



EXCLUSIONS POLICY

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CONTENTS

Section	Description	Page no.
1.	Aims	3
2.	Legislation and Statutory Guidance	3
3.	The Decision to Exclude	3
4.	Roles and Responsibilities	4
5.	Returning From a Fixed Term Exclusion	8
6.	Monitoring Arrangements	8
7.	Links with Other Policies	8

1. AIMS

1.1 Our Trust aims to ensure that:

- The exclusions process is applied legally, and as such, fairly and consistently;
- The exclusions process is understood by governors, staff, parents and pupils;
- Pupils in the Trust are safeguarded.

This policy is based upon; Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017. (<https://www.gov.uk/government/publications/school-exclusion>)

Key points from the Statutory Guidance

- The legislation governing the exclusion process remains unchanged. This statutory guidance has been updated in a small number of areas, in particular to provide greater confidence to head teachers on their use of exclusion and to provide greater clarity to independent review panels and governing boards on their consideration of exclusion decisions.
- In January 2015, the Department amended regulations to clarify that a governing board's duty to arrange education from the sixth day of a fixed-period exclusion is triggered by consecutive fixed-period exclusions totalling more than five days.
- Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports head teachers in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, 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.
- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required. • Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.
- All children have a right to education. Schools should take reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision must be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion.
- Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and 1 Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014, amending the Education

(Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007. 7 Disability) for disability discrimination, or the County Court for other forms of discrimination.

- An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision. The panel will then be expected to order that the school must make an additional payment of £4,000 if it does not offer to reinstate the pupil. Whether or not a school recognises a pupil as having SEN, all parents have the right to request the presence of an SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand

2. LEGISLATION AND STATUTORY GUIDANCE

2.1 Additionally this policy draws upon statutory guidance from the Department for Education. [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#) (2021). It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The Trust Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the Trust 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

- 3.1 Only the Headteacher can exclude a pupil from their school. A permanent exclusion will be taken as a last resort.
- 3.2 "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 pupil." Reach South Academy Trust does not permit off rolling in any form.
- 3.3 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 pupil will be taken only:

- In response to serious or persistent breaches of the Trust's Positive Behaviour Management Policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

3.4 Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will consider all the relevant facts and evidence.

3.5 It is important that the Code of Practice (2015) is considered alongside statutory exclusions guidance. 'Where a Trust has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan 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 provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review'.

3.6 This process does not replace the exclusions protocol but where possible is incorporated into ongoing conversations with key stakeholders.

4. ROLES AND RESPONSIBILITIES

4.1 The Headteacher. Must read and work entirely in accordance with; Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with legal responsibilities in relation to exclusion September 2017. (see key points above)

Informing Parents

4.2 The Headteacher will immediately 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 exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Governing Board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, that parents have a right to attend a meeting, be represented at that meeting (at their own expense) and to bring a friend

4.3 The Headteacher 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, 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.

4.4 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

4.5 Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session of the first day of fixed term exclusion, 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' consent.

4.6 Informing the Local Governing Board and Local Authority

The Headteacher will immediately notify the local governing board and the Local Authority of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 days or 15 in a single term
- Exclusions which would result in the pupil missing a public examination

4.7 For a permanent exclusion, if the pupil lives outside the Local Authority in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. For all other exclusions, the Headteacher will notify the Governing Body on a weekly basis.

4.8 Governor's Responsibility.

The Chair of the Local Governing Body must read and ensure that the Headteacher is taking all action entirely in line with; Exclusion from maintained schools, academies and pupil referral units in England. Statutory guidance for those with legal responsibilities in relation to exclusion September 2017.

The Chair of the Local Governing Body must also ensure that the clerk to the Local Governing Body understands their role in this process as relates to convening an Independent review panel if required.

Considering the Reinstatement of a Pupil

The Local Governing Body 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 exclusion 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
- If requested to do so by parents, the Governing Body will consider the reinstatement of an excluded pupil within 50 Trust days of receiving notice of the exclusion if the pupil would be excluded from Trust for more than 5 school days, but less than 15, in a single term

4.9 Where an exclusion would result in a pupil missing a public examination, the Local Governing Body will consider the reinstatement of the pupil before the date of the

examination. If this is not practicable, the chair of the local governing board (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.

4.10 For a fixed-period exclusion of more than 5 school days, the local governing body will ensure that the Headteacher has arranged suitable full-time education for the pupil (following risk assessment). This provision will begin no later than the sixth day of the exclusion.

The Local Governing Body can either:

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

4.11 In reaching a decision, the Local Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', considering all evidence that was presented in relation to the decision to exclude. Minutes will be taken of the meeting, and a record of evidence considered kept.

4.12 The outcome will also be recorded on the pupil's educational record. The Local Governing Body will notify, in writing, the Headteacher, parents and the Trust of its decision, along with reasons for its decision, without delay.

4.13 Where an exclusion is permanent, the Local Governing Body 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 SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the Local Authority to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEND 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

4.14 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.

5. RETURNING FROM A FIXED TERM EXCLUSION

5.1 Following a fixed-term exclusion, a re-integration meeting must be held and record kept, involving the pupil, parent/carers, a member of senior staff and other relevant staff, where appropriate. The nature of this meeting should be restorative and reparative. Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand. This is especially important at this point in the exclusion process.

6. MONITORING ARRANGEMENTS

6.1 A designated Senior Leader must monitor the number of exclusions every term and report back to the Local Governing Board and Director of Individual Needs for Reach South Academy Trust termly. They also liaise with the Local Authority and parents to ensure suitable full-time education for excluded pupils.

7. LINKS WITH OTHER POLICIES

7.1 This Exclusions Policy is linked to the Positive Behaviour Management Policy.

Date	Summary of change	Contact	Policy Implementation Date	Review Date
09/02/2022	Updated following Trustee approval with references to 2017 guidance now explicit.	J Hamp	09/02/2022	February 2023