

# EXCLUSION POLICY

## GENERAL PRINCIPLES

The school will use exclusion as its final sanction to ensure good order and behaviour for learning.

Exclusion will be used in response to serious breaches or persistent breaches of the school behaviour policy. This policy will be used in conjunction with the School Behaviour Policy, Safeguarding Policy, Attendance Policy, Sixth Form Policy, Anti-bullying Policy, Health & Safety Policy and Detention Guidelines.

Permanent exclusion will be used as a last resort and when allowing the student to remain in school would seriously harm the education and/or welfare of the student in question or others in the school.

On rare occasions, permanent exclusion may be the only reasonable response to a single incident of extreme misconduct.

In applying this policy, the school will adhere to current legislation, including the Equality Act 2010. The school is obliged to have regard to the Department for Education guidance on exclusions (Exclusion from maintained schools, Academies, and pupil referral units in England), and this policy is set out on that basis.

Once a decision to exclude a student has been made, parents will be contacted at the earliest opportunity, by telephone if possible. The exclusion will always be confirmed by a letter which will set out the period of the exclusion (whether fixed term or permanent), the reasons for the exclusion and the parents' right to make representations to the Governing Body. The Clerk to the Governing Body is Lulu Oskis and she can be contacted via email [l.oskis@hasmonean.co.uk](mailto:l.oskis@hasmonean.co.uk) and by telephone on ext: 210.

Each exclusion will be recorded in a standard format. This will give:

- the name of the student
- the tutor group
- the gender of the student
- if a student belongs to a disadvantaged group and if so which one
- the type of exclusion
- in the case of fixed term exclusions, the number of days for which the student will be excluded
- the reasons for the exclusion

The Clerk to the Governing Body will be informed of each exclusion, and will be sent a copy of the exclusion letter.

## PROCEDURES FOR FIXED-TERM EXCLUSION

Only the head teacher (or person acting as such) of a school will decide if a student is to be excluded for a fixed period. Fixed-term exclusion may be used for a single occurrence of serious misconduct or for persistent misbehaviour. A student can be removed for up to 45 days in 1 school year.

The length of the fixed-term exclusion will normally be 1-3 school days. Longer periods may be used for a more serious offence or for a reoccurrence of misbehaviour following an earlier fixed term exclusion. The school will take reasonable steps to set and mark work for the first 5 days of an exclusion.

Each case will be judged on the facts and the context. The degree of severity of the offence, the likelihood of re-occurrence and the student's previous record will be taken into account. The EHT, Heads of School or person designated by EHT, will also take into account any contributing factors such as recent bereavement, mental health issues or that the student has recently been subject to bullying.

Fixed-term exclusion will be considered when:

- verbal abuse is used by a student towards a member of staff
- violence has been used towards another student or member of staff
- it is deemed that a student has partaken in bullying of another student or member of staff, including cyberbullying that may take place outside of school hours
- dangerous objects or illegal substances have been brought on to the school premises
- serious misbehaviour has occurred on the way to or from school
- selling items on or near the school premises
- behaviour is considered incompatible with the orthodox Jewish ethos of the school
- pupils are involved in sexting or sexual abuse

This list is not exhaustive and depending on the severity of the above offences, permanent exclusion may also be considered.

When the head teacher has decided that there are adequate grounds for excluding a student, the parents will be informed as soon as possible, by phone if this is available. A letter will be sent to parents on the day of the exclusion. This letter will set out:

- the reasons for the exclusion
- the length of the exclusion
- the right to make representations to the Governing Body, how those representations may be made and how the pupil may be involved in this
- where there is a legal requirement for the governing board to meet 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
- the days on which the parents are legally required to ensure that their child (if of compulsory school age) is not present in a public place during school hours without justification and that parents may be given a fixed penalty or prosecuted if they fail to do so
- If the exclusion is for more than 5 days and the information is available, details of the alternative education provision to be made for the student. If this is not yet available it will follow as soon as reasonably practicable and no later than 48 hours before the alternative provision is due to start
- Relevant sources of free and impartial information will be included in the letter which informs a parent that his or her child is to be excluded.

The Governing Body will always meet to consider the reinstatement of an excluded child if the exclusion will take the total days of exclusion for the student concerned above 15 for the term or the exclusion will result in the pupil missing a public examination or national curriculum test. For exclusions taking the total to more than 5 but fewer than 15 days for the term the Governing Body will only meet to review the exclusion decision if the parent requests it and makes representations. Parents will not be entitled to a meeting with the Governing Body where the exclusion is for 5 days or fewer but they may still make representations to the Governing Body in writing which the Governing Body will consider although they will be unable to direct reinstatement. If the governors decide that the exclusion was issued unfairly, a note will be placed on the student's file to this effect.

Representations to the Governing Body concerning fixed-term exclusions will normally be made to a sub-committee of the Governing Body consisting of at least three Governors. If the exclusion would result in the student missing a public examination or national curriculum test and it is not reasonably practicable for the governing body to consider the decision before then, the matter may be considered by the Chair of Governors or (in the Chair's absence) Vice Chair who will decide whether or not to reinstate the student. It should be noted that this is the only circumstance under which the matter can be considered by the Chair or Vice Chair of Governors.

The school reserves the right to use fixed-term exclusion up to the maximum period allowed in current legislation.

If the exclusion is for 6 days or more the school will:

- Ensure that work is set and sent home for completion for the first 5 days
- Arrange suitable full-time, offsite, educational provision from day 6 of the exclusion for any pupil of compulsory school age (except if they are in their final year of compulsory education and have no further public examinations to sit).
- Notify parents of their responsibility to ensure that their child, for the first 5 school days of exclusion, is not found in a public place during school hours.
- Inform the Chair of Governors of the details of the exclusion and the provision made for the individual.

For the purposes of reintegration after expiry of a fixed term exclusion, the school will normally arrange to meet with the parents and the student to discuss the student's return to school and the school's expectations. This may include a Pastoral Support Plan which will have clear targets for the student or the appointment of a staff mentor.

## **PERMANENT EXCLUSION**

The Head Teacher may decide to exclude a student permanently.

Permanent exclusion will only be used as a last resort. It is likely to be applied only after all other support and sanctions, including fixed-term exclusion, have failed to produce the desired response from the student. It may, however, be an appropriate sanction for a single incident of extreme misconduct.

On making the decision to exclude a student permanently, the Head Teacher will inform the parents of the decision by phone, followed by a letter. The letter will state:

- that the student has been permanently excluded
- the reasons for the permanent exclusion
- if the exclusion is for persistent breaches of the school's behaviour policy, details of any previous disciplinary measures leading up to the permanent exclusion
- the right of the parents to make representations about the exclusion to the Governing Body (or a delegated committee thereof) by writing to the Clerk to the Governing Body

[l.oskis@hasmonean.co.uk](mailto:l.oskis@hasmonean.co.uk) and the right of the student to either provide a written statement and/or attend the hearing

- the date by which the hearing must be convened
- the purpose of the hearing
- information about the hearing including the right of the student to attend with the parents, and the right to be accompanied by a friend
- the days on which the parents are legally required to ensure that their child (if of compulsory school age) is not present in a public place during school hours without justification and that parents may be given a fixed penalty or prosecuted if they fail to do so
- details of the alternative education provision to be made for the student if available and what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision
- that a claim may be issued under the Equality Act 2010 where the parent ( or student, as appropriate) believes that unlawful discrimination has occurred and that such a claim must be made within 6 months of the exclusion date.
  
- relevant sources of free and impartial information.

A copy of this letter will be sent to the Chair of Governors.

The procedure followed at the hearing will be as follows:

- a. The Governors will meet the Head Teacher and the parents if they choose to attend (together with the student if felt appropriate by the parents and an accompanying friend or representative if required by the parents.)
- b. The parents will explain their case as to why they believe a permanent exclusion is inappropriate. The school and panel can question the parents.c.The Head Teacher will explain their case for the permanent exclusion. The parents and panel can question the school.
- d. Each party will sum up their case. All parties, save for the Clerk (if there is one) will withdraw from the meeting to allow the Governors to consider the case and to either confirm the exclusion or immediately reinstate the student.

The Governors' decision will be communicated to the parents, Head Teacher and Local Authority by letter without delay.

If the Governors have decided to confirm the permanent exclusion, the letter will inform parents and give reasons for their decision. Governors will also give notice of the parents' right to ask for the decision to be reviewed by an independent review panel together with 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 body's decision was given to parents): **Please note that this is an absolute deadline and will not be extended;**
- b) the name and address 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 special educational needs are considered to be relevant to the exclusion;

d) that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the school to appoint a SEN expert to attend the review;

e) details of the role of the SEN expert and that there would be no cost to parents for this appointment;

f) that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and

g) 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.

h) 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 under the Equality Act 2010 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 pupil was excluded).

Governors will also draw the attention of parents to relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision.

## **THE INDEPENDENT REVIEW PANEL PROCEDURE**

The Independent Review Panel ("IRP") only applies in the case of a permanent exclusion that has been reviewed and upheld by the Governing Body.

The set up and process of the IRP is set out in the Department for Education guidance (Exclusion from maintained schools, academies, and pupil referral units in England). It is important to be aware of the following:

- If (and only if) requested by the parents within time the academy trust will convene an IRP to review the case and reach a decision. Members of the school and the school's governing body are not allowed to sit on this panel.
- The IRP will consist of either 3 or 5 members.
- The IRP must meet within 15 school days of the parents application for a review.
- Parents may make written and/or oral submissions and attend the hearing. The excluded pupil may also attend.
- The IRP may uphold the decision to exclude, or quash the decision of the Governing Body and direct that it reconsiders its decision, or recommend that the Governing Body reconsiders its decision. The IRP **cannot** order the reinstatement of a pupil.
- The decision of the IRP is binding on all parties.

## **SCHOOL'S DUTIES FOR NOTIFICATION OF EXCLUSIONS**

The Head Teacher must without delay notify the Governing Body and Local Authority of

- A permanent exclusion

- Exclusions which result in the pupil being excluded for more than 5 days or more than 10 lunchtimes in a term
- Exclusions which would result in the pupil missing a public examination or national curriculum test

For all other exclusions the Head Teacher will notify the Governing Body and the Local Authority on a termly basis.

**Checked by Maxine Zeltser – Foundation Governor**

**Reviewed by Stone King**

**Ratified by the Full Governing Body: Nov 2018**

**Next Review: Nov 2023**