



Exclusions Policy

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| Links with other policies: | Behaviour policy Anti-Bullying policy SEND Information report/policy |

Kew Riverside Primary School aims to ensure that:

- The exclusions process is applied fairly and consistently, in line with the local authority (AfC) exclusions procedures and statutory guidance from the DfE
- The exclusions process is understood by governors, staff, parents and pupils

What is an External Exclusion?

External exclusions can be for a fixed period of time or permanent. A child can be excluded for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one school year.

The Decision to Exclude

An external exclusion is considered a last resort and will only be implemented after a range of measures have already been tried to improve behaviour - *see Behaviour Policy*.

The decision to exclude is made by the Head Teacher, who will refer to statutory guidance on all factors that should be taken into account: <https://www.gov.uk/government/publications/school-exclusion>

This includes ensuring that any decision is made in line with the principles of administrative law: lawful, rational, reasonable, fair and proportionate.

Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.

A decision to exclude a child permanently is a serious one and would only be taken:

- in response to serious breaches, or persistent breaches, of the school's behaviour policy, and
- if allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school.

A permanent exclusion would be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success.

Procedures

We follow the AfC guidance for exclusions as set out in the following appendices:

Appendix A – Procedures for Excluding a Pupil

Appendix B – Model Exclusions Letter from Head Teacher to parent

Appendix C – An Information Guide for Parents/Carers

APPENDIX A



Providing children's services for the **Royal Borough of Kingston** and the **London Borough of Richmond**

AfC Procedures for Excluding a Pupil

Informing parents about an exclusion

Whenever a headteacher excludes a pupil they must, without delay, notify parents of the length of the exclusion and the reason for it. They must also, without delay, provide parents with the following information in writing:

- the reasons for the exclusion
- the period of a fixed exclusion or, for a permanent exclusion, the fact that it is permanent
- the parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- how any representations should be made
- where it is a legal requirement for the governing body to consider the exclusion, the parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend
- where an excluded pupil is of compulsory school age, that for the first five 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 reasonable justification and that parents may be given a fixed penalty notice or prosecuted if they fail to do so
- attention should be drawn to relevant sources of free and impartial information

Headteachers should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and parents' right to make representations to the governing body have been understood.

Written notification of the above information can be provided by: delivering it directly to the parents; leaving it at their last known address; or by posting it to this address.

Informing the governing body

Within one school day the headteacher must inform the governing body of:

- exclusions which will result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
- exclusions which will result in the pupil missing a public examination or national curriculum test
- permanent exclusions (including where a fixed period exclusion is made permanent).

Fixed period exclusions totalling five or fewer school days in any one term must be reported to the local authority and governing body once a term.

Informing the local authority (Achieving for Children)

In order that accurate exclusion data can be collated and the overall situation monitored, all schools should notify Achieving for Children straight away of all exclusions regardless of their duration.

Continuing education

The school's obligation to provide education continues and must be met during a fixed period exclusion. Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard.

Day six provision

Where a pupil is given a fixed period exclusion of six school days or longer, the governing body of the school has a duty to arrange suitable full time educational provision from and including the sixth school day of the exclusion.

During the initial period of up to five school days, the parent of the excluded pupil must ensure that they are not present in a public place during normal school hours without reasonable justification. A failure to comply with this requirement is an offence.

During this period the school should set work for the pupil to complete and for it to be marked, unless the school has made arrangements, on a voluntary basis, for suitable fulltime provision to commence earlier than the sixth day.

A headteacher considering whether to exclude a pupil for a period which will mean there is a duty to provide suitable full-time educational provision, should plan the following:

- provision should normally be off-site, but a school may make provision on-site where arrangements for shared on-site provision have been made with the governing body of at least one other school and is available to excluded pupils from that or those other schools
- to ensure that work is set for the pupil to complete during the first five days school days of exclusion and that it is marked, unless during that time the pupil will be attending alternative provision
- to ensure that the parent is fully informed of their duties in the first five days and of the school days on which the pupil will be provided with suitable full-time education and must attend that provision and of any sanctions that may be imposed for non-attendance (see model letters)
- how the time might be used to address the pupil's problems
- what support will best help with the pupil's reintegration into the school at the end of the exclusion

Reintegration meetings

Schools should have a strategy for reintegrating pupils following a fixed period exclusion and for managing their future behaviour. Whilst not a statutory requirement it is good practice to hold a reintegration meeting following the expiry of a fixed period exclusion as it provides an opportunity to:

- emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the child's behaviour
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour
- create a useful forum to consider with parents the possibility of a parenting contract.

Procedure following permanent exclusion

In the case of a permanent exclusion, the pupil remains on the roll of the school until:

- any appeal is determined
- until the time limit for the parents to lodge an appeal has expired without an appeal being brought

- the parent has informed AfC in writing that no appeal is to be brought.

During the first five days of a permanent exclusion, the school must send work home for the pupil to complete. From the sixth day of a permanent exclusion, AfC is statutorily responsible for ensuring that suitable full-time education is provided.

Independent Review Panel

If applied for by the parents within the legal time frame, the local authority or (in the case of an academy) the academy trust must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil.

The legal time frame for an application is within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion, or where an application has not been made within this time frame, within 15 school days of the final determination of a claim under the Equality Act 2010 in relation to the exclusion.

If requested by parents in their application for an independent review panel, the local authority or academy trust must appoint an SEN expert to attend the panel and cover the associated costs of this appointment. The role of the SEN expert is to provide impartial advice to the panel on how special educational needs might be relevant to the exclusion.

Following its review the panel can decide to:

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

Where the panel directs or recommends that the governing body reconsiders their decision, the governing body must reconvene to do so within 10 school days of being given notice of the panel's decision.

APPENDIX B - Model exclusion letter (*From the head teacher notifying the parent of a fixed period exclusion of 5 school days or fewer in one term*)

Dear *[parent/carer's name]*

I am writing to inform you of my decision to exclude *[child's name]* for a fixed period of *[period of exclusion]*. This means that **[child's name]** will not be allowed in school for this period. The exclusion **[begins/began]** on *[date]* and ends on *[date]*.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude *[child's name]* has not been taken lightly. *[Child's name]* has been excluded for this fixed period because *[provide detailed reason for the exclusion. This should include what happened in sufficient detail, when and*

where it happened, and the impact of the behaviour on others. It should also include any steps that have been taken to try and avoid the exclusion and include details of occasions when previous warnings about the pupil's behaviour were given].

You have a duty to ensure that your child is not present in a public place during this exclusion on **[specify dates]** unless there is reasonable justification for this. I must advise you that 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.

We will set work for **[name of child]** to be completed on the days specified in the previous paragraph **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body [or management committee]. If you wish to make representations please contact *[name of contact]* on/at *[contact details: address, telephone number, email]*, as soon as possible. Whilst the governing body [or management committee] has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion relates to a disability your child has and you think discrimination has occurred, you have the right to appeal and/or make a claim to the First-tier Tribunal (for special education needs and disability under the Equality Act 2010) or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be made within six months of the date on which the discrimination is alleged to have taken place. The following is the link to guidance on making a claim of discrimination to the First-Tier Tribunal:

<http://www.justice.gov.uk/tribunals/send/appeals>

Making a claim would not affect your right to make representations to the governing body.

You also have the right to see a copy of *[name of child]*'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of *[name of child]*'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following are relevant sources of information and advice about exclusion from school:

- The statutory guidance on the use of exclusion from school can be viewed at: www.gov.uk/government/publications/school-exclusion
- **Coram Children's Legal Centre** can be contacted on 0345 345 4345 or through www.childrenslegalcentre.com/index.php?page=education_legal_practice
- **ACE education** runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10 am to 1 pm during term time. Information can be found on the website: www.ace-ed.org.uk
- **The National Autistic Society** (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: schoolexclusions@nas.org.uk
- **Independent Parental Special Education Advice** www.ipsea.org.uk
- You may wish to contact **Adrian Bannister, Exclusions & Reintegration Officer for Achieving for Children** who can provide advice. He can be contacted by telephoning 0208 547 5253 or by emailing adrian.bannister@achievingforchildren.org.uk.
- I have also enclosed an information sheet about exclusion from school which you may find useful.

[The following paragraph may be used if the head teacher chooses to hold a reintegration interview]

You **[and your child or pupil's name]** are invited to attend a reintegration interview with me **[alternatively specify the name of another member of staff]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

[Name of child]'s exclusion expires on [date] and we expect [name of child] to be back in school on [date] at [time].

Yours sincerely

[Name]

Head Teacher

APPENDIX C



Exclusion from school An information guide for parents and carers

This is intended to support parents' understanding of the exclusion process.

Reasons for exclusion

For what reasons can a school exclude my child?

There is no list of set behaviours for which a pupil can and cannot be excluded, and the decision to exclude lies with the headteacher. Headteachers can only exclude a pupil for a disciplinary reason (eg, because their behaviour violates the school's behaviour policy). They cannot, for example, exclude a pupil for academic performance or ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. A headteacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

Schools have the power to send a pupil to another education provider at a different location to improve their behaviour without the parents having to agree.

A school can also transfer a pupil to another school – a process called a 'managed move' - if they have the agreement of everyone involved, including the parents and the admission authority for the new school.

Schools cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding. The threat of exclusion must never be used to influence parents to remove their child from the school.

Can a school ask me to collect my child or send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded (see below). Any fixed-period exclusion must have a stated end date.

What are my duties as a parent when my child has been excluded?

For the first five school days of any exclusion, parents must ensure that their child of compulsory school age is not in a public place during school hours without very good reason. Parents must also ensure that their child attends any new full-time education provided from the sixth day of exclusion (unless they have arranged suitable alternative education themselves).

Exclusion process

What happens when my child is excluded?

Please go to the section entitled 'What happens when your child is excluded' on the gov.uk website: www.gov.uk/school-discipline-exclusions.

What are the legal obligations on a school when excluding a pupil?

- When a headteacher excludes a pupil, they must without delay let parents know the type of exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:
- the reason(s) for the exclusion
- the length of the exclusion
- the parents' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Is there a limit to the number of times my child can be excluded?

Yes. A pupil cannot be excluded for more than 45 school days in one school year. This means they cannot have one fixed-period exclusion of 46 school days or more; and also they cannot have lots of shorter fixed-period exclusions that add up to more than 45 school days. This is true even if these exclusions have been given in different schools. Lunchtime exclusions – where pupils are excluded from school over the lunch period because this is when their behaviour is a problem - are counted as half a day.

Scrutiny of the exclusion

Can I question the decision to exclude my child?

Parents have the right to make their case about the exclusion of their child to the governing board. For fixed-period exclusions, unless the exclusion takes a pupil's total number of school days of exclusion past five in that term, the governing board must consider any case made by parents, but it cannot make the school reinstate the pupil and is not required to meet the parents.

For all permanent exclusions, the governing board must consider, within 15 school days of being told about the exclusion, whether the excluded pupil should be reinstated. This is the same for fixed-period exclusions where the pupil will miss more than 15 days in one term, or will miss a public examination (e.g. a GCSE) or a national curriculum test (eg, a Key Stage 2 test taken at the

end of primary school). For a fixed-period exclusion that brings a pupil's total excluded days to more than five but under 15 the governing board must consider reinstatement within 50 school days if the parent asks it to do this.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision.

Information on school discipline and exclusions issued by the Department for Education can be found here www.gov.uk/school-discipline-exclusions/exclusions.

What can I do if I feel my child is being discriminated against in the exclusion process, for example because they have a disability?

Schools have a duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability or race, including in all stages of the exclusion process.

Parents can raise this issue during the exclusion consideration meeting with the governing board.

If the governing board decides not to reinstate the pupil who has been permanently excluded, parents can request an independent review panel to review the governing board's decision. When making their request parents can ask for a special educational needs (SEN) expert to attend the hearing to advise the panel on how SEN might be relevant to the exclusion. Parents can request this even if their child has not been officially recognised as having SEN.

If a parent believes that their child has been discriminated against in the exclusion process because of a disability, then they may also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) within six months of the exclusion:

www.tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm

The Tribunal can consider claims about permanent and fixed-period exclusions. For permanent exclusions, this can be done instead of, or in addition to, an independent review panel.

If the parent believes that a permanent or fixed period exclusion occurred as a result of discrimination other than in relation to disability (e.g. in relation to race) they can make a claim to the County Court.

Arrangements for my child after exclusion

Will my child still receive an education?

Schools should take reasonable steps to set work for pupils during the first five days of a fixed-period exclusion.

From the sixth day of an exclusion, suitable full-time education must be arranged for pupils of compulsory school age (primary and secondary school age), except for Year 11 pupils (final year of secondary school) whose final exams have passed. In the case of a fixed-period exclusion of more than five school days, it is the duty of the school to arrange this education, unless the school is a PRU (in which case the local authority should make arrangements). If a parent wishes to raise a concern about lack of, or the quality of, education arranged during a fixed-period exclusion (and their child is still of compulsory school age), they may follow the school's official complaints procedure.

In the case of a permanent exclusion, arranging suitable full-time education is the duty of the local authority for the area where the pupil lives. If a parent wishes to raise a concern about lack of, or

the quality of, education following a permanent exclusion (and their child is still of compulsory school age), parents should complain to the local authority where they live. If parents are unsure about which local authority they need to speak to, they should ask the school for advice.

Does my child still have a right to attend their exams or national curriculum tests when excluded?

This is a decision for the school. Neither the school nor the local authority is legally required to arrange for an excluded pupil to take a public examination or national curriculum test that occurs during the exclusion, although some may choose to arrange for this, either on school premises or elsewhere. Where a parent has concerns about their child missing a public examination or national curriculum test, they should raise these with the school.

Where can I get independent advice on my options regarding the exclusion?

There are a number of organisations that provide free information, support and advice to parents on exclusion matters:

- Coram Children's Legal Centre can be contacted on 0345 345 4345 or through www.childrenslegalcentre.com/index.php?page=education_legal_practice
- ACE education runs a limited advice line service on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: www.ace-ed.org.uk
- The National Autistic Society (Schools Exclusion Service (England)) can be contacted on 0808 800 4002 or through: schoolexclusions@nas.org.uk

Kingston and Richmond SEND Information, Advice and Support Service (SENDIASS) who offer impartial advice and support on all matters relating to special educational needs and or disability.

T: 020 8831 6179

E: RichmondKingston@kids.org.uk

W: www.kids.org.uk

- Independent Parental Special Education Advice www.ipsea.org.uk
- 'School discipline and exclusions' and 'Complaint about a school or childminder': www.gov.uk/school-discipline-exclusions/exclusions and www.gov.uk/complain-about-school