



Exclusion Policy

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1. Rationale

- 1.1 Behaviour at Light Hall is very good with the overwhelming majority of students being courteous and exhibiting very high standards of conduct. Exclusion will only be used in the most serious of incidents in order to maintain the safe, secure learning environment enjoyed by all members of the school and local community. This policy has been written to comply with the "Statutory guidance on school exclusion of pupils from local authority and maintained schools and academies and pupil referral units – June 2012" (Updated July 2017) and is to be read in conjunction with the Light Hall School Behaviour for Learning Policy and the Behaviour for Learning framework.

2. When is Exclusion Used?

- 2.1 Light Hall school is an inclusive school and has a commitment for students to be in lessons and engaged in learning activities alongside their peers. Light Hall school employs a range of strategies to reduce the risk of disaffection, truancy, absence and the need for fixed term and permanent exclusion.
- 2.2 Exclusion is regarded as a very serious matter. It is for the Headteacher to decide whether a students' behaviour warrants permanent exclusion, though this is a serious decision and is reserved for;
- a) Serious, or persistent breaches of the Schools' behaviour policy and
 - b) Where a students' behaviour means allowing the student to remain in school would harm the education or welfare of the students or others in the school.
- 2.3 School will not tolerate behaviour that prevents teaching and learning taking place or behaviour that puts the health, safety or wellbeing of another person at risk.
- 2.4 In most cases exclusion will only be used when alternative sanctions and support have been tried and failed to improve student's behaviour, including investigating any underlying problems which may be causing that poor behaviour. One exception to this may be if a student with no previous history of poor behaviour commits a very serious disciplinary offence which warrants exclusion.
- 2.5 All exclusions of a student, even for short periods of time, will be formally recorded. 'Informal' or 'unofficial' exclusions, such as sending students home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers.
- 2.6 No student will be excluded for one or more fixed periods in excess of 45 school days in one school year.

3.0 The Exclusion Decision and Notification

The investigation and the Headteacher's decision.

- 3.1 The decision to exclude a student from the school will be at the discretion of the Headteacher following a recommendation from the Deputy Head.

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- 3.2 Before any decision is made to exclude a student, an investigation will occur, usually led by the Senior Assistant Headteacher or relevant staff. This may include taking signed and dated statements from other students, discussion with the student's teachers and senior staff, a review of the student's file and past history at the school. The Headteacher, Deputy Head or a nominated member of senior staff may arrange a meeting with the student and his/her parents to investigate the case and its circumstances prior to making a decision about whether to exclude the child, or about the duration of the exclusion.
- 3.3 The Deputy Head's recommendation will set out the reasons for the exclusion and describe the incident(s) which led to the recommendation, drawing on the evidence gathered during the investigation.
- 3.4 The Headteacher's decision will be based on the evidence presented and will consider the good of the student involved, including the time in the student's school career and the effect of his/her continued presence on the rest of the student body.
- 3.5 In making his/her decision the Headteacher will apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

4.0 Internal Exclusion

- 4.1 The refocus centre of Light Hall school is used for internal exclusion. Students will be placed in the internal exclusion room if they have had to be removed from lesson for disrupting learning or as an alternative sanction to avoid a fixed term exclusion.
- 4.2 Students will be placed in Internal Exclusion for a period of time, usually 1-2 days. Internal Exclusion is from 8.30am-4pm. Parents will be informed by telephone or email by the Pastoral Manager/Progress & Development Leader of the decision to internally exclude a student. The Internal Exclusion will be logged on the student's SIMS behaviour log. Parents/carers are also informed by letter that their child has been placed in Internal Exclusion.
- 4.3 Students will be expected to arrive on time and in full school uniform. They will be provided with all the necessary equipment and work they need to complete whilst in Internal Exclusion. Students will lose their right to social time with others, break and lunchtime is taken within the Refocus centre.
- 4.4 Students placed in Internal Exclusion will have an opportunity to discuss the reason for their exclusion and strategies to avoid this behaviour again with the Inclusion Manager and the manager of the refocus centre. The student's SIMS behaviour log and attendance record is also reviewed with the student. The Inclusion Manager will liaise with the Progress & Development Leader if they feel there is a developing pattern of behaviour that is a cause for concern and intervention is required. The Inclusion Manager will devise an appropriate reintegration programme for the student once the period of Internal Exclusion is over and the Pastoral Manager/Progress & Development Leader will monitor this programme.



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- 4.5 If a student is placed in Internal Exclusion more than once per term the Progress & Development Leader will contact the parent / carer and arrange a meeting to raise concerns and consider any interventions that will support the student.
- 4.6 Sometimes students with a history of poor behaviour can benefit from moving to a different school to make a fresh start. A ‘managed move’ of this sort will only occur with the consent of the parties involved, including the parents. Light Hall will only support managed moves when it believes they will be beneficial to the student. Managed moves will not be used as an alternative punishment.

5.0 Fixed Term Exclusion

- 5.1 A fixed term exclusion is when a student is excluded from our school for a fixed period of time between 1 and 5 days. The decision to externally exclude a student for a fixed term from school will be taken by the Headteacher (Deputy Head in her absence) and at least one other member of SLT.
- 5.2 During an external exclusion the parent / carer will take responsibility for their child during school time. An external, fixed term, exclusion will be issued for any of the following reasons:
 - The student has seriously breached the school Code of Conduct
 - The student has committed an offence that has put the health, safety or wellbeing of another person at risk.
 - The student has already spent time in internal exclusion and has continued to behave in a manner that does not meet the expectations of behaviour set out in the school code of conduct and BfI framework and abide by the guidelines issued for good behaviour and safety of all students within our school.
- 5.3 Students returning from a fixed term exclusion may be placed on daily monitoring and have a PSP set up by Head of Year. The Progress & Development Leader or Pastoral Manager will decide on a course of action following the reintegration meeting should any further intervention/reintegration be needed. He/she will monitor this action over a series of weeks.

6.0 Notifying Parents

- 6.1 When a decision is taken to exclude a child the school will endeavour to notify the parents by telephone (or an answerphone message). The call will be made by the Deputy Headteacher or delegated member of SLT. The parent will be notified of:
 - The period of the exclusion and the reasons for it
 - The parents’ legal duty for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) to ensure that the 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.
- 6.2 The parents will then be provided with the following information in writing as soon as possible:



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- The reasons for the exclusion;
- The period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- For fixed term exclusions, the date and time they need to attend for a re-admission meeting. All re-admission meetings will be with a senior member of staff and the students' Progress and Development Leader or Pastoral manager. Students will not be reintegrated back into school before assurances are gained that there will not be a repeat of the unacceptable behaviour.
- Parents' right to make representations about the exclusion to the governing body (in line with the requirements set out in Department for Education guidance paragraphs 50 to 57) and how the student may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- A link to the statutory guidance on exclusions at:
<https://www.gov.uk/government/publications/school-exclusion>;
- A link to the Coram Children's Legal Centre at <http://www.childrenslegalcentre.com>, 0808 802 0008; and
- Where considered relevant by the head teacher, links to other local services.

6.3 If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the Student during the exclusion;
- 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.

7.0 Notifying the Local Authority and Governors

7.1 The Headteacher must, without delay, notify the governing body and the local authority (including the student's home local authority, if different) of:

- A permanent exclusion (including where a fixed period exclusion is made permanent);
- Exclusions which would result in the Student being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Exclusions which would result in the student missing a public examination or national curriculum test.

7.2 For all other fixed term exclusions the Headteacher must notify the local authority and governing body once a term. All notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.



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8.0 Education during exclusions

8.1 A senior member of staff with responsibility for the student will ensure that work is organised for the first five days of any fixed term exclusion and this will be sent home if necessary. The Senior Assistant Headteacher will arrange full time education for students from the sixth day of any fixed term exclusions of six days or more, possibly with placements at another school. The student's home Local Authority is responsible for arranging education for students who are permanently excluded, starting from the sixth day of the exclusion.

9.0 Governing Body Committee review

9.1 A committee of the governing body, consisting of at least three governors will review exclusions if:

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

9.2 In the case of a fixed period exclusion which does not bring the student's total number of days of exclusion to more than five in a term, a committee must consider any written representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

9.3 The review must happen within fifteen school days in the first three cases. In the second case the committee should, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.

9.4 In addition to considering the evidence considered by the Headteacher and his/her conclusions, the Governing body must consider any representations from the Headteacher or the parents. The Headteacher and parents will be invited to the review meeting. The Governing body may also invite the student to attend the meeting or to feed in his/her views in other ways, taking into account the Student's age and understanding. All parties will be given five school days' notice of the date of the meeting.

9.5 The meeting must be organised as follows:

- Where possible the school's papers must be sent to parents and governors five school days before the meeting. Any written evidence or representations must be submitted three school days before the meeting and circulated by the committee to all parties two school days before the meeting.
- The committee will appoint a clerk to make a record of the meeting, non-verbatim minutes may be taken. The record of the meeting will be made available to all parties on request.
- The committee will invite the Headteacher to make his/her representations and then invite the parents to do the same. Committee members may ask questions of anyone present at the meeting. If the student has been invited s/he may also be asked to speak.
- All parties, save the clerk, will be asked to withdraw before the committee makes its decision



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10.0 The Governing Body Committee decision

- 10.1 In reaching a decision on whether or not to reinstate a student, the committee should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties. When establishing the facts in relation to an exclusion decision the governing body must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt' .
- 10.2 In the light of their consideration, the governing body can either:
 - Uphold an exclusion; or
 - Direct reinstatement of the student immediately or on a particular date.
- 10.3 In cases where the committee considers parents' representations but does not have the power to direct a student's reinstatement – because the exclusion was short and is already concluded – they should consider whether it would be appropriate to place a note of their findings on the student's educational record.
- 10.4 If the committee reinstates a student, the student and his parent(s) must be invited to a return to school interview with the Headteacher.

11.0 Notification of the decision

- 11.1 The governing body must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. Where the student resides in a different local authority from the one that maintains the school, the governing body must also inform the student's 'home authority'.
- 11.2 In the case of a permanent exclusion the governing body's notification must also include the fact that it is permanent and notice of parents' right to ask for the decision to be reviewed by an independent review panel, including the following information:
 - The date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing body's decision was given to parents);
 - The name and address to whom an application for a review (and any written evidence) should be submitted;
 - That any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student's special educational needs are considered to be relevant to the exclusion;
 - That, regardless of whether the excluded student has recognised special educational needs, parents have a right to require the local authority / academy trust to appoint an 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; and



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- That parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
- That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the Student was excluded
- A link to the statutory guidance on exclusions at:
<https://www.gov.uk/government/publications/school-exclusion>
- A link to the Coram Children's Legal Centre at <http://www.childrenslegalcentre.com>, 0808 802 0008; and
- Where considered relevant by the head teacher, links to other local services.

12.0 Removing an excluded student from the school roll

12.1 A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the governing body's decision to uphold a permanent exclusion 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.

12.2 Where an application for an independent review panel has been made within 15 school days, the student's name will not be removed from the roll until the review has been determined, or abandoned.

12.3 Where a student's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the student should be reinstated.

13.0 Review by an independent panel

13.1 Parents may apply for an independent panel to review the governing body decision. The application must be made:

- Within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 74); or
- Within 15 school days of the final determination of any claim of discrimination under the Equality Act 2010 in relation to the exclusion, where such a claim is made and no application for review by an independent panel has yet been made.

13.2 On receipt of an application the Local Authority will arrange a suitable independent review panel. This will be done within 15 school days of receipt of the application for review and in



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accordance with the relevant statutory guidance for the operation of independent review panels.

13.3 If requested by parents in their application for an independent review panel, the Local Authority will appoint a SEN expert to attend the panel and cover the associated costs of this appointment. The Federation will provide the parents with details of the proposed SEN expert and will – if more than one is available – offer the parents a choice. The final decision about which expert to appoint will be taken by the Local Authority, but it will endeavour to take the parents views into account.

13.4 Following its review the Panel can decide to:

- Uphold the exclusion decision;
- Recommend that the governing body reconsiders their decision, or
- Quash the decision and direct that the governing body considers the exclusion again.

13.5 The Panel will write to the parents and the school to inform them of its decision.

14.0 If the Panel does not uphold the exclusion

14.1 Where the panel directs or recommends that the governing body reconsiders their decision, the governing body committee must reconvene to do so within 10 school days of being given notice of the panel's decision. Only the committee members and the clerk should attend. If, following a direction to reconsider, the governing body committee does not offer to reinstate the student, the school will be required to make a payment of £4,000 to the Local Authority. This payment will not apply if the parents decline an offer to reinstate the student.

14.2 In the case of either a recommended or directed reconsideration, the governing body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay: the parents; the head teacher; the local authority and, where relevant, the 'home authority'.

14.3 If the committee reinstates a student, the student and his parent(s) must be invited to a return to school interview with the Headteacher.

15.0 Monitoring

15.1 The governing body monitors the application of this policy on a half termly basis. Numbers and reasons for fixed term exclusions, permanent exclusions and internal exclusions are reported to governors each half term in the Headteacher's report.