



Guidance regarding Pupil Exclusions

All children at The Orchard School have an EHCP and have complex special educational needs. As such, the Head teacher should, as far as possible, avoid permanently excluding any pupil. The School will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to 'looked after' children, The School will co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child.

Where there are concerns about behaviour, or risk of exclusion of a child we will, in partnership with others (including the Local Authority SEN Department), consider what additional support or alternative placement may be required. Since all pupils have an EHCP, the school should consider requesting an early annual review or interim / emergency review.

Types of Exclusion

The Head Teacher has the legal power to exclude a child from school on disciplinary grounds. It is necessary to explain to the parents why the child is being excluded and for how long. This is however a last resort and every effort will be made to support the family and child without a requirement for exclusion.

Parents/carers must ensure that their child is not in a public place during school hours for the first 5 days of an exclusion on penalty of a fine.

There are 2 types of exclusion:

A fixed term (or fixed period) exclusion

This is used to remove a pupil from the school premises as above for a temporary period and can be for half a day, lunch time(s) or longer. Lunch time exclusions count as a half day exclusion and should be for the **shortest** period possible - the arrangements for lunch time exclusions should therefore be reviewed regularly with parents/carers. Free School Meal entitlement **must** be honoured.

Schools **must** provide full time education for pupils from the 6th day of any fixed term exclusion (day 1 for a child in care). The Governing Body **must** review cases where a pupil has had 15 days (or more) fixed term exclusions in any 1 term. A Head Teacher cannot fixed term exclude a pupil for more than 45 days in one academic year - at this point a decision **must** be made about whether to permanently exclude the pupil.

Parents/carers can make representations to the School Governors if they feel the fixed term exclusion imposed is inappropriate.

Schools should work with parents/carers to complete a Common Assessment Framework (CAF) for any pupil who has 3 or more fixed term exclusions in any one term. This will help to identify further support for the pupil and is a strategy designed to help to prevent a permanent exclusion.

Permanent exclusion

This is used to remove a pupil permanently from the school roll. This means that a pupil may **not** return to the school and is therefore used for the most serious offences.

Exclusion is a last resort and is a response to a serious breach of school discipline. Parents/Carers can put their case to the Governors' Appeals Committee. If the Governors uphold a permanent exclusion (expulsion), parents/carers have the right to appeal to an independent appeal panel.

A Head Teacher will often impose a 5 day fixed term exclusion if they are considering a permanent exclusion. This step is taken to ensure that thorough investigations are carried out. The correspondence you receive from the school should make this clear to you.

Managed transfers

On occasion, a family may be offered a "Managed Transfer" when a pupil is at risk of permanent exclusion. This provides a move to another school, offering a 'fresh start' without a permanent exclusion being recorded on the pupil's record. There are strict procedures in Sandwell that have to be followed before a Managed Transfer can be agreed:

- such a move cannot be requested by a school without the full consent of parents/carer;
- the original school must be able to demonstrate that a range of strategies have already been put into place to resolve issues and must then gain consent from Sandwell LA SEN Department for the managed transfer to take place.

"Back door" exclusions

"Back door" exclusion is a term that has developed to describe situations where a family feels under pressure to withdraw their son/daughter from their school or find an alternative school placement if they are at risk of permanent exclusion. There is no legal definition of the term, but such practices are **not** acceptable. Families should contact the Local Authority for advice should they find themselves in this situation - the Sandwell LA Exclusions Team on telephone number: 0121 569 8467. The Local Authority will challenge any school or academy when suspected "back door" exclusions are drawn to its attention.

Other illegal exclusions

Schools can no longer send a pupil home to "cool off" - this practice became illegal when the Statutory Guidance on exclusions was updated in September 2008. Families should contact the Local Authority for advice should they find themselves in this situation - the Exclusions Team on telephone number: 0121 569 8467. The Local Authority will challenge the school if an illegal exclusion is drawn to its attention.

Procedure for a governing body meeting regarding an exclusion

A meeting of members of the governing body and LA should be organised between the 6th and 15th day following parents/carers notification by the Head Teacher of the exclusion. They should try and organise the meeting so that it is convenient to all parties. If parents cannot negotiate a convenient time within 15 days, then the Governing Body must arrange the "**earliest possible convenient date**" for the hearing.

Parents/Carers should receive any papers regarding the exclusion at least 5 days before the meeting and should be notified of their right of access to their child's school record. They will be invited to state their case and to forward a written statement in advance of the meeting where applicable. Parents/carers can take a representative with them to this meeting - this could be a friend, relative, a representative from a Community/Voluntary Service or a representative who is supporting the family.

The procedure for the meeting should be as follows:

1. Chair should welcome and introduce everyone the outline, the purpose of the meeting and the procedures to be followed. The Chair should also explain how the decision will be reached.
2. Chair invites Head Teacher to speak.
3. Parents/Carers have an opportunity to question the Head Teacher.
4. Governors (and Local Authority Officer) have an opportunity to question the Head Teacher.
5. Chair invites family to speak.

6. Head Teacher has an opportunity to question the family.
7. Governors (and Local Authority Officer) have an opportunity to question the family.
8. Opportunity for final comments from the Head Teacher.
9. Opportunity for final comments from the family.
10. Family, Head Teacher and Local Authority Officer are then required to leave the meeting to enable the Governors discuss and reach a decision.
11. The Governors may invite the family, Head Teacher and Local Authority Officer to re-enter the room once a decision has been made to share their decision with everyone.
12. The Chair must advise the Head Teacher and the parents that they will be notified in writing of the decision within 1 working day of the meeting.
13. The Chair can invite the Local Authority Officer to advise the parent/carer on alternative school provision.

Independent Review Panel

If parents are unhappy with the decision of the above meeting they can apply for a review by an independent panel. The legal time frame for an application is: within 15 school days of notice being given to the parents by the governing body of its decision.

The Local Authority must arrange this and follow statutory guidance (within Education Act 2002). The outcome of the panel may be to request the governing body to consider again the re-admission of the child to school, in which case the original panel consisting of governing body and LA representatives must meet again.

Legislation

This guidance is based on:

- *Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion. DfE Sept. 2017*
- *Changes to the school suspension and permanent exclusion process during the coronavirus (COVID-19) outbreak. DfE updated 7.9.21*
<https://www.gov.uk/government/publications/school-exclusion>
- Guidance on pupil exclusions from Sandwell MBC.

Review

The guidance will be reviewed annually.