



# **Belgrave Primary School**

## Exclusions Policy

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## SUSPENSION AND PERMANENT EXCLUSION POLICY

### 1. RATIONALE

Everyone at Belgrave Primary School has the right to feel safe, secure and respected and our pupils have the right to learn without being disturbed or distracted and play without feeling unsafe. We aim to establish a happy and caring community, which encourages respect for others' feelings, beliefs and possessions and we understand that such a community needs a structure to support acceptable and agreed forms of behaviour. We seek to implement a positive behaviour management system in which all adults within the school consistently model and promote the desired standard of behaviour and we expect the children to accept responsibility for managing their own behaviour. However, there may be occasions when a pupil's behaviour is such that their exclusion from school is the only course of action appropriate.

This document provides information about when a child can be suspended or excluded and the obligations of the school to review a suspension and exclusion and the right to appeal a suspension and exclusion.

The rules governing exclusions from Schools, Academies and Student Referral Units in England are contained in the s52 of the Education Act 2002.

If a child has been excluded, the applicable Government Guidance is Exclusions from maintained schools, Academies and student referral units. A guide for those with legal responsibilities in relation to exclusion.

### 2. What are the different types of exclusion?

- 2.1 A suspension is for a specific period of time. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion.

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. A suspension that takes place over a lunchtime would be counted as half a school day.

- 2.2 A permanent exclusion (P'EX) involves the child being removed from the school roll. However, the Headteacher must not remove a pupil's name from the school admissions register until the outcome of the Independent Review Panel (if this route is followed by parents).

### 3. In what circumstances can a child be suspended or permanently excluded?

- 3.1 A pupil must only be suspended or permanently excluded on disciplinary grounds. The decision to exclude must be:
- Lawful
  - Rational
  - Reasonable

- Fair; and
- Proportionate

3.2 The behaviour of pupils outside of school can be considered as grounds for suspension and exclusion. The school's behaviour policy will set out when a pupil's behaviour outside of school premises may lead to disciplinary sanctions.

3.3 A decision to exclude a pupil permanently should only be taken: "in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school".

3.4 When reaching the decision to exclude a child, the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

3.5 Under the Equality Act 2010 schools must not discriminate against, harass or victimise pupils because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- because of a pregnancy / maternity; or because of a gender reassignment.

3.6 For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

3.7 It is unlawful to exclude or to increase the severity of an exclusion for a non disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet. It would also be unlawful to exclude for a reason such as:

- academic attainment / ability
- the action of a pupil's parents
- the failure of a pupil to meet specific conditions before they are reinstated such as attend a reintegration meeting.

However, the Headteacher could lawfully and would normally exclude a child for:

- Repeated failure to follow academic instruction
- Failure to complete a behavioural sanction, e.g. a detention, a decision to change the sanction to exclusion would not automatically be unlawful
- Repeated and persistent breaches of the schools behavioural policy. Even if the offence that has immediately led to the exclusion would not have normally constituted a serious enough breach on its own. A child can still be excluded if it is part of a wider pattern of behaviour. These duties need to be taken into account when deciding whether to exclude a pupil.

Formally arranged part-time timetables may be necessary as a temporary measure in exceptional circumstances to meet a pupil's needs but must not be used as a disciplinary sanction and is not a long term solution.

4. What are the factors a Headteacher should consider before deciding to exclude?

- 4.1 The decision on whether to exclude is for a Headteacher to take. Pupils should be given an opportunity to present their case before the decision to exclude. When considering whether to exclude, Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

The guidance is clear that early intervention should be used to address underlying causes of disruptive behaviour. This should include:

- an assessment of whether appropriate support is in place to support any Special Educational Needs or disability that a pupil may have
- the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.

Where a pupil has received multiple suspensions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Headteachers should consider whether suspension is providing an effective sanction.

Schools have the power to direct a pupil off-site for education to improve his or her behaviour (section 29A of the Education Act 2002). If the school decide to use this power, under the Education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012 they must:

- Ensure that parents (and the local authority where the pupil has a Statement of Special Educational Needs or an Educational Healthcare Plan— EHCP) are given clear information about the placement: why, when, where, and how it will be reviewed;
- Keep the placement under review and involve parents in the review. The regulations specify regular reviews but do not specify how often reviews must take place (that should be decided on a case-by-case basis). Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the pupil is benefitting from it; and
- Have regard to guidance from the Secretary of State on the use of this power - new statutory guidance on this issue can be found at paragraph 41 of the Alternative Provision - Statutory guidance for local authorities - January 2013.

A pupil can also be transferred to another school as part of a 'managed move.' This is to allow the pupil to have a fresh start in a new school and is an alternative to a suspension.

Managed moves must only be arranged with the consent of the parties involved and be offered as part of a planned intervention. Managed moves are usually subject to a trial period in the new school and should only occur when it is in the pupil's best interests.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

To ensure the pupil is provided with an effective integration strategy information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies will take place.

Pupils can be returned to the original school if the placement fails.  
It is unlawful for a child to be informally suspended from school.

**5.** What are the school's obligations when a child has Special Educational Needs (SEN) or is looked after?

There are certain groups of pupils with additional needs who are particularly vulnerable to exclusion. This includes pupils with Statements of Special Educational Needs (SEN) or an Education Health Care Plan (EHCP) and looked after children.

**5.1** Headteachers should, as far as possible, avoid excluding permanently any pupil with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.

**5.2** Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN, an EHCP or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN.

**5.3** Where a pupil has a statement of SEN or EHCP, schools should consider requesting an early annual review or interim / emergency review.

**6.** What is the procedure for excluding a pupil?

**6.1** When a Headteacher or teacher in charge decides to exclude a pupil, the parent/s or carer/s should be notified immediately, usually by telephone, followed by a letter without delay.

The letter must state:

- If the exclusion is permanent
- The precise period of the suspension
- The reasons for the exclusion or suspension
- The parents' right to make representations to the governing body, and how the pupil can be involved in this;
- Who to contact about making such representations
- The right on written request to see copies of a child's school record
- The arrangements made by the school / Pupil Referral Unit for the pupil to continue their education during the first five days of the exclusion, including setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed by the pupil and returned to school.
- The school days (or school day from) which the pupil will be provided with alternative suitable education.

**6.2** The Headteacher will also notify the local authority and if a pupil has a social worker, or if a pupil is looked-after, the headteacher will also notify the social worker and/or VSH, as applicable. •

**7.** What are the obligations of parents during a suspension or permanent exclusion?

- 7.1 During the first five days of a suspension or permanent exclusion, the parents of an suspended or excluded pupil, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification.

Failing to ensure this is an offence, and parents may be given a fixed penalty notice. If the school or Local Authority thinks that parents could better influence the behaviour of the pupil, a parenting contract may be offered. A parenting contract is an agreement between the school and parents that they will both support the child in improving their behaviour.

- 7.2 For a suspension of more than five school days, the governing body (or Local Authority in relation to a pupil suspended from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion. This duty is set out in section 100 of the Education and Inspections Act 2006.

- 7.3 For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 of the Education Act 1996.

- 7.4 In addition, where a pupil has a Statement of Special Educational Needs or Education Health Care Plan the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

- 8.** Does the school have to provide education during the first 5 school days of a suspension or permanent exclusion?

- 8.1 It is important for schools to help minimise the disruption that a suspension or exclusion can cause to a suspended or excluded pupil's education. Whilst the statutory duty on governing bodies or Local Authorities is to provide fulltime education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible.

- 8.2 Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, schools should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school. At Belgrave we would use Dojo. If pupils are unable to access this work remotely, alternative sources of written work on hard copy will be provided.

- 9.** What happens after an exclusion?

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

A reintegration meeting is used to help pupils understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture and offers them a fresh start. Schools can consider a range of measures to enable the pupil's successful reintegration.

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

Governing board reinstatement meetings and IRPs can now be held via the use of remote access for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.

**10. Can the Headteacher cancel an exclusion?**

**10.1** The Headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. This practice is sometimes known as withdrawing or rescinding an exclusion. Any exclusions the Headteacher rescinds or overturns, must be reported to the Governor Pastoral Committee at the next meeting.

Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

**11. When will a Governing Body review an exclusion?**

**11.1** The governing body has a duty to consider parents' representations about an exclusion. The extent of this duty and how it is exercised depend on the length and nature of the exclusion. At Belgrave, this duty is delegated, by the Local Governing Board, to a Governor Disciplinary Panel (GDP) of not less than three governors.

**11.2** The Governor Disciplinary Panel (GDP) must consider the reinstatement of an excluded pupil within 15 school days, of receiving notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in term; or
- It would result in a pupil missing a public examination or national curriculum test.

**11.3** Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the GDP to consider exclusion before the date of the examination or test. If this is not possible, the chair of the Governor Disciplinary Panel may consider the exclusion independently and decide whether to reinstate the pupil.

These are the only circumstances in which the chair can review an exclusion decision alone. In such cases, parents still have the right to make representations to the GDP and must be made aware of this right.

- 11.4 If a child has been excluded for a period of more than 5 school days, but not more than 15, in a single term then the parents can request that the Governing Body consider the reinstatement of the child. In these circumstances, the GDP must consider the reinstatement within 50 school days of receiving notice of the exclusion. This may not affect the actual exclusion as the child is likely to have completed their exclusion prior to the GDP considering reinstatement, but if the GDP did decide to overturn the exclusion and direct reinstatement, a record to this effect would be added to the child's school records.
- 11.5 In the case of a suspension that does not bring the pupil's total number of days of exclusion to more than five in a term, the GDP must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 11.6 Governing boards should already be challenging and evaluating what their school's data is telling them about their school or academy trust. Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort
- 12.** What will happen at a Governor Disciplinary Panel meeting?
- 12.1 The following parties must be invited to a meeting of the GDP and allowed to make representations:
- parents;
  - the pupil if they are 18 years or over;
  - the Headteacher; and
  - a representative of the local authority (in the case of a maintained school or Pupil Referral Unit)
  - the child's social worker if the pupil has one; and the Virtual School Head (VSH) if the child is LAC.
- 12.2 The Governors Disciplinary Panel must:
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's Special Educational Needs).
  - circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting.
  - allow parents and pupils to be accompanied by a friend or representative.
  - invite the pupil's social worker, if they have one, and if the pupil is LAC, the Virtual School Head (VSH) to attend;
  - identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf, taking into account the pupil's age and understanding; or by other means if attending the exclusion meeting is not possible.
- 12.3 When considering the exclusion, the GDP must consider: the interests and circumstances of the excluded pupil
- the circumstances in which the pupil was excluded, and
  - have regard to the interests of other pupils and people working at the school.



12.4 When establishing the facts in relation to an exclusion decision the GDP must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true.

12.5 In reaching a decision on whether or not to reinstate a pupil, the GDP should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties.

In the light of their consideration, the GDP can either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

12.6 Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the GDP must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

The GDP must notify parents, the Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.

The GDP should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

12.7 In the case of a permanent exclusion the GDP's notification must also include the information below.

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information: the date by which an application for a review must be made
  - the name and address to whom an application for a review (and any written evidence) should be submitted;
  - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
  - that parents have a right to require the local authority / Academy Trust to appoint an Special Educational Needs (SEN) expert to attend the review;
  - details of the role of the SEN expert and that there would be no cost to parents for this appointment;
  - that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and
  - that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- That, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

- That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

**13.** What will happen at an Independent Review Panel?

**13.1** If the GDP uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

**13.2** Parents must lodge their application for a review:

- within 15 school days of notice being given to the parents by the GDP of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15, school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

These are strict deadlines and any application made outside of the legal time frame must be rejected by the local authority / Academy Trust.

**13.3** Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the GDP considered the exclusion. Parents must submit written representations and, if applicable, supporting evidence, when lodging their application.

**13.4** The local authority / Academy Trust must constitute the panel with either three or five members:

- a lay member to chair the panel
- one (or two for a 5 member panel) school governor who has served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or Headteachers during this time, and
- one (or two for a 5-member panel) Headteacher or individual who has been a Headteacher within the last five years.

**13.5** A clerk will also be present to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions. The clerk does not take part in the decision making process.

**13.6** The role of the panel is to review the GDP's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

**13.7** The panel can decide to:

- uphold the exclusion decision;
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the exclusion again.

**13.8** When considering the GDP's decision, the panel should apply the following tests which need to be satisfied to quash the decision:

- Illegality - did the Headteacher and / or GDP act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality - was the decision of the GDP not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
- Procedural impropriety - was the process of exclusion and the GDP's consideration so unfair or flawed that justice was clearly not done?

If any of these criteria are met then the panel can quash the decision of the GDP and direct that they consider the exclusion again.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or relevant to the pupil's permanent exclusion.

- 13.9** Where the criteria for quashing a decision have not been met the panel should consider whether it would be appropriate to recommend that a GDP reconsiders their decision not to reinstate the pupil.

This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the panel believe justify a reconsideration of the GDP's decision.

In all other cases the panel should uphold the exclusion.

- 13.10** There is no further right of appeal against the decision of an Independent Review Panel. However, there are two ways that the decision may be challenged:

If you feel that the review panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned. The body this complaint should be made to will depend on the type of school involved:

For academies

A complaint should be made to the Secretary of State who will pass the complaint to the Education Funding Agency (EFA). They can be contacted on 0370 000 2288.

- 14.** Can I request a Special Educational Needs expert attend the Independent Review panel?

- 14.1** Parents have a right to request the attendance of a SEN expert at the review panel, regardless of whether or not the school recognises that their child has SEN.

- 14.2 The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.
- 14.3 SEN experts must be impartial. The SEN expert can be employed by another local authority or Academy Trust but they should not have had any previous involvement in the assessment or support of SEN for the excluded pupil, or siblings of the excluded pupil. The purpose of this is to avoid a conflict of interest.
- 14.4 The appointment of an SEN expert is for the local authority / Academy Trust to make but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN expert.

The Special Educational Needs (SEN) expert's role is similar to an expert witness.

They should provide impartial advice to the panel on how special educational needs might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include making an assessment of the pupil's special educational needs.

The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair.

If the SEN expert believes that this was not the case he / she should advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

- 14.5 Where the school does not recognise that a pupil has SEN, the SEN expert should advise the panel on whether he / she believes the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any special educational needs that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

**15.** What happens when the Independent Review Panel recommends the Governors' Disciplinary Panel reconsiders the exclusion?

- 15.1 Where the Independent Review Panel directs or recommends that the GDP reconsiders their decision, the GDP must reconvene within 10 school days of being given notice of the IRP's decision.

If, following a direction to reconsider, the GDP does not offer to reinstate the pupil within 10 school days of being notified of the panel's decision, an adjustment may be made to the school's budget in the sum of £4,000.

- 15.2 In the case of an Academy, the school would be required to make an equivalent payment directly to the local authority in which the school is located. This payment will be in addition to any funding that would normally follow an excluded pupil.

**15.3** In the case of either a recommended or directed reconsideration, the GDP must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents
- the Headteacher
- the local authority and, where relevant, the 'home authority'.

If the GDP upholds the exclusion again, there is no further right to refer the matter to the IRP.

However, the decision may be challenged by an application for Judicial Review. In order to bring an action for judicial review, this would have required the GDP to have made an error in law/ acted unreasonably/ in breach of natural justice. The application for judicial review should be made promptly but at least within three months of the date of the decision. You would need legal representation should you decide to pursue this course of action.

**16.** When can I bring a judicial review claim against the decision of the Independent Review Panel?

**16.1** As noted above, there is no appeal from the decision of an appeal panel. However, the decision may be subject to judicial review, and the judge could quash the original decision and order that a fresh hearing is arranged.

In order to bring an action for judicial review, this would have required the IRP to have made an error in law/ acted unreasonably/ in breach of natural justice. The application for judicial review should be made promptly but at least within three months of the date of the decision. You would need legal representation should you decide to pursue this course of action.

**16.2** Examples of potential maladministration that could lead to a complaint include the following:

- The panel was not properly constituted, e.g. a member of the panel was not truly independent and had links to the school
- The panel relied on information provided by the school that has subsequently been shown to be false
- A parent was not allowed to properly participate in the proceedings A parent did not receive proper notice of the panel hearing.

Parents have a right to request the attendance of a SEN expert at the review panel.

**17.** What can I do if the exclusion involved disability discrimination?

**17.1** If parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination.

In order to fall under the protection of the Equality Act 2010, a pupil needs to be classed a 'disabled' for the purposes of the Act. A person is disabled if they have a physical/mental impairment which is long term (has lasted or will last for more than

12 months) and has a substantial effect on their ability to carry out normal day to day activities. The school is under a duty not to discriminate against a person who is classed as disabled for the purposes of the act.

The Equality Act 2010 requires that educational establishments must take reasonable steps to ensure that disabled pupils are not substantially disadvantaged compared with pupils who are not disabled. Educational establishments have a duty to avoid the substantial disadvantage caused by a provision criterion or practice. The duty applies to the provision of education and access to any benefit, service or facility. When the duty arises, the issue to be considered is whether the adjustment is reasonable.

- 17.2 When deciding whether the adjustment is reasonable a number of factors will be considered including the financial resources available, the cost of taking a particular step and the extent to which it is practicable to take a particular step. Discrimination will only occur if the failure to make reasonable adjustments has put the pupil at a substantial disadvantage compared to their non-disabled peers.
- 17.3 In addition, schools have a duty to ensure that a disabled pupil is not treated unfavourably because of something connected with his/her disability. This is called discrimination arising from disability.

This will occur when the school treats a disabled pupil unfavourably, this treatment is because of something connected with the disabled pupil's disability and the school cannot justify the treatment by showing that it is a proportionate means of meeting a legitimate aim.

Claims for Disability Discrimination would be lodged with the First-Tier Tribunal. There is strict time limit of 6 months from the date of the alleged discrimination for lodging a claim.

A successful claim may result in a declaration that the school has discriminated against the pupil, an apology for this discrimination and a change in school policy. Parents can make a claim to the Tribunal for both a suspension and a permanent exclusion.

For permanent exclusions, this right is in addition to the right to request a review by an Independent Review Panel.

## **Conclusion**

Belgrave Primary School will be a happy and caring community in which everyone will feel safe, secure and respected. Our pupils will be able to learn without being disturbed or distracted, play without feeling unsafe and will have respect for others' feelings, beliefs and possessions. The correct behaviour management and exclusions procedures will be followed at all times and exclusion will be used as a behaviour management strategy when it is deemed appropriate, as a last resort, when all other avenues have been explored.