



# Exclusion Policy

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## **Contents**

- 1. Introduction**
- 2. Legislation and statutory guidance**
- 3. The decision to exclude**
- 4. Duty to inform Parent/Carers, Governors and the Local Authority**
- 5. Alternative Education Provision for Excluded Pupils**
- 6. The Pupil Exclusion Panel**
- 7. The Panel Meeting**
- 8. Equality Impact Statement**

## **Appendix:**

- 1. Flowchart for reviewing the decision to exclude**
- 2. Terms of Reference**

## 1. Introduction

Our aim is that children and young people will learn and develop skills and character required to make this difference through our aim to foster confidence, curiosity and empathy. We believe they will progress with the confidence and character necessary to embrace life's challenges.

This policy aims to emulate the Trust's values, in order for all our children and young people to grow and blossom within our academies:

- **Confidence:** Enabling success and strength of character through fostering confidence in our children and young people
- **Challenge:** We are committed and challenge ourselves to only use exclusions as a last resort
- **Curiosity:** We use an approach of enquiry to help us understand our pupils and their needs
- **Character:** We demonstrate integrity, respect, kindness and empathy towards all our pupils and families when following the exclusion process. We never discriminate against a pupil and/or their family in regards to exclusions
- **Creativity:** We aim to use alternative methodologies to help meet the needs of our pupils and avoid the need of exclusions

This policy aims to ensure that:

- Exclusions are used only as a last resort
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by the trust board, staff, parents and pupils
- Pupils in our academies are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 2. Responsibility for Exclusion

A Fixed term exclusion is only administered by the Principal (or, in their absence, the Vice Principal who is acting in that role).

A Permanent exclusion is also administered by the Principal; however, this may only be administered after a process of appropriate representation has been made to the Chair of the Local Governing Body (LGB) and the Chief Executive Officer.

## 3. Legislation and statutory guidance

3.1 This policy has due regard to the related statutory legislation, including, but not limited to, the following:

- The Education Act 2002 (as amended by The Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- The European Convention on Human Rights (EHCR)
- The Equality Act 2010

3.2 This policy has due regard to statutory and non-statutory guidance including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained school academies and pupil referral units in England
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

3.3 This policy will be implemented in conjunction with academy behaviour policies and procedures.

#### **4. The decision to exclude**

4.1 Only the Principal, or acting Principal, can exclude a pupil from the Academy. A permanent exclusion will be taken as a last resort.

4.2 The Trust 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 pupil."*

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

4.4 A decision to exclude a pupil will be taken only:

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

4.5 Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)
- Consider the support the pupil may require following a fixed term exclusion

- Seek support from the trust in relation to permanent exclusions

#### 4.6 Definition of a school day:

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.

### 5. **Duty to inform Parent/Carers, Governors and the Local Authority**

#### 5.1 Informing parents

The Principal 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 Pupil Exclusion Panel and how the pupil may be involved in this;
- Where there is a legal requirement for the Pupil Exclusion Panel 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;
- Indicating that for the first five days of the exclusion, or until the start date of any alternative provision, or the end of the exclusion (whichever is earlier), parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification and that parents/carers may receive a penalty fine if they fail to do so.

*Notices can be given electronically if the parents/carers have agreed that correspondence can be sent in electronic form.*

#### 5.2 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.

#### 5.3 The Principal will also inform the Local Authority, the Trust's CEO and the Chair and Clerk to the Pupil Exclusion Panel immediately of the following:

- Any exclusions which result in the student being excluded for more than five school days in any one term

- Any exclusions which would result in the student being absent from an examination or national curriculum test.

5.4 The Principal reports to the Local Governing Body (LGB) Cluster and the trust's CEO (via The Headteacher Report), who in turn reports all exclusions to the Trust's Pupil Performance committee on a termly basis.

## **6. Alternative Education Provision for Excluded Pupils**

6.1 For any fixed-term exclusion of more than five days, the academy will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion. For looked after pupils, the academy and LA will work together in attempt to arrange alternative provision from the first day following exclusion.

6.2 Where it is not possible to arrange alternative provision during the first five days of exclusion the academy will ensure that reasonable steps are taken to set and mark work for the excluded pupil.

6.3 If a pupil with SEND has been excluded the following must take place:

- Any alternative provision must be arranged in consultation with the pupil's parent/carers.
- Pupil's with an Education & Health Care Plan (EHCP), any changes to provisions must be done in consultation with parent/carers.

6.4 For secondary schools only (Unity, Westbury and Woodlands Academies):

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

## **7. The Pupil Exclusion Panel**

7.1 Parent/carers are able to make representations about exclusions to the Pupil Exclusion Panel (See section 4.1).

7.2 If a fixed-term exclusion does not amount to more than five school days within a term, the Pupil Exclusion Panel is not obliged to consider the matter.

7.3 In the case of fixed-term exclusions, where the number of school days exceeds five school days but is less than fifteen, any requests from parent/carers will be considered by the Pupil Exclusion Panel, within 50 school days of receiving the notification.

7.4 Considering the reinstatement of a pupil

The Pupil Exclusion Panel 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

7.5 Parent/carers and the academy Principal will be invited to make representation each time the Pupil Exclusion Panel convenes.

7.6 In the case of pupil missing a public examination/test as result of an exclusion, the Pupil Exclusion Panel will consider the exclusion before the examination/test takes place, to decide whether the pupil should be reinstated in time. The Pupil Exclusion Panel may also consider, whether it would be appropriate to allow the pupil to enter the academy premises during their exclusion, in order to sit the examination/test.

7.7 Prior to a Pupil Exclusion Panel meeting:

- All written evidence/information must be circulated with all parties at least five school days in advance of the meeting.
- Parent/carers and pupils to notified and allowed to be accompanied by a person of their choice at the meeting.
- Ensure all reasonable adjustments are in place in order to support attendance/contribution of all parties at the meeting.

## **8. The Panel Meeting**

*Refer to appendix 2 – Terms of Reference*

8.1 All information/discussions that are shared within the meeting is confidential (unless in relation to safeguarding).

8.2 All parties will have an opportunity to be heard, without fear of judgement and/or discrimination.

8.3 The Pupil Exclusion Panel will ensure that clear minutes are taken and these can be accessible by all parties on request.

8.4 The Clerk will notify the parent/carers, Principal and Local Authority of the Panel's decision, including the reasoning for this, without delay. The written notification can be delivered directly to parents, or hand-delivered, or posted first class to their last known address.

In the event of a permanent exclusion, where the Pupil Exclusion Panel has decided against the reinstate of the pupil, the parent/carers will be notified of the following:

- The exclusion is permanent and to inform them of their right to have this decision reviewed by an Independent Review Panel. In line with the DfE's statutory guidance

‘Exclusion from Maintained Schools, Academies and Pupil Referral Units in England 2017’

- The date in which an application for review must be made
- The name and address of who the application for review should be submitted to
- That the application should set out the grounds on which they are appealing
- The parent/carer has the right to the attendance of a SEND expert at the review at no charge
- The parent/carer must make it clear if they wish for a SEND expert to attend the review prior to the meeting
- The parent/carer can appoint representation at their own expense to attend the review panel

8.4 The Pupil Exclusion Panel will inform the parent/carers that, if they believe the exclusion has been issued as a result of discrimination. They are required to make the 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.

8.5 The following information/guidance will also be included in the letter notifying parent/carers of the decision to uphold the permanent exclusion:

- A link to this statutory guidance on exclusions: (<https://www.gov.uk/government/publications/school-exclusion>);
- A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) (<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>) or the County Court;
- A link to sources of impartial advice for parents such as the Coram Children’s Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
- Where considered relevant by the head teacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (<https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [schoolexclusions@nas.org.uk](mailto:schoolexclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

## 9. Equality Impact Statement

9.1 The Raleigh Learning Trust is champion of all forms of equality and this policy was constructed with these objectives in mind. Under the general public sector equality duty of the Equality Act 2010, our trust must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation;

- 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.



## **Appendix 2 – Terms of Reference**

### **1. Purpose of the Pupil Exclusion Panel meeting**

1.1 To fulfil the trust's statutory duty in regards to pupil exclusions, in line with the statutory guidelines issued by the Department for Education (DfE) and in accordance with the trust's exclusion policy the academy behaviour policies:

- To review the actions of the Principal in excluding the pupil
- To consider representations made by the parent/carer(s)
- To determine whether Principal's decision to exclude the pupil should be upheld, or whether the pupil should be reinstated

1.2 The Pupil Exclusion Panel will convene within 15 school days to consider:

- All fixed term exclusions, where a pupil has been excluded for more than 15 school days in a term
- All fixed term exclusions, where it would result in the pupil missing a public examination or national test
- All permanent exclusions

1.3 The panel will convene within 50 school days to consider:

- All fixed term exclusions that will take the pupil's total days excluded above 5 for the term and the parent/carer(s) have requested a review panel

### **2. The Pupil Exclusion Panel:**

- All panels will consist of at least three members
- The panel will consist of either/and members from the Local Governing Body (LGB) Clusters or/and members from the central Board of Trustees
- Any staff governors from the excluded academy will not be permitted to join the panel
- Staff governors from the other academies within the trust, will be allow to join the panel as long as they do not have any prior knowledge of the incident or pupil
- Parent governors with pupils are the same academy, are not permitted to join the panel
- Parent governors from the other academies within the trust, will be allow to join the panel, as long as they do not have any prior knowledge of the incident or pupil
- Any other governors, who may have prior knowledge of the incident or any association/knowledge of the pupil, must declare this and will not be permitted to join the panel

### **3. The meeting**

3.1 The Chair and other attendees will introduce themselves.

3.2 The Chair will explain the purpose, format and process of the meeting:

- To review the exclusion
- To consider the views of the parent/carer and pupil in relation to the incident(s) and exclusion
- To review the process, ensuring the Principal has followed current DfE guidance and the exclusion was lawful, rational, reasonable, fair and proportionate

3.3 The Chair will explain possible outcomes of the meeting:

- Whether the Principal's decision to exclude will be upheld
- Whether the pupil should be reinstated immediately or by a particular date

3.4 The Principal will be invited by the Chair to present their case in support of the exclusion, followed by questions from the pupil, parent/carer(s), LA representative and members from the Pupil Exclusion Panel.

3.5 The pupil and parent/carer(s) will be invited by the Chair to present their views of the exclusion, followed by the Principal, LA representative and members from the Pupil Exclusion Panel.

3.6 The Chair will invite both parties to summarise their cases (Principal first, followed by pupil, parent/carer(s)).

3.7 The Chair will check everyone has had a voice and said everything they had wished.

3.8 The Chair informs parent/carer(s) they will receive, without delay the decision in writing.

3.9 The Principal, pupil and parent/carer(s), including any representation leave the meeting.

3.10 The Pupil Exclusion Panel, including Clerk remain and make their decision.

### **4. The Decision**

4.1 The Clerk will remain in attendance in order to support the panel by referencing to notes and supporting evidence. The Clerk will also assist in writing the decision letter.

4.2 The Pupil Exclusion Panel will check to ensure the Principal has followed current DfE guidance and the exclusion was lawful, rational, reasonable, fair and proportionate.

4.3 The Chair has the casting vote in all cases, where the panel is undecided in their decision.

4.4 The decision is made on the balance of probability:

- Whether the pupil has done what is alleged, and which behaviour policies were not followed
- Whether all procedures had been followed
- The seriousness of the incident and the severity of the sanction
- The fairness of the exclusion in relation previous incidents of the same nature
- Previous behaviour concerns
- Review of the support provided to the pupil from the school
- Consideration to any SEND the pupil may have
- Consideration to any mitigating factors e.g. pupil was a victim of bullying

4.5 Once a decision has been made the panel will either:

- Uphold the exclusion

Or

- Direct the Principal to reinstate the pupil immediately, or on a specified date