



## Exclusion Policy

<b>Reviewed by:</b>	Helen Dyer, Principal
<b>Date:</b>	1 September 2024
<b>Last reviewed on:</b>	1 September 2023
<b>Next review due by:</b>	31 August 2025
<b>Version control:</b>	3
<b>Approved by:</b>	Tracey Storey, CEO

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## **Aims**

We are committed to following all statutory exclusions procedures to ensure that every learner receives an education in a safe and caring environment. Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently.
- Help staff, parents, learners understand the exclusions process.
- Ensure that learners in school are safe and happy.
- Prevent learners from becoming NEET (not in education, employment, or training).
- Ensure all suspensions and permanent exclusions are carried out lawfully.

## **A Note on Off-Rolling**

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

*“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the learner.”*

We will not suspend or exclude learners unlawfully by directing them off site, or not allowing learners to attend school without following the statutory procedure or formally recording the event, e.g., sending them home to 'cool off'.

We will not suspend or exclude learners:

- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

## **Legislation and Statutory Guidance**

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England.](#)

It is based on the following legislation, which outlines schools' powers to exclude learners:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011.
  - The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded learners.
  - Section 579 of the [Education Act 1996](#), which defines 'school day'.
  - The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#).
  - [The Equality Act 2010](#).
  - [Children and Families Act 2014](#).

## **Definitions**

Suspension – when a learner is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a learner is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a learner to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a learner is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## **Roles and Responsibilities**

### ***The Principal***

Only the principal can suspend or permanently exclude a learner from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The principal will only use permanent exclusion as a last resort.

A decision to suspend or exclude a learner will be taken only:

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

Before deciding whether to suspend or exclude a learner, the principal will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the learner to give their version of events.
- Consider whether the learner has special educational needs (SEND).
- Consider whether the learner is especially vulnerable (e.g., the learner has a social worker, or is a looked-after child (LAC)).
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The principal will consider the views of the learner, considering their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Learners who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The principal will not reach their decision until they have heard from the learner and will inform the learner of how their views were considered when making the decision.

### ***Informing Parents***

If a learner is at risk of suspension or exclusion the principal will inform the parents as early as possible, to work together to consider what factors may be affecting the learner's behaviour, and what further support can be put in place to improve the behaviour.

If the principal decides to suspend or exclude a learner, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension or permanent exclusion to the Directors and how the learner may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the Directors to hold a meeting to consider the reinstatement of a learner, and that parents (or the learner if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The principal will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies.
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this.
- If alternative provision is being arranged, the following information will be included, if possible:
  - The start date for any provision of full-time education that has been arranged,
  - The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
  - The address at which the provision will take place.
  - Any information the learner needs to identify the person they should report to on the first day.

If the principal does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information later, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

### ***Informing the Directors and SAP members:***

The principal will, without delay, notify the Directors and SAP members of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a learner.
- Any suspension or permanent exclusion which would result in the learner being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in the learner missing a National Curriculum test or public exam.

The principal will notify the Directors once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### **Informing the Local Authority (Local Authority)**

The principal will notify the local authority of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the learner lives outside the local authority in which the school is located, the principal will also, without delay, inform the learner's 'home authority' of the exclusion and the reason(s) for it.

### **Informing the Learner's Social Worker and/or Virtual School Head (VSH)**

If a:

- **Learner with a social worker** is at risk of suspension or permanent exclusion, the principal will inform **the social worker** as early as possible.
- **Learner who is a looked-after child (LAC)** is at risk of suspension or exclusion, the principal will inform **the VSH** as early as possible.

This is to work together to consider what factors may be affecting the learner's behaviour, and what further support can be put in place to improve the behaviour. If the principal decides to suspend or permanently exclude a learner with a social worker / a learner who is looked after, they will inform the learner's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the learner.
- The reason(s) for the decision.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- The suspension or permanent exclusion affects the learner's ability to sit a National Curriculum test or public exam (where relevant).

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the learner's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the learner's welfare are taken into account.

### **Cancelling Suspensions and Permanent Exclusions**

The principal may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Directors and/or SAP members. Where there is a cancellation:

- The parents, Directors/SAP members and the local authority will be notified without delay.
- Where relevant, any social worker and VSH will be notified without delay.

- Parents will be offered the opportunity to meet with the principal to discuss the cancellation.
- As referred to above, the principal will report to the Directors termly on the number of cancellations.
- The learner will be allowed back in school.

### ***Providing Education During the First 5 Days of a Suspension or Permanent Exclusion***

During the first 5 days of a suspension, if the learner is not attending alternative provision (AP), the principal will take steps to ensure that achievable and accessible work is set and marked for the learner. Online pathways may be used for this. If the learner has a special educational need or disability, the principal will make sure that reasonable adjustments are made to the provision where necessary.

If the learner is looked after or if they have a social worker, the school will work with the local authority to arrange alternative provision from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the learner, including the use of online pathways.

### ***Considering Suspensions and Permanent Exclusions***

The Directors has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded learner (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the local authority will provide the Secretary of State with information about any suspensions or exclusions within the last 12 months. For any suspension of more than 5 school days, the local authority will arrange suitable full-time education for the learner. This provision will begin no later than the sixth day of the suspension. The Directors do not have to arrange such provision for learners in their final year of compulsory education who do not have any further public exams to sit.

### ***Monitoring and Analysing Suspensions and Exclusions Data***

The Directors will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Directors will consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- The school register and absence codes.
- Instances where learners receive repeat suspensions.
- Interventions in place to support learners at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- The characteristics of suspended and permanently excluded learners, and why this is taking place.

- Whether the placements of learners directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that learners are benefiting from it.
- The cost implications of directing learners off-site.

### **The Local Authority (Local Authority)**

For permanent exclusions, the local authority will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion. For learners who are LAC or have social workers, the local authority and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

### **Considering the Reinstatement of a Learner**

The Directors will consider and decide on the reinstatement of a suspended or permanently excluded learner within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent;
- It is a suspension which would bring the learner's total number of days out of school to more than 15 in a term; or
- It would result in a learner missing a public exam or National Curriculum test.

Where the learner has been suspended, and the suspension does not bring the learner's total number of days of suspension to more than 5 in a term, the Directors must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the principal to reinstate the learner.

Where the learner has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the Directors will consider and decide on the reinstatement of a suspended learner within 50 school days of receiving notice of the suspension. If the parents do not make representations, the Directors are not required to meet, and it cannot direct the principal to reinstate the learner.

Where a suspension or permanent exclusion would result in a learner missing a public exam or National Curriculum test, the Directors will, as far as reasonably practicable, consider and decide on the reinstatement of the learner before the date of the exam or test. If this is not practicable, the Directors may consider the suspension or permanent exclusion and decide whether to reinstate the learner.

The following parties will be invited to a meeting of the school advisory board and/or with the Directors, and allowed to make representations or share information:

- Parents, or the learner if they are 18 or over (and, where requested, a representative or friend).
- The learner, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend).
- The principal.
- The learner's social worker if they have one.
- The VSH, if the learner is looked after.

The Directors will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its

decision will not be invalid simply on the grounds that it was not made within these time limits.

The Directors can either:

- Decline to reinstate the learner, or
  - Direct the reinstatement of the learner immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)
- In reaching a decision, the Directors will consider:
- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair.
  - Whether the Principal followed their legal duties.
  - The welfare and safeguarding of the learner and their peers.
  - Any evidence that was presented to the Directors and/or school advisory board.

They will decide whether a fact is true on the balance of probabilities.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the learner's educational record, and copies of relevant papers will be kept with this record.

The Directors will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the learner, if they are 18 or older.
- The principal.
- The learner's social worker if they have one.
- The VSH, if the learner is looked after.
- The local authority.
- The learner's home authority if it differs from the schools.

Where an exclusion is permanent and the proprietor board has decided not to reinstate the learner, the notification of decision will also include the following:

- The fact that it is a permanent exclusion.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel.
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents).
- The name and address to which 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, it should include reference to how the learner's special educational needs (SEN) are relevant to the permanent exclusion.
- That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the local authority to appoint an SEN expert to advise the review panel.
- 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 an SEN expert to be appointed in any application for a review.
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.



- That, if parents believe that the permanent exclusion has occurred because of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

### **Independent Review**

If parents apply for an independent review within the legal timeframe, the local authority will arrange for an independent panel to review the decision of the Directors not to reinstate a permanently excluded learner.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Directors of its decision to not reinstate the learner **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

- A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school advisory panel category and 2 members will come from the principal category. At all times during the review process there must be the required representation on the panel.
- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer.
- Current or former school governors who have served as a governor and/or school advisory panel member for at least 12 consecutive months in the last 5 years, provided they have not been teachers or principals during this time.
- Principals or individuals who have been a principal within the last 5 years.
- A person may not serve as a member of a review panel if they:
  - Are a director of the local authority of the excluding school.
  - Are the principal of the excluding school or have held this position in the last 5 years.
  - Are an employee of the local authority, or the governing board, of the excluding school (unless they are employed as a principal at another school).
  - Have, or at any time have had, any connection with the local authority, school, the Directors, school advisory board, parents or learner, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
  - Have not had the required training within the last 2 years (see appendix 1 for what training must cover).

The panel must consider the interests and circumstances of the learner, including the circumstances in which the learner was permanently excluded, and have regard to the interests of other learners and people working at the school.

Taking into account the learner's age and understanding, the learner or their parents will be made aware of their right to attend and participate in the review meeting and the learner should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the learner's permanent exclusion.

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

Following its review, the independent panel will decide to do one of the following:

- Uphold the Directors decision.
- Recommend that the Directors reconsiders reinstatement.
- Overturn the Directors decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and, therefore, whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Directors and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Directors reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it.
- Where relevant, details of any financial readjustment or payment to be made if the Directors does not subsequently decide to offer to reinstate the learner within 10 school days.
- Any information that the panel has directed the Directors to place on the learner's educational record.

### **School Registers**

A learner's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of proprietor board decision to not reinstate the learner and no application has been made for an independent review panel, or;

- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a learner's name from the register. While the learner's name remains on the school's admission register, the learner's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded learners are not attending alternative provision, code E (absent) will be used.

### **Making a Return to the Local Authority**

Where a learner's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the local authority. The return will include:

- The learner's full name.
- The full name and address of any parent with whom the learner normally resides.
- At least 1 telephone number at which any parent with whom the learner normally resides can be contacted in an emergency.
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion).
- Details of the new school the learner will attend, including the name of that school and the first date when the learner attended or is due to attend there, if the parents have told the school the learner is moving to another school.
- Details of the learner's new address, including the new address, the name of the parent(s) the learner is going to live there with, and the date when the learner is going to start living there, if the parents have informed the school that the learner is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the learner's name.

### **Returning From a Suspension**

#### ***Reintegration Strategy***

Following suspension, the school will put in place a strategy to help the learner reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the learner has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintain regular contact the suspension or offsite direction and welcoming the learner back to school.
- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult or a local mentoring charity.
- Regular reviews with the learner and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the learner, parent, and staff of potential external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary. The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the learner, parents, and other relevant parties.

### **Reintegration Meetings**

The school will explain the reintegration strategy to the learner in a reintegration meeting before or on the learner's return to school. During the meeting the school will communicate to the learner that they are getting a fresh start and that they are a valued member of the school community.

The learner, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parents if they cannot or do not attend. The school expects all returning learners and their parents to attend their reintegration meeting, but learners who do not attend will not be prevented from returning to the classroom.

### **Monitoring Arrangements**

The school will collect data on the following:

- Attendance, permanent exclusions, and suspensions.
- Use of learner referral units, off-site directions, and managed moves.
- Anonymous surveys of staff, learners, professional partners and parents on their perceptions and experiences.

The data will be analysed every term by the principal. The principal will report back to the Directors. The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of learners are identified by this analysis, the school will review its policies to tackle it.

### **Links with Other Policies**

This exclusions policy is linked to our:

- Behaviour Policy.
- SEN Policy

## **Appendix 1: Independent Review Panel Training**

The local authority must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of principals, Directors, school advisory boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.