

# Merrydale Infants School



## Exclusions Policy

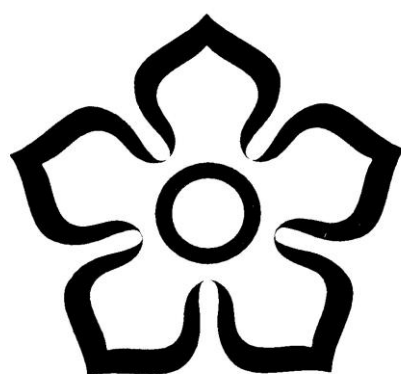
Chair's signature...*Mrs Elizabeth Surtees*

Head's signature.....*Mark Tipple-Johnson*

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Review date April 2023

Children and Young People's Services



**Leicester**  
City Council

**Exclusions**  
**A Brief Guide**

## Contents

Definitions.....	
Introduction .....	
The decision to exclude.....	
Who can exclude.....	
Types of Exclusion.....	
• Lunch-Time exclusion	
• Fixed Period exclusion	
• Permanent exclusion	
• Reintegration Interviews	
How often can a Head teacher exclude? .....	
Removing pupils from the school site.....	
Keeping parent (s) / carer (s) informed .....	
Governor Discipline Committee (GDC) .....	
Procedure at the GDC .....	
What decision can the GDC make? .....	
Parents' rights and responsibilities .....	
Independent Review Panel (IRP) .....	
What decision can an IRP make? .....	
Education after Fixed Period exclusion.....	
Education after Permanent exclusion .....	
Primary age Permanently excluded children.....	

Secondary age Permanently excluded children.....

Permanent exclusion only as a last resort.....

Primary to Secondary Transfer process .....  
Discrimination.....

Cross Border Working .....

Parenting Orders & Parenting Contracts.....

Early Help Assessment (previously CAF).....

Useful Contacts & Addresses.....

## Definitions

CYPS	Children & Young People's Service
DfE	Department for Education
GDC	Governing Discipline Committee - a panel of 3 or 5 individuals appointed by the school's Governing Body to review exclusions.
Head teacher	Teacher in Charge or Principal of a school or a Pupil Referral Unit (PRU).
IRP	Independent Review Panel
LA	Local Authority relevant / related services within Children and Young People's Services.
Parent	Anyone who has Parental / Care responsibility for a child. This may include the LA.
SEMHT	Social Emotional Mental Health Team – provides alternative support for pupils at risk of an exclusion as well as permanently excluded pupils.
PRU	Pupil Referral Unit within Children and Young People's Services.
Pupil	A child on a roll at a Maintained School, Free School, Academy School or an Alternative Provision Academy – includes children under and over the statutory school age.
LPS	Leicester Partnership School – provides alternative support for permanently excluded pupils and pupils at risk of exclusion.

## **Introduction**

This booklet is intended to give parent(s), carer(s) and staff at schools, a concise explanation about the procedures involved when a pupil is excluded from school.

Further information can be found in the Department for Education (DfE) publication: "Exclusion from maintained schools, Academies and pupil referral units in England" – (September 2012). This Guidance applies to all Maintained schools, Free Schools, Academy Schools, Alternative Provision Academies and Pupil Referral Units and all pupils in them, including any who are below or above compulsory school age. It also applies to Maintained Nursery schools. It also applies to head teachers; governing bodies; local authorities; academy trusts and their board of directors; independent review panel members; independent review panel clerks; and special educational needs experts who must have regard when carrying out their functions in relation to exclusions unless there is good reason not to in a particular case.

This guide does not apply to: independent schools (other than the Academies listed above); City Technology Colleges; City Colleges for the Technology of the Arts; Sixth Form Colleges; or 16 – 19 Academies, all of which have separate exclusion procedures.

As a Local Authority, we are required to arrange educational provision for excluded pupils of compulsory school age from all institutions from the sixth day of a permanent exclusion and where necessary will contact institutions to remind them of their duty of care to our pupils.

A copy of the Guidance can be viewed online at:  
<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion/a0076478/exclusion-guidance>

If you require further assistance, please contact our Exclusions Team on 0116 454 5520.

## **The decision to exclude**

Alongside the DfE guidance highlighted above, pupil behaviour at school is governed by the school behaviour policy. As a general rule the decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular

consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

The Head teacher may exclude a pupil for breaking school rules contained in the school behaviour policy especially if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school i.e: the behaviour is a threat to the health and safety of other pupils, staff and / or to themselves. The Head teacher may exclude the pupil from the school for a fixed period of time or in more serious cases, permanently.

During the decision making process the Head teacher needs to consider all the evidence available to support the allegation(s) taking in to account the Equalities Act 2010 as amended, Education Act 2011 as amended, the European Convention on Human Rights and the school's equal opportunity policy. There are statutory duties in relation to special educational needs (SEN) when administering the exclusion process. This includes having regard to the SEN Code of Practice. This includes a duty to make reasonable adjustments to policies and practices.

Below are some examples where the Head teacher may exclude a pupil from school:

**Acceptable reasons to exclude:**

- Drug or alcohol related incidents
- Bullying
- Sexual misconduct
- Damage to property
- Theft
- Violent / threatening behaviour
- Carrying an offensive weapon
- Racism

Here are some examples where a Head teacher may not exclude a pupil from school:

**Unacceptable reasons to exclude:**

- Breaking school uniform / dress code or rules (except where persistent and in open defiance)
- Not bringing in dinner money
- Poor academic performance
- Lateness or truancy
- Pregnancy
- Forgetting to do homework
- For the behaviour of their parents

- For protecting victims of bullying by sending them home because they are being bullied.

## **Who can exclude?**

Only the Head teacher has the authority to make the decision to exclude a pupil from school. However, in his / her absence, the next most senior member of staff has the delegated authority. This also applies to Pupil Referral Units.

Head teachers should not exclude a pupil “in the heat of the moment” unless there is an immediate threat to the safety of others at the school.

### **Before deciding to exclude, the Head teacher should:**

- Make sure a thorough investigation has been carried out, looking into the circumstances of the incident;
- Give the pupil a chance to give their version of events;
- Check to see if the incident was provoked;
- Consider all the evidence available to support the allegations;
- Keep a record of the action(s) taken including interview notes
- Keep records of signed and dated witness statements, wherever possible.
- Consider all mitigating circumstances
- Review collaborative working with multiagency teams where necessary
- Provide relevant early intervention, support and review outcomes before taking a final decision on the level of discipline to be applied

The responsibility for carrying out an investigation may be given to another member of staff to complete. However, the decision to exclude remains the Head teacher’s responsibility.

## **Types of exclusion**

If the Head teacher decides to exclude a pupil, one of the following categories will be applied:

- Lunchtime;
- Fixed period or

- Permanent

The type of exclusion issued should reflect the severity of the incident.

If a pupil is sent home from school following poor behaviour, the absence **must** always be recorded as an exclusion, even if the parent / carer agrees to a “cooling off” period. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parent (s) or carer(s). Where a pupil is sent home for disciplinary reasons for part of a school day, some head teachers have viewed this as a 'cooling off' period, and have not taken action to exclude the pupil formally. There is no basis in law for this.

In some cases where further evidence comes to light, it may be necessary for the Head teacher to extend the exclusion or to convert it to a permanent exclusion. In such cases, the Head teacher must write again to the parent(s) / carer(s) explaining the reason for the change.

It is not appropriate to send home children with Special Educational Needs (SEN), with conditions such as Attention Deficit Hyperactivity Disorder (ADHD) and Autism, purely for that reason and schools should arrange a statutory annual or interim/emergency review if they feel they are no longer able to meet a child's needs. The child should not be sent home in anticipation of such a review.

### **Lunch Time exclusion**

When a pupil's behaviour at lunchtime is disruptive, the Head teacher may exclude the pupil from the school premises for the entire lunchtime period.

If the pupil is entitled to **free school meals**, the school should put in place arrangements for the pupil to receive their entitlement. This could mean providing a packed lunch.

### **Fixed Period exclusion**

When a pupil has broken the school rules and the behaviour is a threat to the health and safety of other pupils, staff or themselves, the Head teacher may exclude the pupil from the school premises for a set period of time.

The school is responsible for continuing a pupil's education whilst excluded and work must be set. The school should make suitable arrangements for the work to be collected, but it is the parents' responsibility to make sure the work is completed and returned.

### **Permanent exclusion**

A decision to exclude a pupil permanently is a serious one and should only be taken in response to serious breaches of the school's behaviour policy and if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others. It is usually the last resort after a wide range of alternative strategies to improve behaviour have been tried **without success**.

However, there may be occasions where the Head teacher can exclude a pupil for a **first** or "**one off offence**". These may include:

1. Carrying an offensive weapon - schools have power to screen and search pupils for weapons
2. Supplying an illegal drug
3. Sexual abuse or assault or
4. Serious actual or threatened violence against a member of staff or another pupil

Where a Head teacher/ teacher in charge has permanently excluded a pupil for one of the above offences or persistent and defiant misbehaviour including bullying or repeated possession and /or use of an illegal drug on school premises, and where the facts have been clearly established on the balance of probabilities, the Secretary of State would not normally expect the governing body or the management committee of a Pupil Referral Unit (PRU) or an Independent Review Panel (IRP) to reinstate the pupil.

The school is responsible for setting work for a period of the first five days following a permanent exclusion. Depending on the outcome of the meetings that follow the exclusion, if the pupil still remains permanently excluded, the LA will be responsible for continuing the pupil's education from day six of a permanent exclusion.

## **Reintegration Interviews**

Reintegration refers to the longer term planning for a pupil's return to school or other suitable full time education. The purpose of a reintegration interview is to assist the return to school after a fixed period exclusion and promote the improvement of his / her behaviour. Reintegration interviews provide the opportunity for:

- Joint working between the school and Parent(s) / Carer(s) to share responsibility
- Review outcomes and involve an alternative agency to strengthen support
- Discuss ways to address future behaviour issues as they arise
- Reach an agreement and consider the possibility of a parenting contract.

A parent's failure to attend a reintegration interview will be one factor taken into account by a Magistrates' Court when deciding whether to impose a Parenting Order, if at any future date a Parenting Order has been applied for by the school or local authority. Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the Court may need to see them. However, a fixed period exclusion must not be extended if such an interview cannot be arranged in time or the parents do not attend.

## **How often can a Head teacher exclude?**

The DfE Guidance on “Exclusions from maintained schools, Academies and pupil referral units in England”, allows the Head teacher to exclude a pupil for one or more fixed periods, including lunchtime exclusions, not exceed 45 school days in an academic year.

The LA monitors the number of days for all types of exclusions along with the reasons provided for the exclusions. Each day imposed as Fixed Period exclusion is recorded as one school day. Each lunch break imposed as a lunch - time exclusion is recorded as half a school day.

The total number of exclusion days in an academic year is exclusive to the pupil and not to the school. Therefore the exclusion record will follow the pupil if he / she changes schools during the academic year.

When the maximum exclusion period of 45 school days (or 90 half days) has been reached, it does not mean the pupil will be automatically permanently excluded. However, if after this period, there is no improvement in the pupil's behaviour and alternative strategies have been tried without success, the Head teacher cannot impose any more fixed period exclusions and may have no other option but to permanently exclude the pupil.

## **Removing pupils from the school site**

There are five circumstances where a pupil may be required to leave the school site:

1. Sufficient evidence suggests the pupil committed a disciplinary offence and if allowing the pupil to remain on site would seriously harm the education or welfare of the pupil or others in school. This will take the form of an exclusion.
2. The pupil is accused of a serious criminal offence, which took place outside the school's jurisdiction. The Head teacher may decide in the interest of the pupil and the wider school community, for the pupil to be educated off site for a limited period. The pupil's full time education must continue under periodic review, while off site. This is not an exclusion.
3. The pupil has been offered leave of absence by the Head teacher to remedy breaches of the school's rules on appearance or uniform. This should be no longer than necessary to remedy the breach. This is an authorised absence. If the pupil continues to breach the uniform rules, the absence may be recorded as unauthorised. This is not an exclusion.

4. For a medical reason. The pupil's presence on the school site may represent a serious risk to the health or safety of others. This is not an exclusion.
5. Section 154 of the Education and Skills Bill 2008 as amended Section 29(3) of the Education Act 2002 - gives Governing Bodies explicit power to require pupils to attend off-site provision specifically aimed at improving behaviour. This process must be kept under regular review. If further exclusion sometime later remains a possibility, the Head teacher should make the parent(s) / carer(s) aware of this at the outset.

These are the **only circumstances** a pupil may be removed from the school site.

## Keeping parents informed

Once the decision to exclude a pupil has been made, the Head teacher must inform the parent(s) / carer(s) as soon as possible, preferably by telephone. This **must** be followed up in writing within **one** school day of the exclusion. The letter should explain:

- The type of exclusion given
- The reason for the exclusion
- The length (number of days) of exclusion
- Where applicable, the start and end date of the exclusion (Fixed Term exclusions)
- The parent(s)' / carer(s)' right to make representation to the GDC and who the parents should contact if they wish to make representation
- The parent(s)' / carer(s)' right to have a copy of their pupil's school records (on written request to the school)
- How the pupil's education will continue during the exclusion
- Where applicable, the date, time and place of the reintegration interview – as a matter of good practice
- The contact numbers for the Coram Children's Legal Centre (<http://www.childrenslegalcentre.com>) including the name and number of the relevant LA officer.

The Head teacher must also notify the Chair of the Governing Body and the LA of the exclusion.

Parent(s)' / Carer(s) cannot ignore the fact that their pupil is excluded and should ensure that their pupil does not enter the school premises for the duration of the exclusion, unless authorised to enter the grounds.

Parent(s)' / Carer(s)' should be aware that the Head teacher could take out legal action against any trespassers, including excluded pupils and the Police may be involved.

Parent(s)' / Carer(s) also have a duty to ensure that their child is not present in a public place in school hours during the first 5 school days of the exclusion. Parent(s)' / Carer(s) may be prosecuted or receive a penalty notice from the local authority if their child is present in a public place on the specified dates without reasonable justification. It will be for the Parent(s)' / Carer(s) to show that there is reasonable justification.

## **Governor Discipline Committee (GDC)**

The DfE Guidance requires the GDC to review certain exclusions and to consider any representations made by the parents about the exclusion. This is based on the number of days in a term a pupil has been excluded, or if the exclusion is permanent. The following categories demonstrate when the GDC should meet:

### **5 Days or Less in a Term**

The GDC does not have to meet. The GDC is only required to consider any issues raised by the parents concerning the exclusion(s) and it is at its discretion whether or not to hold a meeting.

There is no statutory time limit at this stage. However, the GDC should respond promptly to any request from the parent.

### **6 to 15 Days in a Term**

The GDC does not have to meet unless requested by the parent(s) / carer(s). Following a request, the GDC must meet between the 6<sup>th</sup> and 50<sup>th</sup> school day of being notified of the exclusion.

### **16+ Days in a Term and Permanent Exclusions**

The GDC must hold a meeting between the 6<sup>th</sup> and 15<sup>th</sup> school day of being notified of the exclusion.

The process must be followed even if the pupil leaves the school by other means, such as taking up a place at another school. However, the Head teacher may withdraw the exclusion if the GDC has not yet reviewed the case.

## **Procedure at the Governor Discipline Committee (GDC)**

The GDC meetings are arranged, managed and minuted by the Clerk to the Governors. The GDC must have at least three members and should not have any prior knowledge of the incident that led to the exclusion.

At the beginning of the meeting, the Clerk will advise how the meeting will be conducted. A typical meeting may be conducted as follows:

1. The Head teacher presents the case for excluding the pupil.

2. The parent(s) / carer(s), LA and the GDC have the opportunity to question the Head teacher.
3. The parent(s)/ carer(s) are given the opportunity to present their case and raise their concern.
4. The Head teacher, LA and the GDC have the opportunity to question the parent(s) / carer(s).
5. The LA representative (if present) is given the opportunity to comment.
6. A final opportunity for the Head teacher, parent(s) / carer(s) and LA to make any comments.
7. The GDC will discuss the case and make its decision in private. However, the GDC may ask the LA representative to remain to clarify points from the Guidance. The LA representative will not take part in making the decision and will withdraw when the decision is being made.
8. The GDC will announce its decision, either at the meeting or by letter within one school day.

The Clerk will confirm the decision of the GDC in writing, giving reasons for the decision **within one school day** of the meeting, notifying parent(s) / carer(s) and the LA.

### **What decision can the Governor Discipline Committee (GDC) make?**

There are only two decisions that the GDC can make when reviewing a permanent exclusion and certain fixed period exclusions:

- Reinstatement or
- Uphold

The GDC cannot increase the exclusion by extending the fixed period or convert the fixed period exclusion to a permanent exclusion.

## The decision to Reinstate

The GDC has decided that the Head teacher's decision to exclude was not justified in light of the available evidence.

There could be a number of reasons why the exclusion was not justified. Some reasons are highlighted below:

- The number of days given was too harsh for the incident.
- There was insufficient evidence to support the decision to permanently exclude the pupil.
- After assessment of evidence, the GDC did not feel that exclusion was an appropriate sanction.
- The pupil's needs were not being fully met by the school and therefore, the pupil was not entirely to blame for what happened.

Where the GDC instructs reinstatement, it must set the date when the pupil is to return to school. It is good practice to hold a reintegration meeting to focus on acceptable outcomes and future progress.

However, in some cases the pupil may have already completed their fixed period exclusion before the GDC has had the opportunity to meet (i.e. for 5 days or less in a Term or 6 to 15 days in a term). In these cases, the GDC will still need to hold the meeting to consider whether the Head teacher's decision to exclude was justified. Its decision will be placed on the pupil's record for future reference.

## The decision to Uphold

This means that the GDC have decided that the Head teacher's decision to exclude was justified. However, **for permanent exclusions only** if the decision was to uphold the permanent exclusion, the parent(s) / carer(s) have the right to appeal against the decision to an Independent Review Panel (IRP) within 15 school days of being notified of the decision. If an Appeal Form is not submitted or the appeal is unsuccessful at the IRP, the pupil will be offered education through an age appropriate Pupil referral Unit (PRU).

The parent retains the right to make an application to another school which may be considered by the Fair Access Protocol as described in section 3.8 of the Admissions Code of Practice

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)

## Parents' rights and responsibilities

Below are a few important points to remember:

- Parent(s) / carer(s) have the right to request a meeting with the Governor Discipline Committee (GDC) to discuss their pupil's exclusion regardless of the duration of the exclusion
- The School's report supporting the Head teacher's decision to exclude should be distributed in advance of the arranged GDC meeting. This to be sent to the parent(s) / carer(s), LA and the GDC.
- Following the GDC's decision to uphold a permanent exclusion, parent(s) / carer(s) have the right to make an appeal to an IRP. This must be submitted within 15 school days of the GDC's decision.
- Parent(s) / carer(s) can take a friend or representative to a GDC meeting and/or an Independent Review Panel hearing for support. Parent(s) / carer(s) are encouraged to attend the GDC and Independent Review Panel hearings. However if they are unable to attend the meeting, a letter outlining their case, comments or concerns can be submitted and this will be considered in their absence.
- Parent(s) / carer(s) can bring the excluded pupil to the GDC meeting and the Independent Review Panel hearing as GDC and IRP members may wish to ask the pupil questions in order to clarify events.
- During the duration of a fixed period exclusion, the school is responsible for continuing the pupil's education and must set work. However, it is the parent's responsibility to collect and return the completed work.
- Following a permanent exclusion, parent(s) / carer(s) will be responsible for supervising their child during the first 5 days of the permanent exclusion. Parent(s) / carer(s) can receive a fixed penalty notice of £60 per parent per child if their child is found in a public place during school hours without reasonable justification. This penalty will increase to £120 per parent per child if unpaid after 21 calendar days. If it still remains unpaid after 28 days, the parent(s) / carer(s) will be subject to prosecution in Court for the original offence.

- Following the outcome of a permanent exclusion, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the Local Authority / Academy Trust to appoint an SEN expert to attend the Review (IRP). Parent (s) / Carer (s) must make this clear in the application for a Review.
- If parents believe that the exclusion has occurred as a result of discrimination then, within the six months of the date on which the discrimination is alleged, 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.

## Independent Review Panel (IRP)

If a GDC makes a decision to uphold a permanent exclusion, the parent(s) / carer(s) have the right to appeal against the decision. An IRP will hear the appeal.

The LA will write to the parent(s) / carer(s) to advise them of their right of appeal and will enclose a Notice of Appeal form. The letter will also indicate the final date that an appeal can be submitted, **15 school days** following the GDC's decision.

At this stage of the procedure, the decision to make an appeal lies with the parent and the Notice of Appeal must be submitted on or before the deadline date, as late submissions **will not be accepted**.

Whilst an appeal is pending, the pupil will remain on the excluding school's roll and work will continue to be set. However, if delays in hearing the Review occur, the LA should take steps to ensure the pupil's education continues and may assist with the continued education.

The Legal Services Division of Leicester City Council will oversee the Review proceedings. All effort will be made to hold the Review in a neutral venue and will take place **within 15 school days following the submission** of the Notice of Appeal.

The Panel will consist of a Governor, Head teacher and a Lay Member who are not connected to the pupil or the school and will not have any prior knowledge of the circumstances. The Lay Member will always Chair the appeal.

The Head teacher, a GDC representative and a LA Exclusions Officer are all required to attend the Review hearing and parent(s) / carer(s) are encouraged to attend. Similar to a typical GDC meeting, the Panel will ask all parties to state their case and questioning will follow.

If the incident that led to the permanent exclusion involved a victim, Legal Services must write to the victim to invite them to make any representation. The victim is allowed to attend the final stage of the Review to state their feelings and cannot be questioned by any parties.

Where the school's case rests largely or solely on physical evidence, and where the facts are in dispute, then the physical evidence, if practicable, should be retained and be available to the panel. Where there are difficulties in retaining physical evidence, photographs or signed witness statements are acceptable.

All parties may put forward new evidence about the event that led to the exclusion, including evidence that was not available to the head teacher / teacher in charge or the governing body/management committee. All parties should be given the opportunity to respond to any such new evidence which has been put forward. However, the school may not introduce new reasons for the exclusion.

The calling of character witnesses is at the discretion of the panel. Pupils may appear as witnesses if they do so voluntarily and with their parent's consent.

## **What decision can an IRP make?**

In considering a Review, the panel should decide, **on the balance of probabilities**, whether the pupil did what he or she is alleged to have done. However, the more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard of 'beyond reasonable doubt' to be applied. If the pupil is specifically excluded for more than one incident of misconduct, the panel should decide in relation to each one.

Where present, the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's exclusion. Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until such time as an SEN expert can attend.

The Panel will consider all evidence and information submitted to them before and during the hearing before making a decision. The Panel will make one of the following decisions:

- Uphold
- Direct the GDC to reconsider the decision
- Quash the decision and direct the GDC to reconsider the exclusion

The IRP's decision will be given in writing to all parties within 2 working days and is legally binding on the School, GDC and the LA.

### **The decision to Uphold**

The Panel have decided that the school acted appropriately and the exclusion still stands. The pupil cannot return to the school and will be offered education by the age appropriate Pupil Referral Unit (PRU). The pupil's name will now be removed off the school's roll.

### **The decision to Direct a Reconsideration by the GDC**

The Panel have decided that the permanent exclusion was not appropriate and the pupil must return to the school. The Panel must then set the date for the pupil to return. The Panel cannot attach conditions to the reinstatement of the pupil.

### **The decision to Quash and Direct Reconsideration by the GDC**

The Panel have decided that the decision to permanent exclude was flawed – this is more than a breach of minor points of procedure and have therefore directed the GDC to reconsider.

The panel is independent. Its decision is binding on the parent, the governing body/management committee, the head teacher/teacher in charge and the LA. The panel cannot revisit its decision once made.

## **Dispute & Reviewing an IRP Hearing**

The GDC (Governing body) must reconvene the hearing within 10 school days of being given notice of the IRP decision. If the pupil is not reinstated by the school, the LA will continue to make provision available to support the pupil until another school can be sought. Parents still retain the right to make an application for another school.

If parents believe that the exclusion has occurred as a result of discrimination then, within the six months of the date on which the discrimination is alleged, 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.

## **Education after Fixed Period exclusion**

For fixed period exclusion greater than 5 days, the school **must** provide fulltime education (off-site or in a shared provision) for the pupil from the 6<sup>th</sup> day of any

fixed period exclusion of six days or longer. This does not apply to pupils of non-compulsory school age.

## **Education after Permanent exclusion**

For permanent exclusions, the LA must arrange suitable, full-time education from day six of a permanent exclusion. Remember, parents will be responsible for supervising their child during the first 5 days of the permanent exclusion. As previously stated, parent(s) / carer(s) will receive a fixed penalty notice if their child is found in a public place during school hours without reasonable justification.

Once a pupil has been permanently excluded and an appeal has not been made or has been upheld by the IRP, the pupil will be offered education by the age appropriate PRU.

### **Primary Age Permanently Excluded Children**

At the early stages of a pupil being permanently excluded, the pupil's details are forwarded to the Social Emotional Mental Health Team (SEMHT), which is the PRU for primary age pupils.

The PRU will prepare for the pupil to be admitted and will contact the parents to discuss arrangements. The PRU will monitor the pupil's progress and plan for the pupil to be reintegrated back into a new school.

### **Secondary Age Permanently Excluded Children**

Secondary age pupil's details are referred to the Leicester Partnership School (LPS) and education will be offered.

The service's Pastoral Manager will invite the pupil and parents to an initial Pastoral Support Planning meeting. An appropriate package of education will then be put into place until the pupil is reintegrated back to a new school.

## **Permanent exclusion only as a last resort**

In support of the Guidance, Leicester City Council's CYPS recognise that there are occasions when it may be necessary for a school to exclude a child. However, because of the damaging affect exclusion is known to have on our

children's education and life chances Leicester City Council's CYPS offers a range of support provision to schools to help them avoid permanent exclusion whenever possible. As part of these early intervention initiatives, schools and Behaviour Support Services liaise closely in order to prevent a permanent exclusion. A range of alternative provision and additional targeted support is on offer to support pupils, with a view to returning them to school or providing them with a suitable, age appropriate, alternative or specialist provision.

## **Primary to Secondary Transfer process**

For pupils who are permanently excluded before and during Year 6, the parents are still included in the Admissions Transfer Process and will be invited to apply for their preferred Secondary School.

A permanent exclusion issued during Primary School **will not** be taken into account when the Admissions Service makes its decision.

## **Discrimination**

### **Disability**

The Equalities Act 2010 requires schools to have due regard to the need to promote equality of opportunity for disabled people when they are carrying out their functions. An exclusion of a disabled pupil for a reason related to their disability can only be justified if there is a 'material' and 'substantial' reason for it.

Maintaining order and discipline in the school may be a material and substantial reason. However, it may not be possible to justify the less favourable treatment if there are reasonable adjustments that should have been made but were not. Reasonable adjustments could include developing strategies to prevent or manage the pupil's behaviour; drawing on external advice on effective approaches with a pupil and staff training.

### **Race**

Schools / PRUs should monitor and analyse exclusions by ethnicity to ensure that they do not treat some groups of pupils more harshly than others. Schools / PRUs are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. As a LA we also monitor the schools' exclusion data for similar reasons. If adverse impact is identified and this cannot be justified, then the policy and practice should be revised.

The Commission for Racial Equality (a precursor to the EHRC) has prepared a *Code of Practice on the Duty to Promote Race Equality* and a non-statutory guide *The Duty to Promote Race Equality: A Guide for Schools*.

## **Looked - After Children (LAC)**

Looked - After Children are no less able than other children. Many looked after children have unmet social and emotional needs and, as a group, are more likely to be at risk of exclusion. Schools/ PRUs, supported by their local authority, should put in place strategies to reduce the need for exclusion for looked after children. Before excluding, schools/PRUs, in conjunction with the local authority, should first consider alternative options for supporting the looked after child or young person.

The role of designated teacher for looked after children in a school is central to involving other children's services and, where appropriate, securing additional support. Where the child is accommodated under section 20 of the Children Act 1989 but is not the subject of a care order, the child's social worker should be involved at the earliest opportunity about the possibility of any exclusion.

## **Cross Border Working**

If a pupil lives in a different LA to the school they attended when they were permanently excluded, the pupil becomes the responsibility of the LA in which they live. This means the LA in which they live should take the lead in their behaviour improvement.

## **Parenting Orders & Parenting Contracts**

Parenting Orders and Contracts are not intended to punish parents, but are intended to be helpful in ensuring that parents take their responsibility seriously with respect to their child's regular attendance and behaviour at school and to support the underlying causes. They are usually applied where serious misbehaviour or exclusion has taken place and may be used together with a Pastoral Support Plan.

They add to the wide range of strategies already in place for tackling poor behaviour and enable schools and LAs to engage with parents. They may form part of the school behaviour policy. There is no obligation on the LA or Governing Body of the school to offer a parenting contract and parents cannot be forced to enter into a parenting contract, hence failure to comply with the contract does not lead to civil proceedings. However, if a pupil's misbehaviour continues to escalate, the school or LA may apply for a parenting order in which case the court will be required to take a refusal into account in deciding whether to make the order. LAs are not under any obligation to apply for a parenting order in the case of an exclusion from school - nor will it be appropriate in all circumstances.

## **Early Help Assessment (previously CAF)**

Early Help Assessment (previously - The Common Assessment Framework (CAF)) is a voluntary process, common to all children's services, to help identify a child's needs as early as possible and agree what support is appropriate. Resulting early intervention should help reduce the risk of problems reaching the point where exclusion is considered necessary. Early Help Assessment may be undertaken as part of Pastoral support Programme (PSP) or at any stage. It may be particularly appropriate to carry out Early Help Assessment in cases of multiple fixed period exclusions.

### **Further Information and Advice**

If after reading through this booklet you feel you need additional support or advice, please contact the Exclusions Team on 0116 454 5520.

## **Useful Contacts & Addresses**

### **Admissions Team**

School Admissions  
Telephone: (0116) 4541009

### **Adult & Community Services (Social Care & Health)**

Grey Friars  
1-3 Grey Friars  
Leicester, LE1 5PH  
Telephone: (0116) 454 1004

**Commission For Racial Equality** Telephone: (0207) 828 7022

[www.cre.gov.uk](http://www.cre.gov.uk)

### **Connexions**

91 Charles Street  
Leicester, LE1 1HL Telephone: (0116) 262 7254  
[www.connexions-leics.org](http://www.connexions-leics.org)

### **Department for Children Education (DfE)**

Department for Education  
Castle View House  
East Lane  
Runcorn  
Cheshire  
WA7 2GJ  
Telephone: 0370 000 2288 [www.education.gov.uk](http://www.education.gov.uk)

**Disability Rights Commission Helpline** Telephone: 0845 7622 633

[www.drc-gb.org](http://www.drc-gb.org)

### **Education Otherwise**

Helpline: 0870 730 0074

### **Education Psychology Service (EPS)**

Collegiate House  
College Street  
Leicester, LE2 0JX  
Telephone: (0116) 221 1200

### **Education Transport**

Telephone: (0116) 454 1009  
[Email: education.transport@leicester.gov.uk](mailto:education.transport@leicester.gov.uk)

**Education Welfare Service**

Collegiate House  
College Street  
Leicester, LE2 0JX  
Telephone: (0116) 221 1260  
Email: [education.welfare@leicester.gov.uk](mailto:education.welfare@leicester.gov.uk)

**Exclusions Team**

Room 14 Collegiate House  
College Street  
Leicester, LE2 0JX  
Telephone: (0116) 454 5520

**Home Education Advisory Service**

Helpline: (01707) 371 854

**Local Government Ombudsman**

The Oaks No2  
Westwood Way  
Westwood Business Park  
Coventry, CV4 8OB  
Telephone: (0247) 682 0000  
Advice line: 0845 602 1983

**Leicester Racial Equality Council**

5 - 9 Upper Brown Street  
Leicester, LE1 5TE  
Telephone: (0116) 204 2790

**Office for Standards in Education (OfSTED)**

Alexandria House  
33 Kingsway  
London, WC2B 6SE Telephone: (020) 7421 6800  
[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

**SENDIASS (previously Parent Partnership Scheme)**

Voluntary Action Leicester  
9 Newarke Street  
Leicester, LE1 5SN  
Telephone: (0116) 257 5027

**Social Emotional Mental Health Team (SEMHT) Primary Pupil Referral Unit**

a) Assessment and Reintegration Centre (ARC)  
Stonesby Avenue

Leicester, LE2 6TY  
Telephone: (0116) 283 2185

b) Phoenix Centre Thurnby Lodge Primary School  
Dudley Avenue  
Leicester, LE5 2EG  
Telephone: (0116) 241 9538

**Virtual School Team for Looked After Children (VST)**

Forest Lodge Training Centre  
Charnor Road  
Leicester, LE3 6LH  
Telephone: (0116) 223 2302

**Leicester Partnership School (LPS)**

a) Carisbrooke Specialist Learning Centre  
Carisbrooke Gardens  
Leicester, LE2 3PB  
Telephone: (0116) 303 3281 opt.2

b) The Millgate Specialist Learning Centre  
Welford Road  
Leicester, LE2 6BN  
Telephone: (0116) 303 3281 opt.1

d) Braunstone Skills Centre  
Fullhurst Avenue  
Leicester, LE3 1BJ  
Telephone : (0116) 303 3281 opt.3

**Special Education Service**

Special Education Needs  
Telephone: (0116) 454 2050

**Special Needs Teaching Service & Student Support Service a) SEHMT**

b) Learning & Autism Support Team (CLCI)  
c) Pre-School Team

New Parks House  
Pindar Road  
Leicester, LE3 9RN  
Telephone: (0116) 454 4650

**Coram Children's Legal Centre**

**Tel:** 0300 330 5485

**Traveller Education Service**

Telephone: 0116 3055427

**Youth Offending Team (YOT)**

Eagle House

11 Friar Lane

Leicester, LE1 5RB

Telephone: (0116) 454 4600