



CHATHAM & CLARENDON GRAMMAR SCHOOL

Exclusions Policy

Agreed by Governors: October 2020

1. Purpose

Chatham & Clarendon Grammar School is committed to providing an environment where everyone – students, staff and visitors can feel safe, happy and accepted. It is important that an orderly framework should exist within which effective teaching and learning can take place.

Staff will work closely with students and parents to optimise the chances of success for every student. Exclusion, whether fixed term or permanent will only be used as a last resort in response to a serious breach or persistent breaches of the School's Behaviour Policy.

2. The role of the Headteacher

Only the Headteacher can exclude a pupil and this must be on disciplinary grounds. A fixed-term exclusion can be for parts of the school day. A pupil may be excluded for one or more fixed term periods (up to a maximum of 45 days in a single academic year) or permanently.

The behaviour of a pupil outside the school grounds can be considered grounds for exclusion.

Any decision of a school, including exclusion must be lawful; rational; reasonable; fair and proportionate.

When establishing the facts in relation to an exclusion the Headteacher must apply the civil standard of proof ie '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'.

3. Procedure

All exclusions will follow the procedure outlined in the Department for Education guidance, Exclusion from maintained school, academies and pupil referral units in England September 2017.

The Headteacher will decide on the length of the exclusion and whether fixed term or permanent.

Once the decision to exclude has been made, the Headteacher will inform parents immediately and, without delay and in writing, provide the parents with:

- The reasons for the exclusion
- The period of a fixed-term exclusion or, for a permanent exclusion, or for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion the governing body and how the pupil may be involved with 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, to be represented at that meeting (at their own expense) and to bring a friend.
- Notify the parents of the days on which they must ensure that the student is not present in a public place at any time during school hours;
- 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 child during the exclusion;
 - The start and finish times of any such provision, including times for morning and afternoon sessions where relevant;
 - The address at which the provision will take place; and
 - Any information required by the pupil to identify the person they should report to on the first day.

The Headteacher will, without delay notify the governing body and the local authority of:

- Any permanent exclusion
- Any exclusion which would result in the student being excluded for a total of more than five school days (or more than ten lunchtimes)
- Any exclusion which would result in a student missing examination or national curriculum test.

The Headteacher will also notify the local authority and governing body once each term of any other exclusions not already notified.

Once a fixed-term exclusion has ended the Headteacher will arrange a meeting the student and their parents to consider:

- how the pupil will manage their future behaviour;
- what support is required;
- how the student can succeed within the school;
- how further exclusions can be avoided;
- what both the school and the student can do to ensure success.

4. Education for excluded pupils

The school will arrange suitable full-time education for any student of compulsory school age who has been excluded for a fixed period of more than five days. This provision will begin no later than the sixth school day of the exclusion.

In the case of a permanent exclusion, the local authority will arrange suitable full-time education for the student, to begin no later than the sixth school day of the exclusion.

In the case of a looked after child, the school and local authority will work together to arrange alternative provision from the first day following the exclusion.

Where a student has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with the parents, with a view to identifying a new placement.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion the school will take reasonable steps to set and mark work for the student. The work provided will be accessible and achievable by the student outside the school.

5. The role of the Governors

The Governors have a duty to consider parent's representations about an exclusion. A Governors' Review Panel, consisting of at least three governors with no prior knowledge of the circumstances, will consider the re-instatement of an excluded student if:

- The exclusion is permanent;
- 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 the student missing a public examination or national curriculum test.

If the parents make representations on behalf of a student excluded for more than five but less than 15 school days in a term, Governors must consider within 50 days whether the excluded pupil should be reinstated. In the absence of any representations from the parents, governors are not required to meet and cannot direct the reinstatement of a student.

If the exclusion would result in a student missing a public examination or national curriculum test, the governors will, in so far as is reasonably practicable, consider the exclusion before the date of the examination or test.

The following will be invited to a meeting of the Governors' Review Panel and allowed to make representations:

- Parents (and, where requested, a representative or friend);
- Headteacher; and
- A representative of the local authority.

Members of the Governor's Review Panel must:

- not discuss the exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN);
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing board should first seek parental consent and invite the parents to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend); or how the excluded student may feed in their views by other means if attending the exclusion meeting is not possible.

The Governors' Review Panel will consider whether it would be appropriate to allow an excluded student onto the school premises for the sole purpose of taking a public exam or test.

Where the governing body is legally required to consider reinstating an excluded student the panel must consider the interests and circumstances of the excluded student including the circumstances in which the student was excluded, and have regards to the interests of other students and people working in the school.

6. The Governors Review Panel

The Governors will take steps to ensure all parties are supported to participate and have their views properly heard.

Clear minutes will be taken of the meeting as a record of the evidence that was considered by the panel. These minutes will be made available to all parties on request.

The Chair of the Panel will ask all parties to withdraw before the panel makes a decision, with the exception of the clerk who will stay to help the panel by reference to their notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not a pupil should be reinstated, the panel will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the headteacher's legal duties and any evidence that was presented to the panel in relation to the decision to exclude.

The panel will note the outcome of its consideration on the student's educational record, along with copies of relevant papers for future reference.

In cases where the panel considers parents' representations but does not have the power to direct a pupil's reinstatement, it will consider whether it is appropriate to note its findings on the student's educational record.

7. The decision of the Governors Review Panel

When it is legally required to consider reinstating an excluded pupil, the Governors Review Panel will notify parents, the Headteacher and the local authority of its decision, and the reasons for it, in writing and without delay.

In the case of a permanent exclusion where the panel decides not to reinstate the pupil, the governing board's notification must also include the information below;

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
 - a) 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 board's decision is given to parents – see paragraph 78);
 - b) where and to whom an application for a review (and any written evidence) should be submitted;
 - c) 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 pupil's SEN are considered to be relevant to the exclusion;

- d) that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint an SEN expert to advise the review panel;
 - e) details of the role of the SEN expert; and
 - f) that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.
- That, in addition to the right to apply for an independent review panel, if parents believe that there has been unlawful discrimination in relation to the exclusion 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.

The panel will set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

Where relevant, it will be for the panel will provide information on where the parents' application for an independent review panel should be sent. This is normally the clerk of the independent review panel. The notice should make it clear that parents are entitled to bring a friend to the review.

In providing details of the role of the SEN expert, the governing board will refer to the statutory guidance provided to SEN experts in paragraphs 164 to 167. The notice should explain that there would be no cost to parents for this appointment and that parents must make clear if they wish for an SEN expert to be appointed in any application for a review.

Where the panel declines to reinstate the pupil, it will provide parents with information about relevant sources of free and impartial information to allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This information will be included in the letter notifying parents of a decision to uphold an exclusion, which will also include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>);
- a link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

8. The school admissions register

The students name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the panel's decision not to reinstate the pupil 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.

Where an application for an independent review panel has been made within 15 school days, the school will wait until the review has been determined, or abandoned, and the governors have completed any recommendation that the panel has recommended or directed them to carry out, before removing a student's name from the register.

9. Independent Review Panel

If the parents apply for an independent review panel within 15 school days of the decision not to reinstate a permanently excluded pupil, the school will arrange for an independent review panel to review the decision reached by the Governors' Review Panel. Full information about the regulations governing review panels can be found in the DfE guidance, Exclusion from maintained schools, academies and pupil referral units in England 2017.

If an independent review panel directs or recommends the school's governing body to reconsider its decision, the Governors Review Panel will reconvene within ten school days of being given notice of the panel's decision.

10. Police involvement and parallel criminal proceedings

The Headteacher does not need to postpone taking a decision on an exclusion solely because a police investigation is underway and/or criminal proceedings may be brought. In such circumstances, the Headteacher will take a decision based on the evidence available to them at the time.

Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher will consider any additional steps that may need to be taken to ensure that the decision to exclude is fair. However, the final decision to exclude or not rests with Headteacher.

Where the Governors Review Panel is required to consider reinstatement, it cannot postpone its meeting and must decide whether or not to reinstate the pupil on the evidence available.