



Exclusion Policy

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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 or guardians and students
- The exclusions process is child-centred
- Managing the risk of exclusion involves responsibilities for both parents/guardians and the school
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

# 2. The decision to exclude

Only the principal, or acting principal, can permanently exclude a student from school. A permanent exclusion will be taken as a last resort. Members of the senior leadership team are able to make decisions for fixed term exclusions of students.

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

“...the practice of removing a student 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 student.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a student, either permanently or for a fixed period, the decision maker will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN) that could be significant to the incident

For the purposes of investigating an incident that has taken place that leads to an exclusion a student could have a fixed-term exclusion extended while the investigation is ongoing. There may also be scenarios where other students involved in the incident, who are not being excluded, may be asked to complete work at home for a short period while an investigation is concluded.

## 3. Definition

For the purposes 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.

## 4. Roles and responsibilities

### 4.1 The principal

#### **Informing parents or guardians**

A student who has been excluded will be sent home from school and the principal or senior leadership team member will endeavor to contact the parents or guardians to inform them that the student is being sent home. If it has not been possible to make contact with the parents or guardians, the student will still be sent home unless there is a reason to be concerned about the welfare of the student.

The principal will ensure that the following information is provided, in writing, to the parents or guardians of an excluded student:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents or guardians' right to make representations about the exclusion to the governing board and how the student may be involved in this

The principal will also ensure parents or guardians are notified by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents or guardians are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents or guardians 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 or guardians 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 student 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 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' or guardians' consent.

### **Informing the governing board**

The principal will immediately notify the Chair of the governing board of:

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

For all other exclusions, the principal will notify the governing board once a term.

### **4.2 The governing board**

Responsibilities regarding exclusions is delegated to the Chair of the Local Governing Body who may delegate the investigation to another member of the governing body. However, the decision will be that of the Chair.

The Chair of the Local Governing Body has a duty to consider the reinstatement of an excluded student in the circumstances detailed in section 5.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

## 5. Considering the reinstatement of a student

The Chair of the Local Governing Body will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if requested to do so by the parents or guardians of the student or the student themselves if the student is over 18. Where this is the case, consider that wherever 'parents or guardians' are mentioned in this policy, the student is intended as the recipient.

Where an exclusion would result in a student missing a public examination, the Chair of the Local Governing Body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of the Local Governing Body will consider the exclusion and decide whether or not to reinstate the student.

The Chair of the Local Governing Body can either:

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

In reaching a decision, the Chair of the Local Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', 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.

The Chair of the Local Governing Body or other Governor delegated to carry out the investigation may request a further meeting with the parent or student. The parent or student may be accompanied to the meeting. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Chair of the Local Governing Body will notify, in writing, the principal and the parents or guardians of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Chair of the Local Governing Body's decision will also include the following:

- The fact that it is permanent

- Notice of parents' or guardians' right to ask for the decision to be reviewed by a review panel, and:
  - The date by which an application for a 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 student's SEN or vulnerability are considered to be relevant to the exclusion
- That if parents or guardians 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

## 6. A review panel

If parents or guardians apply for a review, the academy trust will arrange for an impartial panel to review the decision not to reinstate a permanently excluded student.

Applications for a review must be made within 10 school days of notice being given to the parents or guardians by Chair of the Local Governing Body of its decision to not reinstate a student. The panel should be held within 10 school days of receipt of the request for a review.

A panel of 3 members will be constituted as detailed below.

- Two 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 principals during this time. They cannot be school governors at the excluding school and they should not have been involved in the first consideration of reinstatement of the student.
- An independent panel member. This person cannot be selected if they:
  - Are a member or director of the academy trust, or governing board of the excluding school
  - Are the principal of the excluding school, or have held this position in the last 5 years

- o Are an employee of the academy trust, or the governing board, of the excluding school (unless they are employed as a principal at another school)
- o Have, or at any time have had, any connection with the academy trust, school, governing board, parents or guardians or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

The review panel will select a Chair when they convene.

The review panel will be held in private and it will take the form of a discussion led by the Chair of the panel. A note of the hearing will be taken by a person appointed by the school.

The manner in which the panel review is conducted is entirely at the discretion of the Chair of the panel. A parent or student can be accompanied to the panel review by a person of their choice. However, it is not anticipated that they will be represented by a third party at the hearing.

The panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board'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.

The Chair of the panel will send the written decision to the parent or student within 3 school days of the review hearing. The decision of the review hearing is final and neither the school or academy trust will enter into further correspondence on the subject matter of the appeal.

If a parent or student is dissatisfied with the decision of the review hearing, they should write to the Secretary of State for Education.

## 7. School registers

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

- 15 school days have passed since the parents or guardians were notified of the exclusion panel's decision to not reinstate the student and no application has been made for a review panel, or

- The parents or guardians have stated in writing that they will not be applying for a review panel

Where an application for a review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.

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

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

## 8. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a reintegration meeting will be held involving the student, parents or guardians, a member of senior staff and other staff, where appropriate.

## 9. Monitoring arrangements

The Designated Safeguarding Lead monitors the number of exclusions every term and reports back to the principal. They should also seek to liaise with the local authority to ensure suitable full-time education for excluded students wherever possible.

This policy will be reviewed every 2 years. At every review, the policy will be shared with the governing board.