



Feltham Hill Infant & Nursery School

Exclusions Policy

March 2021

The Exclusions Policy will be used, on the rare occasion that, the school's positive behaviour approach identified in the Behaviour and Anti-bullying policy has not been able to manage a child's challenging behaviour.

Prepared by: AH

Agreed with: HT & DH

Agreed with: All school staff (Mar 2021)

Safeguarding governor: (Mar 2021)

To be reviewed and updated: March 2023



Aims

The school aims to ensure that:

- Children in school feel safe and happy.
- Children are able to learn in a safe school environment.
- The exclusions process is understood by parents/carers, children, staff and governors.
- The exclusions process is applied fairly and consistently.
- Children do not become 'not in education, employment or training' (NEET).

Legislation and statutory guidance

- This policy is based on statutory guidance from the Department for Education (DFE): [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).
- It is based on the following legislation, which outline schools' powers to exclude pupils:
Section 52 of the Education Act 2002, as amended by the Education Act 2011,
The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
Sections 64-68 of the School Standards and Framework Act 1998
- In addition, the policy is based on:
Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils
Section 579 of the [Education Act 1996](#), which defines 'school day'
The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

Managing challenging behaviour

- The school has an excellent behaviour policy with clear rules, rewards and sanctions which successfully manages the behaviour, of the overwhelming majority of children.
- However, some pupils with very challenging behaviour will not be managed by regular behaviour strategies and school routines.
- On these occasions, the class teacher will discuss this pupil with the special educational needs co-ordinator (SENCO).
- The pupil will be given, an individual education plan (IEP) with specific behaviour targets and strategies.
- At the same time, the teacher will discuss with the child's parent/carer, their on-going behaviour issues and start a home/school log.

Serious and/or persistent breaches of school's behaviour policy home/school log

- A home/school log is used daily, for children with serious breaches and/or on-going breaches of the behaviour policy.
- Serious breaches may involve a child hurting an adult or another child (possibly with visible injuries).
- On-going issues means that the child's name is continually being written on the pink and yellow sheets.
- The teacher will complete the home school log daily, even if there have been no behavioural issues, as it is important to have a clear record of concerns.



- E.G it may say, that the child has had a good day.
- The teacher must write a clear record of the incident, on the log.
- The office with email to the parents/carers, daily.
- This home/school log is an important record for: fixed day exclusions, permanent exclusions and for any special education needs (SEN) panels.

Fixed day exclusions

- If a child is refusing to follow a sanction given by an adult e.g refusing to go for timeout and perhaps, having a tantrum, throwing things in the classroom, the parent/carer may be called to take them home.
- This is to prevent the child causing harm to themselves, another child or a staff member.
- The Headteacher (HT) will speak to the parent/carer with a senior leadership team (SLT) member.
- The HT will explain what has happened and that it has resulted, in a fixed day exclusion.
- This will be added onto the log.
- The HT will agree with the parent/carer the day and time the child may return.
- This will depend on the time the child has been sent home.
- The HT will inform the local authority LA, using Hounslow's form.
- And email the Chair of governors.

Permanent exclusions

- A decision to exclude a child will be taken only:
- If there has been a serious or persistent breaches, of the school's behaviour policy.
- There is risk of serious harm to the education and/or well-being of peers or adults.

- Before deciding whether to exclude a child, either permanently or for a fixed period, the headteacher will:
- Consider all the relevant facts and evidence, including the behaviour log.
- Consider if the child is looked after, or has an Education Health Care Plan (EHCP).

- A permanent exclusion, will always be taken, as a last resort.
- The Headteacher (HT) will speak to the parent/carer with a senior leadership team (SLT) member.
- The HT will inform the local authority LA, using Hounslow's form.
- And email the Chair of governors.

- Leaders will ensure, that there is no off-rolling, as it is unlawful.
- Parents/carers will have the right to appeal.
- The appeals panel is group of governors.

Roles and responsibilities

The headteacher

- Only the headteacher can exclude a child and this cannot be delegated.
- The Headteacher will meet with the parent/carer.



- And then provide, in writing, the reason for the exclusion and the behaviour log.
- The Headteacher will inform the parent/carer of the length of a fixed-term exclusion and the date of return.
- Or, the fact that it is permanent.
- Information about how parents/carers' can appeal, to the exclusion governing board appeals panel will be written.
- The headteacher will immediately notify, Hounslow Local Authority (LA) using Hounslow's form and email the chair of governors.

The governing body

- The chair of governors has responsibility, to monitor fixed term or permanent exclusions.
- There is an appeals panel, with the Chair and 2 other governors which will hear parents/carers appeals.
- Governors have a duty, to consider the reinstatement, of an excluded child within 14 days of receipt of a request.
- The panel will consider all the relevant facts and evidence, including the behaviour log, if the child is looked after, or has an Education Health Care Plan (EHCP)
- Governors will provide the LA, with information about any exclusions which will be on the agenda and recorded, at a full governing body meeting.

The Hounslow local authority (LA)

- The LA, must be informed of fixed term or permanent exclusions, immediately.
- There is a form for the Headteacher to use.
- The LA, may support parents/carers in an appeals process.
- The LA, is responsible for arranging suitable full-time education, to begin no later than the sixth day of the exclusion.
- The LA must ensure that no child is NEET.

Considering the reinstatement of a pupil

- Governors should consider, the reinstatement of an excluded pupil, within 15 school days of a permanent exclusion.
- Or if the fixed-term exclusion, would bring the pupil's total number of school days to more than 15 in a term.
- Or if requested to do so by parents/carers.
- Governors can either: decline to reinstate the pupil, or direct the reinstatement, of the pupil immediately or on a particular date.
- In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties.
- They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.
- Minutes will be taken of the meeting, and a record of evidence considered kept.
- The outcome will also be recorded on the pupil's educational record.
- The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.



- Where an exclusion is permanent, the governing board's decision will also include the following:
 - The fact that it is permanent.
 - Notice of parents' right to ask for the decision to be reviewed, by an independent review panel.
 - The independent review panel will be arranged by Hounslow.
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion.
 - That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require Hounslow Local Authority to appoint an SEN expert to attend the review.
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review.
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel and parents may also bring a friend to the review.
- That if parents/carers believe that the exclusion has occurred, as a result of discrimination, 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.
- A claim of discrimination made under these routes should be lodged, within 6 months of the date on which the discrimination is alleged to have taken place.

An independent review

- Parents/carers have the right to appeal to an independent review panel.
- The LA will arrange for this panel, to review the decision of governors, not to reinstate, a permanently excluded pupil.
- Applications for an independent review, must be made within 15 school days of notice being given to the parents/carers, by governors of its decision, to not reinstate a pupil.
- A panel of 3 or 5 members will be constituted with representatives from each of the following categories:
 - The school governors' category
 - The headteachers' category
 - A lay member
- Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the headteacher's category.
- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Governors, must have served as one, for at least 12 consecutive months, in the last 5 years, provided they have not been teachers or headteachers during this time.
- Headteachers or individuals who have been a Headteacher, within the last 5 years.



- A person may not serve as a member of a review panel if they:
 - Are an employee of Hounslow Local Authority, or on the governing board of Feltham Hill Infant and Nursery School.
 - Are the headteacher of Feltham Hill Infant and Nursery School, or have held this position in the last 5 years.
 - Had, any connection with Hounslow Local Authority, Feltham Hill Infant and Nursery School, the governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
 - Have not had the required training within the last 2 years (see appendix 1 for what training must cover).
-
- A clerk will be appointed to the panel.
 - The independent panel will decide one of the following:
 - Uphold the governing board's decision
 - Recommend that the governing board reconsiders reinstatement.
 - Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).
 - The panel's decision can be decided by a majority vote.
 - In the case of a tied decision, the chair has the casting vote.

School registers

- A child's name will only be removed from the register, if:
 - 15 school days have passed, since the parents were notified of the governor's exclusion panel's decision, not to reinstate the child.
 - There has been, no application made for an independent review panel.
 - The parents have stated in writing, that they will not be applying, for an independent review panel.
-
- Where an application for an independent review has been made, governors will wait until that review has concluded before directing the Headteacher, to remove a child's name, from the register.
 - Where alternative provision has been made, for an excluded child and they have attended it, code B (education off-site) or code D (dual registration) will be used on the attendance register.
 - Where an excluded child is not attending alternative provision, code E (absent) will be used.

Returning from a fixed-term exclusion

- Following a fixed-term exclusion, a re-integration meeting will be held. involving the parents/carers, a member of senior staff and other staff, where appropriate.
- The following measures may be implemented when a pupil returns from a fixed-term exclusion:
- A meeting with parent/carers, child, the Headteacher or Deputy, or SENCo.
- The child will be reminded of acceptable behaviour at school.
- Parents/carers will be informed that the fixed day exclusion, may occur again if there are other incidents causing harm.



Monitoring arrangements

This policy will be reviewed by the Strategy team and safeguarding governor, every 2 years.

At every review, it will be approved by the full governing board.

Links with other policies

This exclusions policy is linked to:

Behaviour and Anti-bullying policy

SEND policy



Appendix 1: Independent review panel training

- The LA must ensure that all members, of an independent review panel and clerks have received training within 2 years prior, to the date of the review.
- Training must have covered:
- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.