



Redbridge Alternative Provision

Exclusion Policy

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AIMS

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by the Management Committee, staff, Parents/Carers and pupils
- Pupils in school are safe and happy
- Pupils do not become not in education, employment or training (NEET)

LEGISLATION AND STATUTORY GUIDANCE

This policy is based on statutory guidance from the Department for Education (DfE): 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, the policy is 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

THE DECISION TO EXCLUDE

Only the Headteacher, or Deputy Headteacher, can exclude a pupil from school. Redbridge Alternative Provision do not permanently exclude pupils.

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 pupil 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
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, 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 the pupils special educational needs (SEN)

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.

ROLES AND RESPONSIBILITIES

The Headteacher

Informing parents

The Headteacher will immediately provide the following information, in writing, to the Parents/Carers of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion
- Information about Parents'/Carers' right to make representations about the exclusion to the Management Committee and how the pupil may be involved in this
- Where there is a legal requirement for the Management Committee to meet to consider the reinstatement of a pupil, and that Parents/Carers 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/Carers 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/Carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/Carers 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/Carers 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 6th day of an exclusion, in which case the information can be provided with less than 48 hours' notice with Parents'/Carers' consent.

Informing the Management Committee and Local Authority

The Headteacher will immediately notify the Management Committee and the Local Authority (LA) of:

- 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 all exclusions, the Headteacher will notify the Management Committee and LA at least once a term.

The Management Committee

Responsibilities regarding exclusions is delegated to the Management Committee consisting of at least 3 Governors.

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

Within 14 days of receipt of a request, the Management Committee will provide the Secretary of State and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the Management Committee will arrange suitable full-time education for the pupil. This provision will begin no later than the 6th day of the exclusion.

CONSIDERING THE REINSTATEMENT OF A PUPIL

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

- It is a fixed-term exclusion 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

If requested to do so by Parents/Carers, the Management Committee 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 Management Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Management Committee (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Management Committee 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 Management Committee 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 Management Committee will notify, in writing, the Headteacher, Parents/Carers and the LA of its decision, along with reasons for its decision, without delay.

RETURNING FROM A FIXED-TERM EXCLUSION

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

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

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Temporary reduced timetable
- Directed to an alternative provision

MONITORING ARRANGEMENTS

The Leadership Team monitors the number of exclusions every term and reports back to the Management Committee. They also liaise with the LA to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher every two years. At every review, the policy will be shared with the Management Committee.

LINKS WITH OTHER POLICIES

This exclusions policy is linked to our:

- Behaviour Policy
- SEN Policy and Information Report

APPENDIX 1: INDEPENDENT REVIEW PANEL TRAINING

The LA 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, Management Committee 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