

NORTHUMBERLAND COUNTY COUNCIL

UPDATED POLICY STATEMENT

EXCLUSIONS FROM SCHOOL

'Those who have been excluded from school achieve less well, and are much more likely to engage in criminal behaviour than other pupils. Formal exclusion is, therefore, an important event for a pupil - especially permanent exclusion, which requires a change of institution. Exclusion is also an important event for the school and for the wider education community in the area. The process of exclusion requires careful handling, and can be stressful and expensive for all involved.'

1. Introduction

The pattern of exclusions in Northumberland is characterised by a falling number of permanent exclusions over the period September 2007 to August 2010. The total number of fixed period exclusions has also fallen over the same period, with the reduction in 2009-10 particularly marked. Analysis by school type is made more complicated by the changes taking place in Northumberland schools over this period, with exclusions from primary schools and academies inevitably impacting on the figures.

Fixed Period Exclusions

Days Lost

School Type	2007-8	2008-9	2009-10
First	72	69	62
Middle	653	494	309
High	1352	1431	1111
Special	71	59	38
Other*	28	56	218
Total	2176	2019	1738

Permanent Exclusions

School Type	2007-8	2008-9	2009-10
First	3	3	1
Middle	26	7	6
High	37	27	21
Special	2	0	0
Other*	2	3	5
Total	70	40	33

*Other = primary schools, academies, PRU (the number of primary schools has increased over the 3 year period as some school partnerships have moved from 3 tier to 2 tier. At the same time, the number of middle schools has fallen. Northumberland has had 2 academies since September 2009.

Other Northumberland trends include:

- Permanent exclusion figures tend to be dominated by male pupils
- Around 88% of exclusions are from secondary schools (middle and high schools), around 6% from primary schools (first and primary) with special schools and academies making up the remainder.
- Violence, aggressive behaviour and persistent disruptive behaviour are the main reasons for exclusion for all school types.
- Few pupils are excluded for a single incident. The build up to exclusion usually occurs over a prolonged period of time, though some schools move more quickly to exclude than others.

This document sets out strategies which schools should employ in managing disruptive behaviour which may avoid the use of fixed period and permanent exclusions. Where exclusion has to be used, the procedures, roles and responsibilities of staff in the Children's Services Directorate, school staff, governors and parents are detailed. The overall aim of this is to promote collaborative working arrangements to continue to reduce the number of exclusions and, where exclusion is a necessary course of action, to minimise the disruption in the excluded pupil's education.

Permanent exclusion from schools and the consequent admission to alternative schools are issues that have potential to cause difficulty among schools and LAs. In Northumberland there is a strong tradition for those schools serving isolated areas to be extremely sparing in the use of permanent exclusion, being mindful of the considerable travelling time which will be required for some pupils to access an alternative school. In the more densely populated parts of the County, although exclusion is not undertaken lightly, it can take a considerable time to successfully place a previously permanently excluded pupil in a nearby school.

2. Managing Behaviour in School

- 2.1 All schools need to have clear policies, procedures and staff training in place which will promote good behaviour and prevent bad behaviour. Governing bodies are legally required to consult staff, parents and pupils on the principles of the behaviour policy and should aim to get parental support in implementing it effectively.
- 2.2 Under the Education and Inspections Act 2006, every school should have a policy that promotes respect for others, intolerance of bullying and harassment, the importance of self discipline and understanding the difference between right and wrong. The policy also needs to have regard to the Disability Discrimination Act 2005 and the governing body must ensure that neither the overall school behaviour policy nor any particular disciplinary measure impact disproportionately or unfairly on any pupil in the school.

The policy should cover:

- the ethos of the school, its values and boundaries of acceptable behaviour;
- the school's moral code;
- positive and constructive rules of conduct;
- the rewards and punishments to be fairly and consistently applied.

The Governing Body must:

- agree the school's behaviour and discipline policy and any code of conduct;
- ensure that these are available to all staff, pupils and parents;
- publish their statement of principles in the school prospectus;
- take into account of any guidance from the Secretary of State.

The Headteacher must:

- decide what rules and measures are necessary to ensure mutual respect and good standards of behaviour throughout the school;
- publicise these at least once a year to pupils, parents and staff, in relevant languages where appropriate;
- put in place effective strategies against bullying which should be regularly reviewed by the Governing Body.

Code of Conduct

Behaviour policies should include an easily understood code of conduct which is positive in tone, just and compassionate. It should address the following:

- giving every child a chance to succeed;
- a reward system which recognises a wide range of achievements, good attendance and punctuality;
- health issues (eg smoking, drugs);
- safety issues (eg in the classroom, playground, corridors and stairs);
- respect for others;
- respect for property;
- moral issues such as racism;
- procedures for dealing with bullying;
- procedures for dealing with behaviour causing concern, including how and when parents and outside agencies will be involved;
- school appearance and dress requirements.

2.3 Reducing the Risk of Exclusion

Effective policies, procedures and training minimise the numbers of pupils at risk of exclusion.

For those at risk, additional measures could include:

- a change of teaching set or class;

- curriculum alternatives at Key Stage 4, eg attendance at a further education college or alternative form of provision;
- placement in an in-school Learning Support Unit;
- temporary placement in a Pupil Referral Unit;
- a managed move to another school with the full co-operation and knowledge of all parties involved;
- assessment of Special Educational Needs, including possible placement in a Special School;
- allocation of a key worker such as a learning mentor or a Connexions Personal Adviser;
- referral to a specific support service, such as the Education Welfare Service, Social Services, Children's Early Intervention Team or Child and Adolescent Mental Health Service.

2.4 **Pupils who do not respond to action to combat disaffection**

For pupils whose behaviour is deteriorating rapidly, a **Pastoral Support Programme (PSP)** may be appropriate. This is a school based, time limited intervention which identifies precise and realistic behaviour outcomes for the young person to work towards and which may involve multi-agency planning and support.

A PSP should be automatically set up for a pupil who has had several fixed term exclusions or who has been otherwise identified as being at risk of failure at school through disaffection.

A nominated member of staff should agree to oversee the PSP. To set up a PSP, the school should invite the parents to discuss causes of concern and what is reasonably required for the pupil to right the situation, both academically and socially.

Representatives of other agencies should be invited as appropriate.

The programme should:

- be broken down into fortnightly tasks;
- identify the rewards that can be achieved for meeting targets;
- identify sanctions that will apply if certain behaviour occurs;
- have an automatic time limit of eg 16 weeks;
- be reviewed at least half way through its agreed duration;
- be practical and include the minimum amount of administration.

2.5 **Alternatives to Exclusion**

In response to a serious breach of behaviour, Headteachers may consider a number of alternatives:

- a. **restorative justice**, which enables the offender to redress the harm that has been done to a 'victim' and enables all parties to be involved in the process.
- b. **internal seclusion**, which can be used to diffuse situations that occur in school. This requires a pupil to be removed from the class but not the premises and provided with support eg supervision in a designated area. It may be possible also to provide an individually tailored programme of study.
- c. **managed move** to another school to enable the pupil to have a fresh start. This should only be done with the co-operation and knowledge of all parties involved. This includes parents and the LA and only when it is in the best interests of the young person. The headteacher may ask another headteacher to admit the pupil. Parents should never be pressured into removing their child from the school under threat of a permanent exclusion.

3. Removing Pupils From a School Site

3.1 Summary

Apart from routine arrangements for pupils eg work experience, provision of further education college etc, there are three exceptional circumstances in which individual pupils may be removed from the school site, namely where:

- a. there is sufficient evidence that a pupil has committed a disciplinary offence. In these circumstances, the pupil may be excluded from school for a fixed period or permanently.
- b. a pupil is accused of a serious criminal offence and/or the offence took place outside of the school's jurisdiction. In these circumstances, the Headteacher may decide that it is in the interests of the individual concerned and of the school community for that pupil to be educated off site for a temporary period.
- c. a pupil's presence on the school site represents a serious risk to the health and safety of other pupils or school staff. This can only be done for special reasons where the pupil is suffering from a notifiable disease which others might catch, or has a diagnosed condition characterised by extreme behaviour eg ADHD and is refusing to take his medication.
- d. a pupil is given by the headteacher to leave the school briefly to remedy breaches of rules on appearance or uniform – where it is possible to do this quickly and easily. This is not an exclusion and should be recorded as an authorised absence but it should be for the shortest time necessary to remedy the breach. If the pupil continues to break the same rules in such a way as to be sent home, the absence will then be an unauthorised one and the parent must be notified of this.

These are the only circumstances in which pupils may be legally removed from the school site.

4. The Decision to Exclude

4.1 Summary

Only the Headteacher (or the acting Headteacher) has the power to exclude a pupil from school. He or she may not delegate that power to someone else. The Headteacher may exclude a pupil for one or more fixed periods, not exceeding a

total of 45 school days in one school year. The Headteacher may also exclude a pupil permanently, and in exceptional circumstances, can convert a fixed period exclusion into a permanent exclusion.

- 4.2 A decision to exclude a pupil should be taken only:
- a. in response to serious breaches of behaviour policy; and
 - b. if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

4.3 **When Exclusion is not Appropriate**

DFE guidance recommends that exclusion should not be used for:

- minor incidents, such as failure to do homework or to bring dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of school uniform rules or rules on appearance (eg relating to jewellery, hairstyles etc) except where these are persistent and in open defiance of school rules;
- punishing parents for the behaviour of their pupils, eg where parents refuse or are unable to attend a meeting.
- protecting victims of bullying by sending them home.

5. **Procedure for Excluding a Pupil – Role of Headteacher**

5.1 Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher should:

- ensure that an appropriate investigation has been carried out;
- consider all the evidence available to support the allegations (taking into account the school's behaviour and equal opportunities policies, and where applicable, the Race Relations Act 1976, as amended and the Disability Discrimination Act 1995, as amended);
- allow and encourage the pupil to give his or her version of events;
- check whether the incident may have been provoked eg by bullying or racial or sexual harassment;
- if necessary, consult others, but not anyone who may later be involved in the reviewing of the headteacher's decision, eg a member of the Governing Body.
- keep a written record of the actions taken, including any interview with the pupil concerned.

The standard of proof to be applied is the civil standard; the balance of probabilities. However, the more serious the allegation, the more convincing the evidence should be.

Where a police investigation, leading to possible criminal proceedings, has been initiated, the evidence may be limited but it may still be possible for a Headteacher to make a judgement on whether to exclude and this will depend on the facts and information available. Relevant considerations include the fact that:

- a serious allegation has been made against the pupil by another pupil or member of staff at the school which is the subject of a police investigation which may result in criminal proceedings.
- pending conclusion of such proceedings, the pupil's continued presence in the school may have an adverse effect on the complainant or other potential witness and on the promotion of good order and discipline within the school generally.

(In the above circumstances, the school's Governing Body has no power to postpone their meeting to consider the exclusion beyond the satisfactory time limit).

5.2 Fixed Term Exclusions

Although the regulations now allow Headteachers to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one academic year, individual exclusions should be for the shortest time necessary. The school's obligation to provide education continues during a fixed period exclusion and, for pupils of statutory school age, where the pupil is excluded for six school days or longer, the school has a duty to arrange suitable full-time education. Exclusions for more than a day or two make it more difficult to reintegrate the pupil into the school. Ofsted inspection evidence suggests that 1 to 3 days is often enough to secure the benefits of exclusion without adverse educational consequences.

Exclusions may not be given for an unspecified period. No legal arrangement exists for what amounts to an indefinite exclusion.

5.3 Informing the Parents

Wherever a Headteacher excludes a pupil, parents should be notified immediately by telephone, followed by a letter within 1 school day.

Letters of notification of exclusion must state:

- a. the precise period of the exclusion;
- b. the reasons for the exclusion;
- c. if the exclusion is for more than 5 days, what the arrangements for providing suitable full-time education from the 6th day of the exclusion will be and the parents' responsibilities for ensuring that the pupil is not in a public place during the school day (without good reason) for the first 5 days of the exclusion
- d. the parents' right to make representations to the Governors' Discipline Committee;
- e. the person the parents must contact if they wish to make representations.

Letters should also mention:

- a. the latest date by which the Governor's Discipline Committee must meet to review the circumstances of the exclusion (except where the exclusion

is for fewer than six school days in any one term and would not result in the pupil having a pupil examination);

- b. the parents' right to see and have a copy of the child's school record, upon written request to the school;
- c. the date and time when the pupil should return to school - a reintegration interview with parents must be arranged following the expiry of any fixed period exclusion of a primary-aged pupil and any fixed period exclusion of six or more days of a secondary aged pupil. N.B. a fixed period exclusion should not be extended if such a meeting cannot be arranged in time or the parents cannot attend. (In the case of a lunchtime exclusion, the number of lunchtimes and arrangements for the pupil to receive free school meals should be included);
- d. the arrangements made for enabling the pupil to continue his or her education, including the setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed and returned to school.
- e. the name and telephone number of an officer of the LA who can provide advice.
- f. the telephone number of the Advisory Centre for Education (ACE) exclusion helpline – 02077 049822

In exceptional cases, usually where further evidence has come to light – a fixed term exclusion may be extended or converted to a permanent exclusion. In such cases, the Headteacher must write again to the parents explaining the reasons for the change. The Headteacher may also choose to withdraw an exclusion that has not yet been reviewed by the Governors' Discipline Committee.

- 5.4 The school or the LA can consider offering parents a contract if this may support improvements in the behaviour of a pupil who has had previous exclusions. This is a two sided voluntary agreement between the school or the LA and the parent under which the parent agrees to comply with certain requirements and the school or the LA agrees help or helps the parent access the support they need.
- 5.5 If the exclusion is the second fixed term exclusion within a 12 month period and the parent is unwilling to engage to effect improvement in the pupil's behaviour, the LA may consider applying to the court for a Parenting Order to compel the parent to comply with certain requirements including parenting classes.
- 5.6 If a parent defies an exclusion by sending the excluded pupil to school or by refusing to collect or arrange collection of the pupil at lunchtime, the school must have due regard to the pupil's safety and not enforce an exclusion if to do so would put the pupil at risk. If the issue with the parents is not resolved, the school should consider whether to contact the Education Welfare Service or the LA regarding legal advice.
- 5.7 Pupils' behaviour outside of school, on school business, eg school trips, sports fixtures, work experience etc is subject to the school's behaviour policy. For behaviour outside of school but not on school business, a Headteacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole.

In exceptional circumstances, Headteachers may need to remove pupils from the school site when exclusion would be illegal eg where a pupil is accused of committing a serious criminal offence which took place outside the headteacher's jurisdiction ie during a weekend or school holiday and/or there is

insufficient evidence to warrant an exclusion, there may be compelling reasons for removing that pupil from the school premises, pending the outcome of further police or school investigations. In these cases, the Headteacher may authorise leave of absence for a fixed period with the parent's agreement or can arrange for education elsewhere. The school must ensure that the pupil's full time education continues while off site.

5.8 **Informing the Governors Committee and the LEA**

The Headteacher must inform the Governing Body's Discipline Committee of exclusions which result in the pupil being excluded for more than five school days or ten lunchtimes in any one term and all exclusions which would result in the pupil missing a public examination.

Fixed period exclusions totalling five or fewer days or ten or fewer lunchtimes or half days in any one term must be reported to the Governing Body once a term.

All exclusions, irrespective of their duration or category, should be reported to the LA on the appropriate form by emailing the form and a copy of the letter to the parent to exclusions@northumberland.gov.uk

6. **Permanent Exclusions**

6.1 The decision to exclude a pupil permanently is a serious one. It will usually be the final step in the process for dealing with disciplining offences following a wide range of strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

There will be however, exceptional circumstances where, in the Headteacher's judgement, it is appropriate to exclude a pupil permanently for a first or a one-off offence. These might include:

- where there has been serious threatened or actual violence against another pupil or member of staff;
- sexual abuse or assault;
- supplying an illegal drug;
- carrying an offensive weapon.

Schools should consider whether or not to inform the police and other relevant agencies eg social services where such a criminal offence has taken place.

6.2 In cases where a Headteacher has permanently excluded a pupil for:

- one of the above offences, or;
- persistent and defiant misbehaviour including bullying (which could include racist or homophobic bullying);
- repeated possession and/or use of an illegal drug on school premises;

the Secretary of State would not normally expect the Governing Body or Independent Appeal Panel to reinstate the pupil.

6.3 Drug Related Exclusions

In making the decision to exclude for such an offence, the Headteacher should make an assessment of the incident against the criteria set out in the school's published policy, taking into account the circumstances and evidence available. Schools should develop a policy which covers not only illegal drugs but also legal drugs and volatile substances which may be misused by pupils.

6.4 Informing the Parents about a Permanent Exclusion

Letters of notification of a permanent exclusion must state:

- the fact that it is a permanent inclusion;
- the reasons for the exclusion;
- the parents' right to make representations about the exclusion to the Governing Body;
- the person the parents should contact if they wish to make representations.

Letters should also mention:

- the latest date by which the Governors Discipline Committee must meet to consider the circumstances in which the pupil was excluded;
- the parents' right to see and have a copy of the child's school record on written request to the school;
- the point from which the permanent exclusion takes effect and any relevant previous history;
- the arrangements made for enabling the pupil to carry on his or her education. This will include the setting and marking of work by the school for the first 5 days of the exclusion - it is the parents' responsibility to ensure that work set is completed and returned to the school. From the 6th day, the LA is responsible for arranging suitable full-time education and the letter should indicate that a LA officer will be in contact with them to confirm details of this education;
- the name and telephone number of an officer of the LA who can provide advice;
- the telephone number of the Advisory Centre for Education (ACE) exclusions helpline 02077 049822.

6.5 Informing the Governing Body and the LEA

The headteacher must inform the Governing Body's Discipline Committee within one day of the permanent exclusion being made and should inform the LA using the relevant form and emailing it, with a copy of the letter to the parent, to exclusions@northumberland.gov.uk.

7. The Responsibilities of the Governing Body

- 7.1 The Governing Body must review certain exclusions and must consider any representations about an exclusion made by the parents or responsible carers of the excluded pupil.

The Governing Body can establish a committee of at least three governors in respect to exclusions and this may be called the Discipline Committee.

Where the Governing Body has established such a committee, they should appoint a clerk.

After reviewing the available information, the committee may decide to uphold the exclusion or consider reinstating the pupil where practicable, either immediately or by a particular date.

In an emergency, the Chair of Governors may act able to consider an exclusion if a meeting cannot be arranged before a pupil is due to sit a public examination. The committee may use its discretion in allowing an excluded pupil on school premises to take such a examination.

7.2 Governing Body's Role in Reviewing Exclusions

On receiving a notice of an exclusion from the Headteacher, the Governing Body:

- a. must, in the case of an exclusion between 6 and 15 school days in one term, organise a meeting between the 6th and 50th school day after receiving notice to consider exclusion, only if the parent requests a meeting;
- b. must, in the case of permanent exclusion, or exclusion of more than 15 school days in one term (or total of 15 days in one term) organise a meeting between the 6th and 15th school day from receipt of notice;
- c. must invite the parent, Headteacher and the LA officer to the meeting at a time and place convenient to its parties within statutory time limits;
- d. should ask for any written statements (including witness statements) in advance of the meeting;
- e. should circulate in advance, any written statements (including witness statements) and a list of those who will be present, to all its parties.
- f. must consider any representations from parents regarding any exclusion of five school days or fewer in one term (No statutory time limits apply).

7.3 Procedure at the Meeting

The parent may be accompanied by a friend, advocate or legal representative if he or she so requests. The excluded pupil also may attend the meeting and speak if the parent requests this.

The LA is not required to send a representative to all Governing Body exclusions meetings in its area but will send a representative to all permanent exclusions meetings and longer fixed period meetings, if possible.

The LA's role is not to give their view on the merits of the exclusion, but they can provide technical advice to the Governing Body and make a general statement about how other schools may have dealt with similar incidents, as well as providing information about continuing education if the exclusion of the pupil is upheld.

7.4 **The Decision**

Where the exclusion is for more than five school days in one term in total and where reinstatement is practical, the Governing Body should decide whether to direct reinstatement. In reaching their decision, the committee should consider:

- any representations made by the parent and the LA officer;
- whether the Headteacher has complied with the exclusion procedure and has had regard to the Secretary of State's guidance on exclusion.

The committee must make their decision alone, asking other parties to withdraw. The clerk may stay with the Governing Body to help them by reference to the notes and with the wording of their decision letter.

The Governing Body must consider whether the Headteacher's decision to exclude the child was justified based on the evidence. The outcome of their review should be added to the pupil's school record for future reference.

7.5 The Governing Body should inform the parent (or the pupil if over 18), the Headteacher, and the LA of their decision, in writing, within one school day of the hearing, stating their reasons. They may not attach conditions to any directive they may give to the Headteacher to reinstate the pupil. However this does not prevent the school from following good practice in reintegrating the pupil.

7.6 Where the Governing Body decide to uphold the permanent exclusion, their letter to the parent should include the following information:

- a. the reason for the decision;
- b. their right to appeal to an Independent Appeal Panel together with the name and address of the person to whom any notice of appeal should be sent;
- c. the date by which any notice of appeal should be lodged (15 days after the day on which the decision in writing was received);
- d. that any notice of appeal must set out the grounds on which the appeal is made.

A note of the Governing Body's views on the exclusion should normally be placed in the pupil's school record with copies of relevant papers.

8. **Pupil Referral Units**

8.1 Management committees have similar duties in regard to exclusions from PRUs to those which apply to governing bodies in mainstream schools. Thus, they must review fixed period exclusions from PRUs and consider any representations from parents. In the case of one or more fixed period exclusions (including lunchtime) totalling 15 school days in any one term, where reinstatement is a practical option, the management committee must consider whether to reinstate the pupil. The committee must allow oral representations to be made by the parent and teacher in charge and these must be heard within the same time limits as apply to the governing bodies.

9. **The Independent Appeal Panel**

9.1 Every parent whose child is permanently excluded from school, and where a Discipline Committee upholds the exclusion, has the right to appeal to an Independent Appeal Panel. In all cases, the LA is responsible for constituting

the panel, but the panel itself is independent in law. The decision of the panel is binding and can be challenged only by a judicial review (all parties) or by applying to the local government Ombudsman (parents only).

The Appeal Panel must meet to consider an appeal no later than the 15th school day after the day on which the appeal was lodged.

9.2 **Composition of Appeal Panels**

The LEA must constitute the Appeal Panel and appoint a clerk. The panel must have 3 or 5 members (as decided by the LA) made up of 3 categories:

- a. the chair must be a lay member, defined as someone who has not worked in a school in any paid capacity, although they may have worked or work in a school in a voluntary capacity (including a school governor).
- b. one (or on a 5 member panel, two) must be or have been a governor of a maintained school, provided they have served as such for at least 12 consecutive months in the last 6 years (but must not have been a teacher or a headteacher within the last 5 years).
- c. one (or on a 5 member panel, two) must be or have been, within the last 5 years, a headteacher of a maintained school. If the exclusion is from a PRU then this representative can be either a Headteacher of a maintained school or a teacher in charge of a PRU.

Where possible, panel members should have experience of the phase of education of the exclusion to be considered.

9.3 The following are entitled to attend a hearing and present their case:

- the parent
- the Headteacher
- a nominated governor
- a nominated LA officer
- a legal or other representative of the Governing Body

An excluded pupil under the age of 18 should normally be allowed to attend the hearing and to speak on his or her own behalf. The panel cannot compel witnesses to attend the hearing.

9.4 **Reaching a Decision**

In considering an appeal, the panel should normally decide, on the balance of probabilities whether the pupil did what he or she is alleged to have done. Relevant factors that must be taken into account include:

- a. whether the Headteacher and Discipline Committee complied with the law and had regard to the Secretary of State's guidance on exclusion;
- b. the school's published behaviour policy, equal opportunities policy and if appropriate, anti-bullying policy, Special Educational Needs policy and race equality policy.
- c. The fairness of the exclusion in relation to the treatment of any other pupils involved in the same incident.

Having satisfied themselves as to the issues, the panel should consider whether in their opinion, permanent exclusion was the right response.

The panel must balance the interests of the excluded pupil against the interests of all the members of the school community.

9.5 **The Decision**

An Appeal Panel may uphold the decision to exclude, direct immediate re-instatement or re-instatement at some future date, or they may decide that, because of exceptional circumstances or other reasons, that it is not practical to give a direction requiring re-instatement which would otherwise have been appropriate.

The panel is independent. Its decision is binding on the parent, the Governing Body, the Headteacher and the LA. The panel cannot revisit its decision once made.

The panel must let all parties know its decision by the end of the second working day after the hearing. The decision letter should give the panel's reasons for its decision in sufficient detail for the parties to understand why the decision was made.

10. **Educational Provision for Excluded Pupils**

10.1 **Permanent Exclusions**

When a pupil is permanently excluded from school, it is the responsibility of the school to ensure that work is set and marked during the first 5 school days of the exclusion. The LEA has a responsibility towards all such permanently excluded pupils to:

- provide suitable full time education from the 6th school day and;
- re-integrate pupils as quickly as possible into a suitable mainstream school.

10.2 'Full-time' means supervised education equivalent to that provided by mainstream schools and will be different at each Key Stage. In Northumberland:

- at Key Stage 1 (21 hours) and Key Stage 2 (23.5 hours), pupils in this group are usually provided with small group or individual tuition.
- at Key Stage 2 and 3 (23.5 or 24 hours), pupils who are permanently excluded may be admitted to the Pupil Referral Unit until an alternative mainstream school is identified. However, only 8 places are available and if more pupils in this Key Stage are permanently excluded, a package of alternative provision will be planned which includes individual tuition and youth award schemes run by local agencies.
- at Key Stage 4 (25 hours), for academically able pupils, an alternative school place will be sought. For other pupils, where the consensus view is that vocational provision would be more relevant, pupils may have the opportunity to continue with key skills and vocational courses and participate in extended work experience connected with their studies. Youth Award schemes can provide a supplement to more formal studies.

Where LAs have contracted arrangements with voluntary community or private sector resources, it is important to remember that the LA is still responsible for providing education and monitoring the quality of the placement and provision.

During the first 5 days of the exclusion, schools need to pass on a record of the aptitude, NC levels, behaviour, social background and initial assessment of needs which will enable the LA to plan the most suitable provision for the pupil and ensure that it is in place from day 6.

- 10.3 As soon as the LA has been informed of the permanent exclusion, the reintegration officer will make contact with the family and ensure that they are aware of their rights and responsibilities and to discuss alternative school plans or provision. Helping parents find a school which suits the child's needs will improve the chances of a successful reintegration.
- 10.4 Pupils who have been permanently excluded need to be placed in a new school or other educational establishment as quickly as possible when they are deemed ready to reintegrate and individual reintegration plans should be agreed by all relevant parties and include:
- a. the name of the new school or educational establishment;
 - b. a date for the pupil to start;
 - c. steps towards reintegration in the new school or other educational establishment;
 - d. a named LA officer responsible for all activities detailed in the plan.

The plan should cover pastoral and educational objectives for reintegration with appropriate targets. It should be attached to the pupils education plan, Individual Education Plan (IEP) for statemented pupils or Pastoral Support Programme (PSP) for all.

10.5 **Fixed Term Exclusions**

For fixed period exclusions of up to 5 school days, it is expected that the excluding school will set and mark work for the pupil during that period and that work will be equivalent to full time education.

Fixed period exclusions of between 6 and 45 school days are not frequently used in Northumberland but, for all exclusions of more than 5 days, the school must arrange to provide the pupil with suitable full-time education.

When considering excluding a pupil for longer periods, the headteacher should plan:

- how the pupil's education will continue during the period of exclusion;
- how the time might be used to address the pupil's problems;
- together with the LA, what educational arrangements will be best to help the pupil's reintegration into school at the end of the exclusion.

A reintegration plan may also be drawn up for longer fixed term exclusions and/or Pastoral Support Plan as previously detailed to endeavour to avoid a permanent exclusion at a later date.

11. Vulnerable Groups

11.1 Pupils with Special Educational Needs (SEN)

Statutory guidance on identifying, assessing and making provision for pupils with SEN, including those with behavioural, social and emotional needs, is given in the Special Educational Needs Code of Practice. Schools must have regard to this guidance.

Other than in exceptional circumstances, schools should avoid permanently excluding pupils with statements and make every effort to avoid excluding pupils who are being supported at 'School Action' and 'School Action Plus'. Schools should try every practical means to maintain the pupil in school, including seeking LA and other professional advice, or where appropriate, asking the LA to consider carrying out an assessment. For a pupil with a Statement, the school should liaise with the LA about initiating an interim annual review.

Where a child is permanently excluded, the Headteacher should use the period between the initial decision and the meeting of the Governing Body to work with the LA to see whether more support can be made available or whether the statement can be changed to name a new school. If either of these options is possible, the Headteacher should normally withdraw the exclusion.

11.2 Disabled Pupils

Schools have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled pupils by excluding them from school because of their disability. This applies to fixed term and permanent exclusions.

The definition of a disability under the act covers pupils with physical, sensory, intellectual or mental impairments. It is unlawful to exclude a disabled pupil for a reason related to their disability without justification and Headteachers should be aware of the need to have 'substantial' and 'material' reasons for such exclusions and that they should usually expect to be able to provide evidence of the 'reasonable adjustments' they have made for the pupil.

Appeals against permanent exclusions, where discrimination is alleged to have taken place will be heard by the Independent Appeal Panel. Claims alleging discrimination in respect of fixed period exclusions will be heard by the SEN and Disability Tribunal (SENDIST).

11.3 Race Relations

The law places a general duty on schools to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. The law also places a number of specific duties on schools, including duties to assess the impact of policies and monitor the operation of those policies on pupils, parents and staff in different ethnic groups.

This legislation requires schools to take steps to ensure that they will not discriminate against pupils on the basis of ethnicity when making a decision about whether to exclude a pupil. Schools are required to assess whether policies that lead to sanctions including exclusion, have a disproportionately adverse impact on pupils from particular ethnic groups. All staff need to be alert to cultural differences which manifest themselves in pupils behaviour and reaction to adults.

11.4 Children in Public Care

Children in public care (often referred to as Looked After Children) are especially at risk of low attainment in school. Schools should be sensitive to exclusion issues where children who are Looked After are concerned. Every practical means to ensure that the child is maintained in school should be used and schools should seek advice from the Education Support Team for Looked After Children and Social Services to avoid the need for exclusion.

In cases where a child in public care is excluded, anyone who is legally defined as a parent will have the right to make representations and to appeal.

Even where the local authority does not have parental responsibility, the child's social worker should be informed about any exclusion. The designated teacher for Looked After Children will be able to advise in the legal status of pupils in public care in the school.

12. Arrangements for Money to Follow Pupils who have been Permanently Excluded From School

12.1 Mechanism for Deducting and Allocating Money

The LA should ensure that the correct funding moves with the pupil. There are different processes depending on whether the pupil attends school in the LA where they live or attend school in a different LA. These processes are:

- a. Determination and re-determination of school's budget share. The LA is responsible for reducing the budget share of any school it maintains. The amount to be reduced is the appropriate proportion of the school's funding for that pupil. The new school will receive the amount deducted from the excluding school or a proportion of that amount if the LA makes educational provision out of school;
- b. Inter LA recoupment: for transfers between LAs, the funding formula where the excluding school is situated determines the amount.

- 12.2 The excluding school loses funding from the date of exclusion. The allocation to the new school is made from the entry of the new school. The LA keeps the difference between these two amounts to contribute towards any time the pupil is educated out of school. When a permanently excluded pupil starts a new school before the relevant date (eg the parent does not appeal but immediately arranges entry into a new school) funding cannot be transferred until the day after the relevant date.

From September 2007, the relevant date is the sixth day following the Headteacher's decision to exclude the pupil permanently.