



## Exclusion Policy

Reviewed by PPC Committee: Spring 2024

Next Review: Spring 2026

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## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 2. 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 outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- 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

## 3. The decision to exclude

Only the Headteacher, or the person appointed to carry out the functions of the HT in the HT's absence, can exclude a pupil from school. In the case of this Federation this will be the Deputy Head of the relevant School. In the unlikely event of the HT or either Deputy HT being not contactable then authority passes to members of the relevant School Senior Leadership Team who will have been designated to cover the absence.

A permanent exclusion will be taken as a last resort when other strategies of intervention (see behaviour in schools guidance) have been implemented. Including consideration of alternative provision, such as off-site direction or managed moves.

A decision to permanently exclude or apply a fixed-term suspension to a pupil will be taken only:

- 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

Before deciding whether to exclude a pupil, either permanently or for a fixed-term suspension, the Headteacher or person's acting with the Headteacher's authority will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked or there were contributing factors. Further guidance can be found in the statutory guidance for behaviour in schools.



- Allow the pupil to give their version of events and take the pupil's views into account, considering these in light of their age and understanding, unless it would not be appropriate to do so. The pupil should be informed about how their views have been factored into any decision made.
- Where relevant the pupil should be given support to express their view, including through advocates such as parents, or a social worker if relevant.
- Consider if the pupil has special educational needs (SEN)

## 4. Definition

For the purposes of all types of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## 5. Roles and responsibilities

### 5.1 The Headteacher

#### Informing parents

The Headteacher or persons acting with the Headteacher's authority will immediately attempt to make an initial contact with parents and will provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing body and how the pupil may be involved in this
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher or persons acting with the Headteacher's authority will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion/suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. 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 when notifying parents of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where



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alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

## **Informing the governing body and local authority**

The Headteacher or persons acting with the Headteacher's authority will immediately notify the governing body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-term suspension is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination
- A fixed-term suspension of any time length

If the pupil lives outside the LA in which the school is located, and has been given a permanent exclusion, the Headteacher or persons acting with the HT's authority, will also immediately inform the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

If the pupil has a social worker, or is looked after the HT or person acting with the HT's authority must notify the social worker and/or Head of the Virtual school as applicable.

For all other exclusions, the Headteacher will notify the governing body and LA without delay.

## **5.2 The governing body**

Responsibilities regarding exclusions is delegated to Pupil Discipline Committee consisting of at least 3 governors.

The Pupil Discipline Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing body will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

## **5.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## **6. Considering the reinstatement of a pupil**

The Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination



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If requested to do so by parents, the Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 5 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Pupil Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- Parents (and, where requested, a representative or friend);
- The Headteacher; and
- A representative of the local authority (in the case of a maintained school or PRU)
- The pupil where possible and reasonable given the age of the pupil

The Pupil Discipline Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which is the civil standard, and which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, which will demonstrate how the Pupil Discipline Committee has scrutinized and challenged the decision of the Headteacher or persons acting with the Headteacher's authority and a record of evidence that was considered will be kept. The outcome will also be recorded on the pupil's educational record.

The Pupil Discipline Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with **reasons** for its decision, without delay.

Where an exclusion is permanent, the Pupil Discipline Committee decision will also include the following:

- 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 date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an 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



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- 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 exclusion has occurred as a result of 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. A 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.

The Headteacher may cancel an exclusion that has not been reviewed by the Governing body. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs,

- parents, the governing body and the local authority should be notified, and if relevant, the social worker and Virtual School Head
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled
- The school should report to the governing body once per term on the number of exclusions which have been cancelled including the circumstances and reasons for the cancelling, enabling the governing body to have appropriate oversight
- The pupil should be allowed back into school

## **7. An independent review**

If parents apply for an independent review, the LA will arrange for an independent review panel.

The role of the independent review panel is to review the decision of the governing body not to reinstate a permanently excluded pupil, including the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was permanently excluded and have regard to the interests of other pupils and people working at the school. Further guidance on the role and procedures of the panel can be found in the DfE statutory guidance document.

Other experts and advocates who may also have a role during the review include SEN experts, social workers and the Virtual School Head.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pupil Discipline Committee of its decision to not reinstate a pupil.

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 governor category and 2 members will come from the headteacher category. All panel members must declare any conflicts of interest before the start of the review.

- 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
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time



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- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the LA, or governing body of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing body, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, governing body, parents or pupil, 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)

A clerk will be appointed to the panel.

The independent review panel will decide one of the following:

- Uphold the governing body's decision
- Recommend that the governing body reconsiders reinstatement
- Quash the governing body's decision and direct that they reconsider reinstatement (only if the panel considers that the decision was flawed when considered in light of the principles applicable to the guidance in the DfE statutory guidance)

The review panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

## 8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the Pupil Discipline Committee's decision to not reinstate the pupil 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, the governing body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

## 9. Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing a behaviour contract
- Internal relocation to the designated in safe space



## **10. Monitoring arrangements**

Office Admin staff with responsibility for attendance monitoring also monitor the number of school exclusions every term and report back to the Headteacher or persons acting with the Headteacher's authority. Reports are also made to the Pupil Parents and Community Sub Committee

A copy of exclusion paperwork is sent to the designated officer at Achieving for Children

Where necessary the school will liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher and any changes shared with the governing body.

## **11. Evaluation of data on suspensions and permanent exclusions**

The governing body will seek to challenge and evaluate data about the school including the level of pupil moves and the characteristics of the pupils subject to permanent exclusion to ensure the sanction is only used as a last resort. The governing body will consider

- The effectiveness and consistency in implementing the school's behaviour policy
- The school register and absence coding
- Instances where pupils receive repeat fixed-term suspensions
- The interventions in place to support pupils at risk of fixed term suspension or permanent exclusion

## **12. Links with other policies**

This Exclusions Policy is linked to our:

- Positive Behaviour Policy Inc Anti-bullying
- SEND Policy and SEND Information Report
- Care and Control Policy



## **Appendix 1: independent review panel training**

The LA must ensure 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 exclusions, 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 headteachers, governing bodies 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.

### **For Staff and Governor information**

<b>Date of change</b>	<b>Summary of significant changes and the reasons</b>
Spring 2024	No changes