



Martley C.E. Primary School Academy Exclusion Policy

Document Full Name	Exclusion Policy
Developer/Role	Lucy Cox Head of School
Edition Date	August 2023
Approval Responsibility	Local Academy Board
Approval Date	September 2023
Review Cycle	Annually
Next Review Date	August 2024

Our Christian Values

The 5C's

Our school values, the 5 Cs, underpin all that we do. These values are found in all our classrooms and in key areas around our school. We celebrate these values in collective worship and they are integral part of our vocabulary.

These values are:

Compassion, Creativity, Commitment, Courage and Cooperation

Our vision is that everyone will know that they are loved by God. We nurture all children and adults so that they flourish as individuals and make the best of their God-given talents, through embracing our diverse world.

‘Every good action and every perfect gift is from God. These good gifts come down from the creator of the sun, moon and stars. God does not change like their shifting shadows’.

James 1:17

International Children’s Bible

We also support and follow the vision of the Diocese of Worcester Multi-Academy Trust (DoWMAT) of which we are a member school:

‘To Love, To Learn, To Serve’ sums up the DoWMAT’s vision for those who come together to create the MAT, enabling all to flourish both as individuals and in community with each other; living life in all its fullness (John 10:10).

Equality and Diversity Statement

At Martley CE Primary School and Pre-School we promote equality of opportunity. We promote positive attitudes and encourage active participation of all stakeholders regardless of race, gender, disability, age, religion, belief and sexuality.

In so doing we strive to eliminate any unlawful discrimination or harassment of any group and where any such harassment is found appropriate action will be taken immediately.

Only the Executive Headteacher/Headteacher/Head Of School can exclude a pupil from school. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed-period exclusion does not have to be for a continuous period. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion.

In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. Pupils whose lunchtime behaviour is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime is counted as half a school day. The legal requirements relating to exclusion, such as the head teacher's duty to notify parents, apply in all cases.

A permanent exclusion will be taken as a last resort. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents/carers.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy AND
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

Fixed Period Exclusion

A fixed period exclusion means that a child will not be allowed to attend school for a specified number of lunchtime periods or school days. Parents/Carers will normally receive a telephone call followed by a letter telling them about the exclusion. The letter will state when the child can go back to school. The return to school will normally be preceded by a meeting with the Headteacher, but the return should not be delayed if this is not possible.

Parents/carers must know the detail of the case against their child.

- If your child is excluded from school, you will get a letter giving the reasons for the exclusion. You should get this letter on the day of the exclusion.
- If your child is excluded for a lunchtime period and is entitled to a free school meal, the school will make arrangements for a lunch to be provided if required.
- If the exclusion is for five days or less and you want to discuss it with the Governors you can say that you want to make representations to the Pupil Discipline Committee. Whilst it is not imperative that they meet with you, it is good practice for them to do so.
- If your child has been excluded for between six and fifteen school days in a term, the Pupil Discipline Committee must meet to discuss this, if you request a meeting. The latest date by which the Pupil Discipline Committee can meet is no later than 50 school days from the date that the Governors were notified. The school will write and tell you about the meeting and your right to attend and make your representation at the meeting. Parents/carers may wish to be accompanied by a

friend or representative and advise school of a disability or special needs which would affect their attendance at a meeting held in school.

- If your child has been excluded for more than 15 school days in a term, Pupil Disciplinary Committee must meet to review the exclusion whether or not you choose to attend.

During the Exclusion

While a child is excluded, they may not go to school or into the school grounds. Schools and school grounds are private places. Anyone entering without authority, which might include excluded pupils, is trespassing and will be asked to leave. The school will set work but it is up to the parent to make sure it is collected and returned, when completed, for marking.

Parents/Carers are responsible for their child while he/she is excluded. An exclusion takes effect as soon as the school has made the decision to exclude.

An exclusion is a very serious matter and even if parents do not want to meet with the Governors, it might be useful to discuss what has happened with staff at school and how everyone might work together to improve a child's behaviour.

Permanent Exclusion

Parents must know the detail of the case against their child

- If your child is permanently excluded from school, you will get a letter giving the reasons for the permanent exclusion. You should get this letter on the day of the exclusion.
- The school will tell you about the date of the Governor's Meeting. This could either be a meeting of a group of 3 to 5 governors who make up the Pupil Discipline Committee or a full Local Academy Board meeting, which has decision-making powers. This is a meeting that you can attend, with a friend or representative to help you. Your child can go to the meeting if you want him/her to go.
- Before the meeting, the school must send you details of all the reasons for the exclusion. The school must include all the reasons that they will present to the governors and they cannot bring in new information at the meeting. If you give new information then the school can respond to this.

During the exclusion

Whilst a child is excluded, they may not go to school or into the school grounds. The school will set work but it is up to the parents to make sure it is collected and returned when it is completed for marking.

Parents/Carers are responsible for their child while he or she is excluded. An exclusion takes effect as soon as the school has made the decision to exclude.

Parents have the right to attend a meeting of the Pupil Discipline Committee or full Local Academy Board meeting.

- The Local Authority (LA) will discuss with you and your child an education plan so that you will be aware of what plans are in place and how it will be monitored.
- If you want to appeal against the exclusion to an Independent Appeal Committee, the letter about the exclusion decision will tell you who to write to and the deadline for doing this. You will have to state why you think the decision should be changed.

Independent Appeal Hearings

Background

Parents/carers have the right to appeal to an Independent Appeal Panel against any decision made by a Pupil Disciplinary Committee. [DfE publication *Exclusion from maintained schools, academies and pupil referral units in England – September 2017*](#) sets out how the appeals should be handled. The guidance also includes an explanation of the management of appeals and procedures to be followed after the hearing.

The role of the Appeal Hearing

The role of the Independent Appeal is either to uphold the decision to exclude, or direct immediate reinstatement or reinstatement at some future date; or it may decide that because of exceptional circumstances or other reasons it is not practical to give a direction requiring reinstatement. In coming to this decision the Independent Appeal Panel has to decide whether the exclusion was in line with the national guidance and the school's discipline and behaviour policy, the interests of the pupil and other pupils and staff at the school and the fairness of the exclusion.

The Pupil Disciplinary Committee cannot put forward new evidence or grounds to support the exclusion.

The Independent Appeal Panel is looking at the decision reached by the Pupil Disciplinary Committee and the reasons for that. However, if the parents/carers produce new information, the Pupil Disciplinary Committee can respond.

The Hearing

Independent Appeals Hearings are independent and generally follow a similar format as to the Pupil Disciplinary Committee meetings. The school puts forward its case, which can be questioned by the Independent Appeal Panel and the parents/carers. The parents/carers put forward their case and the Independent Appeal Panel and the school can ask questions. The school then sums up as do the parents/carers. All parties leave the room, excluding the clerk. The Independent Appeal Panel will then discuss and reach an agreed decision.

The Headteacher would normally represent the school and a nominated member of the Pupil Disciplinary Committee would be invited to attend. The Pupil Disciplinary Committee and the parents/carers may have legal representation.

The LA will be present at hearings and may make oral or written representation. The clerk to an Independent Appeal Panel minutes the proceedings. The minutes are not public documents but should be retained by the LA for a period of at least five years, as they may need to be seen by a court or by the Local Government Ombudsman, should the Independent Appeal Panel process be challenged.

Detailed guidance on the conduct of an Independent Appeal Hearing is set out in DfE Guidance. Schools should look carefully at this information, particularly in relation to

Evidence and Witnesses paragraphs 113 – 119 when involved in an Independent Appeal Hearing.

The Remit of the Independent Appeal Hearing

The decision of the Independent Appeal Panel is final and there is no further appeal against the decision. If the parents/carers believe that there has been maladministration in the process, then they can complain to the Local Government Ombudsman but this is a complaint about the process, not about the actual decision.

The Local Government Ombudsman might make a recommendation for a fresh hearing. If this was practical the LA would normally be expected to comply. If either the parents/carers or the Pupil Discipline Committee consider that the Panel's decision is perverse, they may apply to the High Court for a judicial review.

This must be done promptly and no later than three months after the decision. If it was found that the Panel's decision was unlawful or unreasonable (in narrow legal sense of 'unreasonable', i.e. irrational or perverse), the decision could be quashed and the LA be directed to hold a fresh appeal hearing before a newly constituted panel.

After the Appeal Hearing

If the parents/carers are unsuccessful in the appeal, the exclusion will stand and the responsibility for arranging education for the excluded pupil rests with the LA. The Inclusion Officer will work with the pupil, parents/carers to gather all the relevant information to help support the family through the re-integration process to appropriate education provision.

If the parent is successful, then the pupil is entitled to return to school. Schools will need to discuss and plan how to manage what could be a difficult situation for a pupil's return to school. Whilst delay is not acceptable, it is reasonable to expect a meeting with the pupil and parents/carers prior to re-entry so that there can be an agreed planned return to school.

Details of an exclusion may not be deleted from the pupil's record, even where reinstatement is directed. The Pupil Discipline Committee must, however, comply with any parental request to append their appeal statement to the pupil's record. It will be for the Pupil Discipline Committee to decide what details of the exclusion are included in the pupil's school record in accordance with DCSF guidance.

Appendix i Example Exclusion Letter

Date

Dear **Parent**

I am writing to inform you of my decision to exclude **Name** for a fixed period of **? days**. This means that he/she will not be allowed in school for this period. The exclusion will be on **Date and/to Date**

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **Name** has not been taken lightly. **Name** has been excluded for this fixed period because **reason**. You have a duty to ensure that your child is not present in a public place in school hours during this exclusion 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.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **xxxxx, Chair of Governors through the school office**, as soon as possible. Whilst the governing body 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 disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal.

Further information can be obtained by contacting send@justice.gov.uk (01325 289350). [First Tier Tribunal \(Special Educational Needs and Disability\)](#)

You **and child** are requested to attend a reintegration interview with me, at **School** on **DATE** at **TIME**. If that is not convenient, please contact the school **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.** Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy 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'S** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

Child's exclusion expires **Date** and we expect **him/her** to be back in school on **that date**.

Yours sincerely

Headteacher