



**Highlands School**

**Exclusions Policy**



## Highlands School: Exclusions policy

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## Highlands School: Exclusions policy

### Section 1: Aims

This policy deals with the policy and practice which informs the schools use of exclusion and should be read in conjunction with the statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#)

1.1 This policy is underpinned by the shared commitment of all members of the school community to achieve these important aims.

- 1.1.1 Ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.
- 1.1.2 Ensure a balance between the needs of the individual student(s) who may need to be excluded against the needs of the students and adults in the school community.
- 1.1.3 Operate a fair, equitable and consistent system for exclusions from school, particularly in relation to ethnic groups.
- 1.1.4 Exclusion is only used when it is the most appropriate way of supporting the school's behaviour policy, strategies and code of conduct.
- 1.1.5 Exclusion is only one of many options used to address unacceptable behaviour.
- 1.1.6 Fixed term exclusion is used primarily as a strategy for supporting a student in changing their behaviour.
- 1.1.7 Our behaviour policy will aim to reduce the need to use exclusion as a sanction.
- 1.1.8 The exclusions process is applied fairly and consistently.
- 1.1.9 The exclusions process is understood by governors, staff, parents and carers, and students.
- 1.1.10 Students do not become NEET (not in education, employment or training) as a result of an exclusion.

1.2 In order to achieve these aims, the school will seek to do the following.

- 1.2.1 Provide an appropriate curriculum to meet individual needs and challenge every student.
- 1.2.2 Ensure that the school's behaviour for learning policy is implemented effectively, including applying suitable rewards and sanctions.

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- 1.2.3 Provide effective pastoral support for students.
- 1.2.4 Provide effective additional support for students.
- 1.2.5 Involve parents, persons with parental responsibility and, where appropriate, community organisations in order to support students.
- 1.2.6 Monitor exclusions carefully.
- 1.2.7 Provide appropriate training for staff on the schools behaviour policy.
- 1.2.8 Provide appropriate training for staff on the issues pertaining to the over-representation of ethnic minority students (or other over-represented groups) in the school's exclusions figures.
- 1.2.9 Ensure that exclusions are consistently applied.

## Section 2: Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#).

2.1 It is based on the following legislation, which outlines schools powers to exclude students:

- 2.1.1 section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- 2.1.2 [The School Discipline \(student Exclusions and Reviews\) \(England\) Regulations 2012](#)

2.2 In addition, the policy is based on:

2.2.1 part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students

2.2.3 section 579 of the [Education Act 1996](#), which defines 'school day.'

2.2.4 [Education \(Provision of Full-Time Education for Excluded students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded students\) \(England\) \(Amendment\) Regulations 2014](#)

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### Section 3: The decision to exclude

3.1 Only the headteacher, or acting headteacher, can exclude a student from school. A permanent exclusion will be taken as a last resort.

3.2 The school is 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 student will be taken only:

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

3.3 Before deciding whether to exclude a student, either permanently or for a fixed period, the headteacher will ensure that the relevant staff have been through the school's serious incident process, as outlined in our behaviour policy.

3.4 We will ensure that we follow statutory guidance on when to remove students from the school's roll. Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

3.4.1 "the practice of removing a student 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 student."

### Section 4: Reasonable adjustments

4.1 Before taking the decision to exclude a student, we will consider the impact of the exclusion on any vulnerabilities the student may have, and we will make adjustments to our application of sanctions to prioritise students safety and well-being.

### Section 5: Looked after children

5.1 Before finalising a fixed term or permanent exclusion for a looked after child, we will liaise with the virtual school's headteacher and the student's carers to discuss the situation.

### Section 6: SEND children

6.1 Before finalising a fixed term or permanent exclusion for a student with SEND, we will liaise with the SENDCo. If the exclusion is permanent, we will also liaise with the school's local authority SEN advisor.

### Section 7: Other vulnerable children

7.1 Before finalising a permanent exclusion for students with a social worker or on child protection or child in need plan, we will liaise with their social worker and the school's designated safeguarding lead. We will ensure that social workers are notified of any fixed term exclusions for students for whom they are working with. We will take steps to ascertain that students have the supervision of a parent, carer, or other responsible adults during the fixed term exclusion. If this cannot be ascertained, then the student will serve their sanction in school.

### Section 8: Definitions

8.1 For the purposes of exclusions, the 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.

### Section 9: Types of Exclusion

9.1 **Fixed-Term exclusion** - when a student is excluded from school for a set period.

9.2 **Permanent exclusion** - where steps are taken to permanently remove the student from the school roll.

9.3 This policy is concerned with fixed and permanent exclusions.

### Section 10: Roles and responsibilities

#### 10.1 The headteacher

##### 10.1.1 Informing parents

The headteacher will immediately ensure that parents and carers receive written notification of the decision to exclude.

This written notification will include the following information.

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10.1.1.1 The reason(s) for the exclusion.

10.1.1.2 The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent.

10.1.1.3 Information about parents/carers right to make representations about the exclusion to the governing board and how the student may be involved in this.

10.1.1.4 The headteacher will also notify parents and carers by the end of the afternoon session on the day their child is excluded that for the first five school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents and carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents and carers may be given a fixed penalty notice or prosecuted if they fail to do this.

10.1.2.1 If an alternative provision is being arranged, the following information will be included when notifying parents and carers of an exclusion.

10.1.2.2 The start date for any provision of full-time education that has been arranged.

10.1.2.3 The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.

10.1.2.4 The address at which the provision will take place.

10.1.2.5 Any information required by the student to identify the person they should report to on the first day

10.1.2.6 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents/carers consent.

### **Informing the governing board and local authority**

10.1.3 The headteacher will ensure that the governing board and the local authority (LA) are immediately informed of the below types of exclusions.

10.1 A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student.

10.2 Exclusions which would result in the student being excluded for more than five school days (or more than ten lunchtimes) in a term.

10.3 Exclusions which would result in the student missing a public examination.

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- 10.4 For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.
- 10.5 For all other exclusions, the headteacher will notify the governing board and LA once a term.
- 10.2 The governing body

The governing body has a duty to consider the reinstatement of an excluded student if the exclusion meets the below criteria.

- 10.2.1 Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any exclusions in the last 12 months.
- 10.2.2 For a fixed period of exclusion of more than five school days, the school will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

### 10.3 The local authority

- 10.3.1 For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day after the exclusion.
- 10.4 School registers

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

- 10.4.1 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student, and no application has been made for an independent review panel.
- 10.4.2 the parents/carers have stated in writing that they will not be applying for an independent review panel.
- 10.4.3 where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.
- 10.4.4 where alternative provision has been made for an excluded student, and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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10.4.5 where excluded students are not attending alternative provision, code E (absent) will be used.

### Section 11: Returning from a fixed-term exclusion

11.1 Following a fixed-term exclusion, a reintegration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

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

1.2.1 the allocation of a key worker.

1.2.2 a PSP (personal support plan).

1.2.3 behaviour contract.

1.2.4 counselling.

1.2.5 mentoring with Enfield behaviour supports services.

1.2.6 another intervention programme being offered at the time.

### Section 12: Process for appealing exclusion

12.1 Parents and carers have the right to appeal a fixed term or permanent exclusion.

12.2 The process for making an appeal is set out in appendix 1.

### Section 13: Monitoring arrangements

13.1 The pastoral deputy head monitors the number of exclusions every term and reports back to the headteacher.

They also liaise with the local authority to ensure suitable full-time education for excluded students.

13.2 Information and data on exclusions must also be reported to the governing body so that they are able to monitor the rate and reason for exclusion and any associated trends which may be relevant.

13.3 This policy will be reviewed by the pastoral deputy head every year. At every review, the policy will be approved by the governing board.

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### Section 14: Links with other policies

This exclusions policy is linked to our:

[Behaviour policy.](#)

[SEND policy.](#)

[Safeguarding policy.](#)

[Equal opportunities policy.](#)

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### Appendix 1

## Highlands School - exclusions review and appeals processes

### Section 1: Introduction

1.1 This appendix sets out the following.

- 1.1.1 The duties of the governing body to review the headteacher's decision to exclude a student.
- 1.1.2 The criteria by which parents and carers can appeal the schools decision to issue their child with an exclusion.
- 1.2 This includes fixed period exclusions and permanent exclusions.
  - 1.2.1 At Highlands School, we only issue fixed-term exclusions in accordance with our behaviour policy, exclusion policy, and the statutory guidance set out by the DfE. We ensure that a rigorous investigation process has taken place before the decision to issue a fixed term exclusion is made. Our serious incident process is outlined in appendix 7 of our behaviour policy. We also ensure, in accordance with our behaviour policy and statutory guidance, that when issuing exclusions, reasonable adjustments are made for students who are SEN, LAC and/or have other contextual factors that make them a vulnerable student. We will also follow the statutory guidance on school exclusion set out in the [DfE's statutory guidance on school exclusions](#).
  - 1.2.2 The governing board has a duty to consider parents' and carers' representations (appeals) about an exclusion. The requirements on a governing board to consider an exclusion depend upon a number of factors, which will determine how the appeal is dealt with. There are different types of review processes and appeals relating to exclusions that can be broken down into the three categories listed below (these are explained in more detail in sections 3-5 of this document).
  - 1.2.3 The **exclusion hearing panel** is separate to a **behaviour panel**, which is used as an intervention for students whose behaviour is a cause for concern. The behaviour panel process is outlined in our behaviour policy. The exclusion hearing panel is also separate from the school's complaints procedure and is outlined in this exclusion policy.

### Section 2: Statutory guidance on the exclusions appeal process

Permanent exclusions and 15 days plus exclusion process

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2.1 Governors have a duty to automatically review the headteacher's decision to exclude a student if that exclusion meets one or more of the following criteria. This process is statutory and will take place whether or not a parent or carer makes an appeal:

2.1.1 the exclusion is permanent.

2.1.2 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 it would result in a student missing a public examination or national curriculum test.

### **5-15 days exclusion appeal process**

2.2 Parents and carers have the right to appeal an exclusion that meets the following criteria:

2.2.1 fixed-period exclusions where a student would be excluded for more than 5 but less than 15 school days in the term.

2.2.2 the governing body will not automatically review these exclusions, but they do have a statutory duty to hear the appeals of parents and carers made under these criteria. In such cases, if parents and carers make representations, the governing board must consider within 50 school days of receiving the notice of exclusion, whether the excluded student should be reinstated. The governing body must convene a meeting to hear appeals made under the 5-15 day criteria. In the absence of any representations from the parents in the 5-15 day criteria, the governing board is not required to meet and cannot direct the reinstatement of the student.

### **Less than 5 days exclusion appeal process**

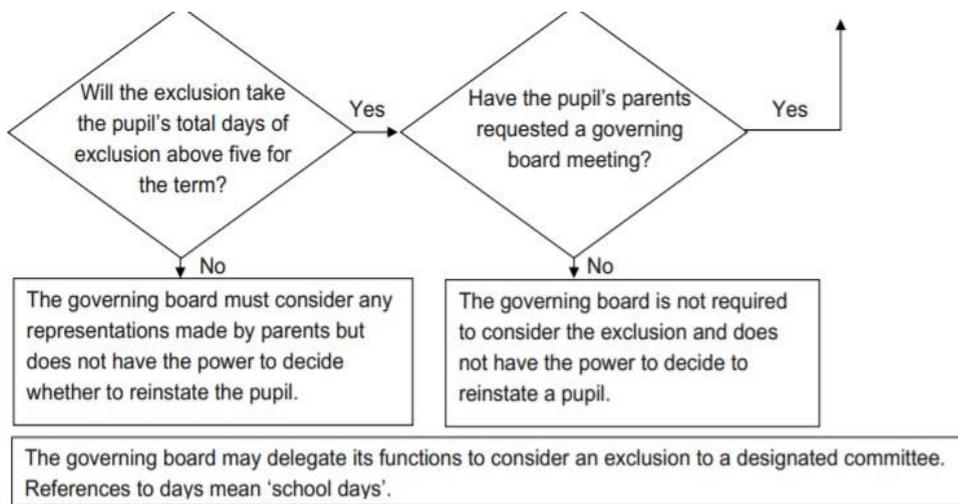
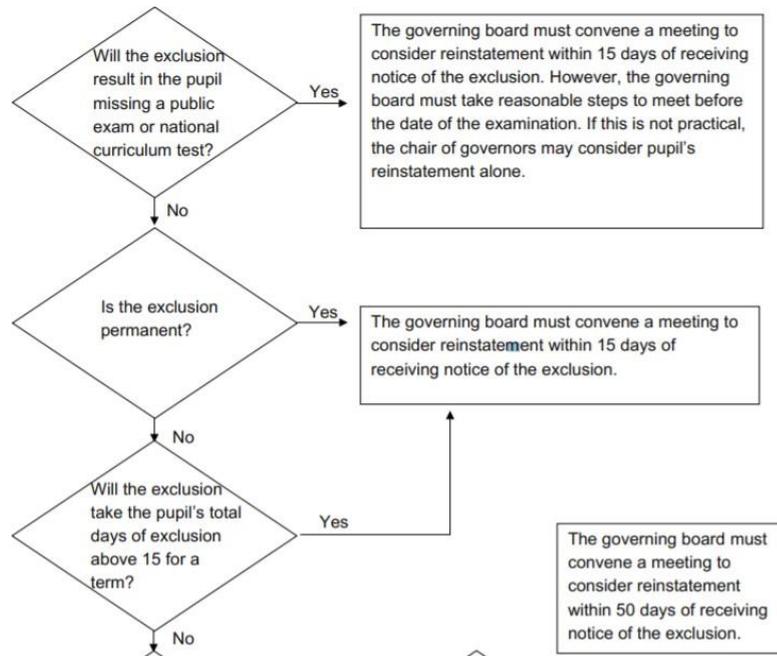
2.4 Parents and carers may make representation to the governing body if they wish to appeal the schools decision to exclude their child for less than 5 days.

2.4.1 The governing body must consider all such representations but are not required to meet to review the appeal.

2.4.2 The governing body cannot reinstate a student whose exclusion has been for a fixed period of fewer than five days and does not meet the criteria listed in a) above.

# Highlands School: Exclusions policy

This flowchart illustrates the i \_\_\_\_\_



## Section 3: The school's processes for exclusion appeals

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Permanent exclusions and 15 days plus exclusions review and appeals	
Criteria for these appeals	School process
<p>The governing board must consider the reinstatement of an excluded student within 15 school days of receiving notice of the exclusion if:</p> <ul style="list-style-type: none"> <li>• the exclusion is permanent.</li> <li>• 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 it would result in a student missing a public examination or national curriculum test.</li> </ul> <p>This process will take place whether or not parents and carers appeal the school's decision to exclude their child.</p>	<ol style="list-style-type: none"> <li>1. When the school issues an exclusion that meets these criteria, the school notifies the chair of governors and the local authority. This will be done on the same day that the exclusion letter is issued to parents/carers so that there are no delays in the process.</li> <li>2. Parents and carers are informed in the exclusion letter that their child's exclusion will be reviewed as part of the statutory exclusion guidance. Parents and carers may still make an appeal, and this will be heard during the exclusion hearing panel. The exclusion letter gives parents and carers the relevant information on making an appeal.</li> <li>3. If parents and carers make an appeal, this will be immediately sent to the chair of governors for consideration prior to the exclusion hearing panel.</li> <li>4. Within five working days of receiving notice of the exclusion, the chair of governors will then convene an exclusion hearing panel comprising three governors, to reconsider the reinstatement of the excluded student. A date for the meeting will be agreed at this stage, and all parties will be informed. The meeting must be within 15 school days of the chair of governors receiving notification of the exclusion. If the parents and carers have requested to make representations, they will be invited to do so at the exclusion hearing panel.</li> <li>5. The school will consider appointing the services of a</li> </ol>

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legal clerk to offer a full clerking and advisory service to the school and the governing body committee reviewing the exclusion.

6. The school's pastoral administrator will support the appointed exclusion hearing panel and the legal clerk in coordinating all aspects of the meeting and providing all relevant documentation.
7. The school will prepare an exclusion review pack and will submit this to the clerk and the exclusion review committee.
8. The governors on the exclusion hearing panel must ensure they have read and are familiar with the statutory guidance to a governing body in preparing for the consideration of an exclusion. This can be found in section 6 (pages 18-24) of the [DfE's statutory guidance on school exclusions](#).
9. Following the exclusion hearing panel, the panel must notify parents and carers, the headteacher and the local authority (in addition to the student's home authority), of its decision. This must be done without delay. In cases where exclusion hearing panels have taken the decision not to reinstate the student, they must include the information set out in paragraph 76 of the [DfE's statutory guidance on](#), on removing the student from the school register. If the governing body decides not to reinstate the student, they must inform the parents and carers of their right to request an independent review panel in accordance with sections 6.3 and 8 of the [DfE's statutory guidance on school exclusions](#).

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	<p>*** The following parties must be invited to the exclusion hearing panel and be allowed to make representations:</p> <ul style="list-style-type: none"> <li>• parents and carers (and, where requested, a representative or friend)</li> <li>• the headteacher; and</li> <li>• a representative of the local authority (in the case of a maintained school or PRU)</li> <li>• other relevant professionals such as an SEN representative, virtual schools, and social workers.</li> </ul>
<p><b>What parents and carers should do to appeal under these criteria?</b></p>	<p>Email their letter of appeal to the school's pastoral administrator and the process outlined above will begin.</p> <p><a href="mailto:post.box@highlearn.uk">post.box@highlearn.uk</a></p>

5-15 days exclusion appeals	
Criteria	School process
<p>Parents and carers may make representation to the governing body if they wish to appeal the school's decision to exclude their child under the following criteria.</p> <p>Fixed-period exclusions where a student would be excluded for more than five but less than 15 school days in the term.</p>	<ol style="list-style-type: none"> <li>1. If the school receives an appeal from a parent or carer under the 5-15 days exclusion criteria, this will be sent to the chair of governors within five working days.</li> <li>2. Within 50 working days of receiving the appeal, the chair of governors will then convene an exclusion hearing panel comprising three governors, to reconsider the reinstatement of the excluded student. A date for the</li> </ol>

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The governing body will not automatically review these exclusions, but they do have a statutory duty to hear the appeals of parents and carers made under these criteria.

In such cases, if parents and carers make representations, the governing board must consider within 50 school days of receiving the notice of exclusion, whether the excluded student should be reinstated.

The governing body must convene a meeting to hear appeals made under the 5-15 day criteria. In the absence of any representations from the parents in the 5-15 day criteria, the governing board is not required to meet and cannot direct the reinstatement of the student.

meeting will be agreed at this stage, and all parties will be informed. The meeting must be within 50 school days of the chair of governors receiving notification of the exclusion.

3. The school will consider appointing the services of a legal clerk to provide a full clerking and advisory service to the school and the exclusion review committee.
4. The school's pastoral administrator will support the appointed exclusion hearing panel and the legal clerk in coordinating all aspects of the meeting and providing all relevant documentation.
5. The school will prepare an exclusion review pack and will submit this to the clerk and exclusion hearing panel.
6. The exclusion hearing panel must ensure they have read and are familiar with the statutory guidance to a governing body in preparing for the consideration of an exclusion. This can be found in section 6 (pages 18-24) of the [DfE's statutory guidance on school exclusions](#).
7. Following the exclusion review panel, the panel must notify parents and carers, the headteacher and the local authority (in addition to the student's home authority) of its decision. This must be done without delay. In cases where the governing body has taken the decision not to reinstate the student, they must include the information set out in paragraph 76 of the [DfE's statutory guidance on school exclusions](#). They must also ensure they follow the procedures in section 7 on removing the student from the school register.

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	<p>*** The following parties must be invited to the exclusion hearing panel and be allowed to make representations:</p> <ul style="list-style-type: none"> <li>● parents (and, where requested, a representative or friend);</li> <li>● the headteacher; and</li> <li>● a representative of the local authority (in the case of a maintained school or PRU)</li> <li>● other relevant professionals such as an SEN representative, virtual schools, and social worker.</li> </ul>
<p><b>What parents and carers should do to appeal under these criteria?</b></p>	<p>Email their letter of appeal to the school's pastoral admin officer and the process outlined above will begin.</p> <p><a href="mailto:post.box@highlearn.uk">post.box@highlearn.uk</a></p>

<p><b>Less than five days exclusions appeals</b></p>	
<p><b>Criteria</b></p>	<p><b>Process</b></p>
<p>Parents and carers may make representation to the governing body if they wish to appeal the school's decision to exclude their child for less than 5 days.</p> <ul style="list-style-type: none"> <li>● The governing body must consider all such representations but are not required to meet to review the appeal.</li> <li>● The governing body cannot reinstate a student whose exclusion has been for a fixed period of</li> </ul>	<ol style="list-style-type: none"> <li>1. If the school receives an appeal from a parent or carer under the less than five days exclusion criteria, this will be sent to the chair of governors within 5 working days.</li> <li>2. The chair of governors will appoint a panel of three governors to consider the appeal and to formulate a written response.</li> <li>3. The chair of governors is responsible for responding to the parents and carers' exclusion appeal.</li> <li>4. The school's pastoral admin officer will support the appointed exclusion review committee with their</li> </ol>

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<p>fewer than five days and does not meet the criteria listed in a) or b) above.</p>	<p>investigation.</p>
<p><b>What parents and carers should do to appeal under these criteria?</b></p>	<p>Email their letter of appeal to the school's pastoral admin officer and the process outlined above will begin.</p> <p><a href="mailto:post.box@highlearn.uk">post.box@highlearn.uk</a></p>