

Flintshire Protocol for Permanent Exclusion

The Welsh Government document no: 171/2015 *Exclusion from schools and pupil referral units* provides the guidance on exclusion and appeals procedures for mainstream schools and PRUs. This protocol should be read in conjunction with the WG document and Flintshire's Substance Misuse Policy.

Only the headteacher has the authority to exclude a pupil. In their absence, the most senior teacher may exercise the power of exclusion, making it clear that they are acting on behalf of the headteacher.

A decision to exclude should only be taken:

- In response to serious breaches of the school's behavior policy; and
- If allowing the learner to remain in school would seriously harm the education of the learner or others in the school.

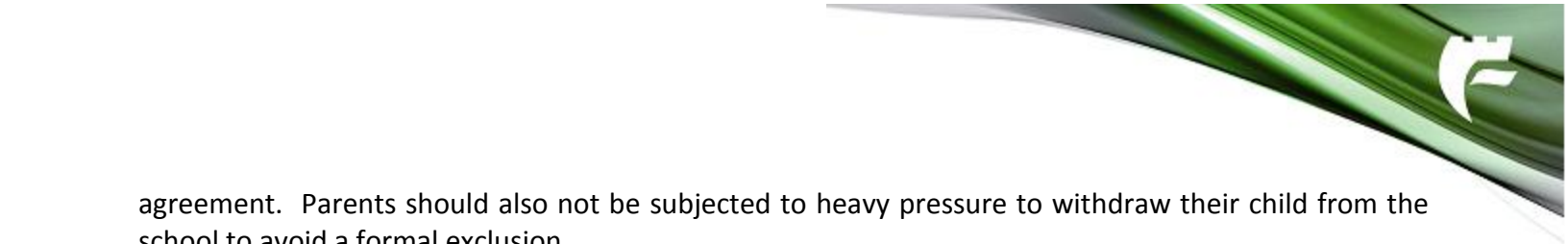
It is recognised that there may be exceptional circumstances where a headteacher's judgement is appropriate to permanently exclude for a first or on-off offence. In most cases it would be appropriate for schools to inform the police if they believe a criminal offence has taken place. Other services such as Youth Justice Services should also be contacted.

Exclusions should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the learner concerned. Before deciding whether to exclude a learner, either permanently or for a fixed-term, the headteacher should:

- Ensure that an appropriate investigation has been carried out
- Consider all the evidence available to support the allegations. The more serious the allegation and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be;
- Take account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010;
- Allow the learner to give his/her version of events;
- Check whether the incident has been provoked, e.g. by bullying or by racial or sexual harassment;
- If necessary consult others but not anyone who may later have a role in reviewing the headteacher's decision, e.g. a member of the discipline committee;
- Keep a written record of the incident and actions taken.

Where possible/appropriate, alternatives to exclusion should be considered. Examples of this include the use of Pastoral Support Programmes, Restorative Justice, Internal exclusion/isolation and Managed Moves. LA Inclusion services should be approached to support the implementation of such alternatives.

If a pupil has committed a disciplinary offence, formal exclusion is the only legal method of removal from the school premises. The terms unlawful, unofficial or informal exclusions refer to sending learners home for disciplinary reasons, but not following the procedures required for formal exclusion or learners being sent home for either short 'cooling off' periods, or for longer indefinite periods. There is no basis in law for schools to do this without formally recording it as an exclusion, even if the parents are in



agreement. Parents should also not be subjected to heavy pressure to withdraw their child from the school to avoid a formal exclusion.

The schools' obligation to provide education continues while the pupil is on roll. The name of a permanently excluded pupil should remain on roll until the appeals process is completed or until the appeal period has expired. Headteachers must arrange for work to be provided immediately and ensure that it is marked. The school should then work with the LA officers to support the move to an appropriate alternative placement (see procedure below).

Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with statements of SEN. They should also make every effort to avoid excluding pupils who are being supported at School Action or School Action Plus under or those who are being assessed for a statement. Schools should try every practicable means to maintain the pupil in school, including seeking LA and other professional advice and support at School Action Plus, or, where appropriate, requesting statutory assessment. Similar consideration should be given to pupils who are looked after. Where the decision is to exclude, the pupil's social worker should be informed as well as the LA's LAC education officer (Vulnerable Learners Coordinator).

For a pupil with a statement, where this process has been exhausted, the school should liaise with their LA named officer initiating a formal review of the pupil's statement. Where a pupil is permanently excluded, the headteacher should use the period between their initial decision and the meeting of the discipline committee 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. It is extremely important that parents/carers of pupils with SEN who are excluded from school receive advice on the options available for their child's future education. Schools should advise parents/carers that advice and information is available through the Parent Partnership service.

Schools should also bear in mind the Equality Act 2010 when considering exclusion. Whilst the Act does not prohibit schools from excluding pupils with a protected characteristic, it does prohibit excluding pupils because of their protected characteristic, e.g. if a pupil is excluded because of a behavior that is closely associated with their disability.

The Education Welfare Service has a key role in the exclusion process. Officers will provide advice to schools, children and their families in terms of process. They will also represent the LA at the Governing Body Discipline Committee. Where a decision to permanently exclude has been taken, the LA should be notified via the following email – Inclusion@flintshire.gov.uk. In line with the Schools' Funding Wales Act 2010, funding will be transferred from the excluding school to the receiving school, or to the LA where an alternative school cannot be sourced. The formula within the Act will be used to determine the level of funding to be transferred.



Procedure for Permanent Exclusion

Activity	Action/Timescale
<i>Incident leading to a decision to permanently exclude</i>	Headteacher notifies: <ul style="list-style-type: none"> • parent/carer immediately by phone and 1 day in writing • LA by phone/email within 1 day (Inclusion @flintshire.gov.uk) • GB discipline committee within 1 day • home LA for non-Flintshire LAC within 1 day
<i>Exclusion report</i>	Excluding school completes the exclusion report proving the following information: <ul style="list-style-type: none"> • The learner’s name, age, DOB, gender and ethnicity; • Whether the learner has a Statement of SEN, is being assessed for a Statement or is on School Action or School Action Plus; • Whether the learner is in care • The reason for the permanent exclusion
<i>GB Discipline Committee</i>	<p>The committee must meet to review the exclusion between the 6th and 15th school day after the date of receipt of notification to consider the exclusion. The school should invite the LA representative to attend the committee meeting.</p> <p>The discipline committee can uphold an exclusion or direct the learner’s reinstatement. If the decision is reinstatement, the committee should determine the date by which this should take place. The discipline committee should inform the parent/carer and or/learner, the headteacher and the LA of their decision in writing within one school day of the hearing, stating the reasons for the decision. Where the permanent exclusion is upheld, the letter should include details on the right to appeal to an independent panel, together with the name and address of the person to whom notice of appeal should be sent and the date by which this should be lodged (15 school days after the day on which notice in writing was given of the discipline committee’s decision).</p>
<i>Independent Appeal</i>	<p>The appeal panel must meet no later than the fifteenth day after the day on which the appeal was lodged; in exceptional circumstances the LA may extend this where the parent/carer and or learner requires further time to prepare for the appeal hearing. During the period of appeal, the learner will remain on roll at the excluding school who are required to work with the LA to support the ongoing education of the learner.</p> <p>The panel must notify all parties of its decision, which is binding, by the end of the second working day after the hearing. Where the panel directs reinstatement, it should immediately inform the headteacher of the decision and specify the date by which the learner must be readmitted. If the</p>



	<p>permanent exclusion is upheld, the clerk will notify the LA lead who will make arrangements as quickly as possible for the learner to continue in suitable full-time education. The headteacher of the excluding school should then remove the learner's name from the school roll the day after the conclusion of the appeal.</p>
Reintegration Meeting	<p>The priority will be for the learner to access an alternative mainstream school and the LA lead for exclusion will support the parents in identifying a suitable school. The parent should complete a LA admission transfer form and the LA lead will liaise with the school to arrange an admission meeting. A key focus for the admission meeting will be the reintegration plan. The Pastoral Support Plan will form the basis of the reintegration plan. The excluding school is required to provide the following information to inform the meeting:</p> <ul style="list-style-type: none">• Reasons for exclusion• The learner's educational achievements• Steps that have been taken to address the learner's behavioural problems• Other agencies involved and their role in supporting the learner• Whether the learner was on the SEN register and if so, at what stage• Copies of relevant documents, e.g. Pastoral Support Plans, Statement of SEN/Annual Reviews, IEPs/IBPs etc. <p>A member of the excluding school is required to attend the admission meeting to provide the necessary information to ensure the learner has the best start to the new placement. A six week review should also be included through the PSP to monitor the progress of the reintegration.</p> <p>As per the Schools' Funding Wales Act 2010, funding will be transferred to the receiving school in line with the published formula. ALN Band funding will also transfer from the date of registration to the new school. Additional funding/provision may be accessed through the curriculum enrichment/bespoke provision. The learner's progress against targets set in the admission meeting should be reviewed in line with the Pastoral Support Plan review process.</p>
EOTAS	<p>Where the view of the professionals is that a mainstream school placement is not appropriate for the learner, the excluding school will be required to complete an Appendix B form for submission to the Moderation/EOTAS Panel. The panel will consider the need for a specialist placement or in some cases an individual tailored package. In cases such as this, the funding will be transferred from the excluding school to the LA.</p>