



# Exclusions Policy

**Date: March 2021**

**Review Date: March 2024**

## **Contents**

- A. Introduction
- B. Decision to exclude
- C. Process for exclusion
- D. Considering the reinstatement of a pupil
- E. Independent Review
- F. Returning from a fixed term exclusion
- G. Monitoring arrangements
- H. Links to other Policies

## **Section 2 – Exclusion**

### **A. Introduction**

The decision to exclude any pupil within the Trust is taken as a last resort and in relation to maintaining the safety and wellbeing of everyone within our schools. As a Trust we have a duty to ensure the safety of individuals and the right of everyone to be able to learn.

The aim of the Trust exclusions policy is to ensure that:

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

### **B. Decision to Exclude**

There is no formula for deciding if, or for how long, an exclusion may need to take place and each case will be judged on an individual basis considering:

- the seriousness of the incident
- the pupil's current behaviour pattern and previous incidents
- extenuating circumstances
- The age and stage of the child
- Whether internal and external support systems have been utilised effectively
- whether the behaviour policy has been followed at every stage
- the impact on others within our school.

We know that where children and young people are excluded for prolonged periods of time, successful reintegration is less likely, therefore wherever possible any fixed term exclusion will be limited to 1 day.

Any decision to pose a fix term or permanent exclusion on a child is at the discretion of the Headteacher but will also involve consultation with Trust leaders and will be taken only:

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

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

- Consider all the relevant facts and evidence, including whether a child was provoked, personal circumstances that mean the child's action may

have been out of character and a cry for help or whether the child's behaviour stems from frustration due to lack of support within the school setting

- Allow the children to give their version of events
- Consider the age and stage of the pupil and any special educational needs
- Whether other suitable provision may be more appropriate such as reduced timetable, loss of break and lunch times, internal exclusions (including attending another school within the trust for a fixed period)

## **C. Exclusion Process**

### **Informing parents**

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

### **Informing the Trust board and local authority**

The headteacher will immediately notify the Chair of Trustees and the local authority (LA) 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 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA 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 fixed term exclusions, the headteacher will notify the LGB via the Headteacher termly reports and the Trust board via the SEL report

### **The Trust board**

Responsibilities regarding fixed term exclusions for 5 days or less is delegated to the Headteacher. Decisions to exclude a child for more than 5 days or to permanently exclude must also be agreed by Trust board. Trustees have a duty to consider the reinstatement of an excluded pupil (see section 6) Within 14 days of receipt of a request. The Trust board will provide the secretary of state with information about any exclusions in the last 12 months. For a fixed-period exclusion of more than 5 school days, the Trust board must

arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion

## **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

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

The Trust board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if the exclusion is permanent or would result in the pupil missing national tests

If requested to do so by parents, the Trust board will consider the reinstatement of a permanently excluded pupil within 30 school days of receiving notice of the exclusion.

Where an exclusion would result in a pupil missing a national test, the Trust board will consider the reinstatement of the pupil before the date of the examination.

The Trust board can either:

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

In reaching a decision, trustees will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties.

Minutes will be taken of the meeting, and a record of evidence kept. The outcome will also be recorded on the pupil's educational record. The trustee board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

The Trust board's decision will also include the following:

- 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, parents have a right to require the academy trust to appoint a 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
- That parents must make clear if they wish for a 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

### **E. Independent Review**

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board 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 parents by the Trust board of its decision to not reinstate a pupil.

A panel of 5 members will be constituted with representatives from each of the following categories. Two members will come from the school trustees category and 2 members will come from the headteacher category. The 5<sup>th</sup> member will be a member of a LGB board from a different school within the trust who has been in place for at least 12 months, but has not been a teacher or headteacher during this time

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

- Are a member/director of the academy trust or governing board 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 academy trust, or the governing board, 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 academy trust, school, governing board, parents 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 board's decision
- Recommend that the Trust board reconsiders reinstatement
- Overturn the Trust 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.

#### **F. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, 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 exclusion:

- Re-integration meeting with parents and the pupil on the first day of return
- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation

#### **G. Monitoring arrangements**

The Executive Headteacher Team monitors the number of exclusions every term across the academy and reports back to the Board of Trustees. This policy will be reviewed by the Executive Headteacher Team every 3 years. At every review, the policy will be shared with the LGBs and Trust boards

#### **H. Links with other policies**

This Exclusions policy should be read in conjunction with:

- Trust Behaviour Policy
- Trust Safeguarding Policy
- Equality and Diversity Policy
- KCSiE (Keeping Children Safe in Education)
- Trust SEN Policy