



Exclusion Policy

September 2023

Next Update: September 2024

Approved by: Chair of Trustees

Principal: Neil Bain

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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 Trustees, staff, parents and students.
- Students in school are safe and happy.
- Students do not become NEET (not in education, employment or training).

2. Legislation and Statutory Guidance

This policy is based on the following legislation, which outline schools' powers to exclude students:

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

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 students.
- 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

Only the Principal, or Chair of Trustees, can exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school 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.”

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 Principal 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 the student's special educational needs (SEN) where appropriate.

4. 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.

5. Roles and Responsibilities

5.1 The Principal

Informing parents

The Principal will immediately provide the following information, in writing, to the parents 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' right to make representations about the exclusion to the board of Trustees and how the student may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the Board of Trustees to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense).

The Principal 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.

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 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' consent.

Informing the Board of Trustees and Local Authority

The Principal will immediately notify the Board of Trustees and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student.

- 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 a permanent exclusion, if the student lives outside the LA in which the school is located, the principal will also immediately inform the students 'home authority' and support teams, including Social Services of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Principal will notify the Board of Trustees once a term.

5.2 The Board of Trustees

Responsibilities regarding exclusions are delegated to the Chair of Trustees.

The Board of Trustees has a duty to consider the reinstatement of an excluded student (see section 6).

Within 14 days of receipt of a request, the Board of Trustees will provide the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the Principal will arrange suitable full-time remote education for the student. This provision will begin no later than the sixth day of the exclusion.

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.

5.3 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.

6. Considering the Reinstatement of a Student

The Board of Trustees will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term.
- It would result in a student missing a public examination or national curriculum test.

Where an exclusion would result in a student missing a public examination, the Board of Trustees will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of Trustees (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 student.

The Board of Trustees 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 Board of Trustees 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.

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 Board of Trustees will notify, in writing, the Principal, parents, supporting agencies and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Board of Trustees decision will also include the following:

- The fact that it is permanent
**If the decision for permanent exclusion has reached and been agreed by the Board of Trustees, no further review or appeal will be necessary. This decision is final.*
- 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.

7. School Registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for the Trustee Review Panel, or
- The parents have stated in writing that they will not be applying for a Trustee Review Panel to review the exclusion.

8. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, the Principal, the Vice Principal Pastoral and any other staff where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- A behaviour contract
- Student 'report'
- Internal exclusion

9. Monitoring Arrangements

The Director of Student Services and the Vice Principal Pastoral monitor the number of exclusions every term and reports back to the Board of Trustees termly. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed every two years. At every review, the policy will be authorised by the Principal and Chair of Trustees.