you know if your child has been excluded?

You will receive a letter from the Executive Head Teacher / Head Teacher stating the reason for the exclusion and your right to make representations to the Discipline committee of the Governing Body.

What happens to my child's education whilst s/he is excluded?

Day 1 to Day 5

You have a duty to ensure that your child is not present in a public place in school hours during this period unless there is reasonable justification for this. You may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification. The school will arrange for some work to be provided but it is your responsibility to see that this work is completed and returned to school for marking.

Day 6 onwards

From the sixth day of a fixed term exclusions until the expiry of the exclusion the school will make arrangements for suitable full-time education. From the sixth day of a permanent exclusion, you will receive the offer of an interview at the Pupil Referral Service within five days of the Notice of Exclusion.

What is the Pupil Referral Service?

The Pupil Referral Service (PRS) is a temporary education provision. In many ways it is similar to a school but it is much smaller. Bexley’s pupil referral unit is:

Pathways Short Stay School
Lensbury Way,
Abbey Wood,
London SE2 9TA
Telephone 020 8312 2746
The service is subject to Ofsted and Local Authority inspections. Provision for excluded pupils is full time. In addition to the core curriculum, the PRS offer a range of additional activities. If your child is in an examination year (Year 2, 6, 9 or 11) they will be able to take their exams at the PRU. The PRS aim to provide a positive learning experience for your child by working closely with parents and carers to ensure that a child's needs are identified and appropriate progression is made.

**How do I give my views to the Discipline Committee?**

If you feel that the exclusion is unfair, you should let the Clerk to the Discipline Committee know within 7 days.

The Clerk's details will be in the Head teacher's letter. The Discipline Committee is made up of three or five school Governors who have had no previous involvement in your child's exclusion.

For exclusions, which total more than 15 school days in a term, the Clerk will automatically set up a meeting of the Discipline Committee to which you will be invited.

Although the Discipline Committee is not obliged to meet to consider exclusions of between 1 and 15 days in a term, you can request a meeting and the Clerk will attempt to arrange this. This will also apply to any exclusion where a public examination will be missed.

**What will happen at the Discipline Committee meeting?**

The Governors may, for:

- **Exclusions of Less than 5 Days (in one term)**
  - Consider any statement from the parent, and place a note on the pupil's record. The Committee cannot direct reinstatement but may do so only if the exclusion causes the pupil to miss sitting a public examination.

- **Exclusions of More than 5 days**
  - Uphold the Head teacher's decision to exclude the pupil
  - Overturn the exclusion. If the pupil is back in school before the meeting takes place, the decision will be noted on the pupil's file
  - Direct the Head teacher to reinstate the pupil at the school where the pupil has not already returned OR where the pupil loses the opportunity to take a public examination

- **Permanent Exclusions**
  - Uphold the Head’s decision to exclude the pupil
  - Direct the Head Teacher to reinstate the pupil at the school
When will the discipline committee tell me their decision?

A letter informing you of the Discipline Committee's decision will be sent within 1 school day of the meeting.

What happens if a permanent exclusion is upheld by the Discipline Committee?

The Committee's letter will explain your right to appeal to an Independent Review Panel (replaced with Independent Appeal Panel) and the date by which this must be done.

If applied for by a parent within the timeframe, the LA or Academy Trust must, at their own expense, arrange an Independent Review Panel hearing to review the decision of the governing body not to reinstate a permanently excluded pupil.

Legal time frame is: within 15 school days of notice being given to the parents by the governing body or within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010.

Parents may request an IRP even if they did not attend the meeting of the governing body.

The panel can decide to;

- uphold the exclusion decision,
- recommend the governing body reconsiders their decision or
- quash the decision and direct the governing body considers the decision again.

The panel may only quash the decision where it considers it was flawed in light of the principles of judicial review; illegality, irrationality, procedural and impropriety.

Where a panel directs a governing body to reconsider an exclusion and the governing body do not offer to reinstate the pupil within 10 school days, an adjustment may be made to the schools budget in the sum of £4000.

An Academy would be required to make payment to the LA in which the school is located. Payment will be in addition to any funding which would normally follow the child.

The panel must seek and have regard to the Special Educational Needs (SEN) expert’s view of how SEN might be relevant to the pupil’s exclusion.
What is a Special Educational Needs (SEN) expert?

A SEN expert should have first-hand experience of the assessment and support of SEN pupils and an understanding of legal requirements on schools regarding SEN.

Examples of suitable candidates are; Educational Psychologists, Specialist SEN teachers, SENCO and Behaviour Support Teachers.

If requested by parents in their application for an Independent Review the LA or Academy Trust must appoint and fund an SEN expert to attend the panel.

Parents have the right to request a SEN expert, regardless of whether or not the school recognises their child has having SEN.

A SEN expert must not be connected to the school, LA or the parent and must be impartial.

A SEN expert can be an employee of the LA or Academy Trust.

The final decision on the appointment of an SEN expert is for the local authority / Academy Trust to make but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. The SEN expert will be expected to provide impartial advice to the panel on how a pupils SEN may be relevant to the exclusion, whether the school’s policies which relate to SEN were legal, reasonable and procedurally fair. If the SEN expert believes this is not the case, they should advise the panel on the possible contribution this may have had on the circumstances of the exclusion.

Alternatives to exclusion

There are a number of steps and actions that an educational setting can take to support pupils and reduce the risk of exclusion. When planning support for pupils it is useful to consider if the following actions/options have been explored;

- engaging with parents
- change of teaching set or class
- curriculum alternatives at Key Stage 4, including attendance at a further education college or another form of alternative provision
- temporary placement in an in-school Learning Support Unit as part of a planned positive programme for pupils
- possible interventions within the school
- allocation of a key worker (Learning Mentor, Connexions Personal Adviser, Education Welfare Officer or Behaviour Support Team)
- referral to a specific support service e.g. Education Welfare Service, Children’s Services or the Child and Adolescent Mental Health Service.
- Respite placement in a Pupil Referral Unit or with a voluntary/private sector alternative provider, where the pupil can receive educational provision intended to improve their behaviour
- a managed move to another school
- assessment of special educational needs, EHC plan (support within school or possible placement in a special school/unit within mainstream)
- Pastoral Support Programmes (PSPs) useful to help pupils better manage their behaviour.

**What can I do if the permanent exclusion is upheld?**

You have a right at any time to try to find a place for your child at another school. The admissions service will help you find a new school for your child.

**Where can I get help and further advice?**

**Coram Children**
41 Brunswick Square,  
London  
WC1N 1AZ.  
Tel: 020 7520 0300.  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**Connie Kondia**  
Exclusions Officer  
Tel: 0203 045 4234

**The Clerkship Practice** Tel: 020 8836 8422  
**The Admission Service** Tel: 020 8836 8429

Reviewed Autumn 2018

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