

# EXCLUSIONS POLICY



## **Statement of Intent**

Our vision is to promote the love of learning in order to maximise the life chances of every child in our Trust. Through nurturing, high expectations and skilled teaching, we will have a lasting and positive impact on our local and wider community.

Under the Equality Act 2010 and the Public Sector Equality which came into force in April 2011, the Trust has due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not.

All our Trust schools are Gold Rights' Respecting schools. By becoming Rights' Respecting schools, we have adopted a coherent values framework which shapes the ethos and curriculum of the school. In our learning, teaching, action and word, we recognise and support the rights of all children, irrespective of race, religion, ability or gender. This and our core values of trust, excellence, aspirations, collaboration and honesty underpin our educational provision. This enables us to improve self-esteem, enhance moral and academic development, improve relationships and behaviour, reduce prejudice, and develop global citizenship and aid school improvement.

## **Aims**

Our Trust aims to ensure that:

The exclusions process is applied fairly and consistently

The exclusions process is understood by trustees, staff, parent(s)/carer(s) and pupils

Pupils in school are safe and happy

Pupils do not become NEET (not in education, employment or training)

## **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](#)

## **Promoting good behaviour**

All pupils at our TEACH Trust schools benefit when behaviour is good or better. High standards of behaviour are important in helping children to feel safe and learn well. Our Behaviour Management Policy and the system of Rewards & Sanctions is regularly reviewed as part of the Trustees business cycle. It is a working policy under daily scrutiny and is frequently adjusted to improve the behaviour and needs of the pupils. (See Behaviour Management Policy)

In line with our TRUST values, it is everybody's responsibility to be consistent and follow the Rights Respecting behaviours as set out in school charters.

This policy has been written in line with being a Rights Respecting Trust.

**Article 28:**

Recognises the right of children to education and implement appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.

**Article 19**

Recognises the right of children to be protected from being hurt and mistreated in body or mind

**The decision to suspend or permanently exclude**

Only the CEO/Executive Head Teacher, or in their absence, the Head of School can suspend a pupil from school. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A fixed-period suspension does not have to be for a continuous period.

A permanent exclusion will be taken as a last resort, and can only be decided by the CEO/Executive Head Teacher.

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

- In response to serious or persistent breaches of the school's behaviour management policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of others
- A last resort where a series of strategies has tried and failed and where a suspension or permanent exclusion may bring the pupil appropriate help to manage their behaviour.

Before deciding whether to suspend or permanently exclude a pupil, the CEO/Executive Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked. When establishing the facts in relation to a suspension or permanent exclusion decision, the CEO/Executive Headteacher 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, rather than the criminal standard of 'beyond reasonable doubt.' This means that the CEO/ Executive Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs or disabilities (SEND)

The behaviour of a pupil outside school can be considered grounds for a suspension or permanent exclusion

For the purposes of suspensions and permanent exclusions, the 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.

**Informing parent(s)/carer(s) about a suspension or permanent exclusion**

Whenever the CEO/Executive Headteacher suspends or permanently excludes a pupil they must, without delay, notify parent(s)/carer(s) of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, provide parent(s)/carer(s) with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of the suspension or, for a permanent exclusion, the fact that it is permanent;
- parents'/carers' right to make representations about the suspension or permanent exclusion to the Trust board and how the pupil may be involved in this;
- how any representations should be made; and

- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parent(s)/carer(s) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information provided by delivering it directly to the parent(s)/carer(s), leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parent(s)/carer(s) have given written agreement for this kind of notice to be sent in this way.

Where a suspended or permanently excluded pupil is of compulsory school age the CEO/Executive Headteacher will also notify the pupil's parent(s)/carer(s) of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of a suspension or permanent exclusion (or until the start date of any alternative provision or the end of the suspension or permanent exclusion where this is earlier). Any parent(s)/carer(s) who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The CEO/ Executive Headteacher must notify the parent(s)/carer(s) of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session.

### **Suspensions & permanent exclusions**

If a suspension or permanent exclusion should be necessary, then it will be conducted under the full guidance of Local Authority and statutory requirements. The school will be happy to supply details about any of these processes should the occasion arise.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension period.

If a child is suspended for a further period following their original suspension, or is subsequently permanently excluded, the head teacher must inform parent(s)/carer(s) without delay and issue a new exclusion notice to parent(s)/carer(s).

### **Returning from a suspension**

Following a suspension, a re-integration meeting will be held involving the pupil, parent(s)/carer(s), a member of senior staff and other staff, where appropriate.

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

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation

### **Repeat suspensions/Early Intervention**

Where pupils receive more than one suspension, Outreach behaviour support will be requested. In the rare cases that the behaviours continue and despite this additional advice and support a request for a placement at the Early Intervention Project will be requested in order to try to reduce the risk of permanent exclusion.

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

If a child is permanently excluded, members of the Trust Board will meet to review the decision to exclude within 15 school days of receiving notice of the exclusion. At the Exclusion Review Panel meeting, the parent(s)/carer(s) may make representations and ask for their child to be reinstated in school. When establishing the facts in relation to an exclusion the Trust Exclusion Review Panel members 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) rather than the criminal standard of 'beyond reasonable doubt'.

The members of the Trust Exclusion Review Panel have the power to reinstate the child (immediately or from a specified date), or to uphold the exclusion. If the exclusion is upheld the parent(s)/carer(s) may ask for a review against their decision to an Independent Review Panel.

Where the Trust Exclusion Review Panel is legally required to consider the reinstatement of an excluded pupil they should:

- not discuss the exclusion with any party outside the meeting;
- 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 SEND;
- where possible, 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 parent(s)/carer(s) and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Trust board should first seek parental/carer consent and invite the parent(s)/carer(s) to accompany their child to the meeting);
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent(s)/carer(s) or pupil has a disability in relation to mobility or communication that has an impact upon their ability to attend the meeting or to make representations); and
- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

### **An independent review**

If parent(s)/carer(s) apply for an independent review, the Trust Board will arrange for an independent panel to review the decision of the Trust Exclusion Panel not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parent(s)/carer(s) by the Trust Exclusions Review Panel 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 governors category and 2 members will come from the headteacher category.

- 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
- 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 or Trustee of the TEACH Trust
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the TEACH Trust
- Have, or at any time have had, any connection with the TEACH Trust, school, parent(s)/carer(s) or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Trust Exclusion Review Panel's decision
- Recommend that the Trust Exclusion Review Panel's reconsiders reinstatement
- Quash the Trust Exclusion Review Panel's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

### School registers

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

- 15 school days have passed since the parent(s)/carer(s) were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parent(s)/carer(s) 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 Trust Board 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.

Information on school discipline and exclusions issued by the Department of Education can be found here <http://www.gov.uk/school-discipline-exclusions/exclusions>

### Monitoring arrangements

The Inclusion Leader monitors the number of exclusions every term and reports back to the Executive Head Teacher/CEO and Trust board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils. This policy will be reviewed annually.

### Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEND policy

**Date written:** September 2017

**Reviewed:** October 2021

**Next review date:** October 2022

Question	Response	
Which relevant groups and stakeholders have been consulted with in relation to this policy?		Please tick
	Pupils	
	Trustees	√
	Staff	
	Parents/Carers	
	Local Authority	
	Trade Unions	√
	Other Advisors (give details)	DfE
What are the arrangements for monitoring and reviewing the actual impact of the policy?	Termly	
	Annually	√
	When applied	
	If legislation changes	√
	If a formal complaint	√

<b>Characteristic Group</b>	<b>Is there a potential for positive or negative impact?</b>	<b>Please explain and give examples of any evidence/data used</b>	<b>Action to address potential positive/negative impact (e.g. adjustment to the policy)</b>
<b>Disability</b>	√	Behaviour records PSPs EHCPs	Reasonable adjustments made to support the attendance and contribution of parties at the meeting
<b>Gender reassignment</b>			
<b>Marriage or civil partnership</b>			
<b>Pregnancy and maternity</b>			
<b>Race</b>			
<b>Religion or belief</b>			
<b>Sexual orientation</b>			
<b>Sex (gender)</b>			
<b>Age</b>			
<b>SEND</b>	√	EHCPs SEND records IEPs	Relevant SEND information shared with Trustees. Reasonable adjustments
<b>Vulnerable</b>		PSPs EHCPs	Reasonable adjustments
<b>Traveller, migrant, refugees and people seeking asylum</b>			
<b>EAL</b>			