

Exclusions policy In conjunction with our behaviour policy 2024-25



Approved by:	Governing Body	Date: July 2024
Last reviewed on:	November 2023	
Next review due by:	July 2025	

Change Log:

Date	By Who	Comment
November 2023	S. Baker	Included bringing an offensive weapon or article into school into the reasons for exclusion
July 2024	S. Baker	No updates

Contents

1. Aims	2
2. Legislation and statutory guidance	2
3. The decision to exclude	3
4. Definition	3
5. Roles and responsibilities	4
6. Considering the reinstatement of a pupil	6
7. An independent review	7
8. School registers	7
9. Returning from a suspension exclusion	8
10. Monitoring arrangements	8
11. Guidance on managed moves.....	8
12. Guidance on off-site direction.....	8
13. Links with other policies.....	9

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 and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: <https://www.gov.uk/government/publications/school-exclusion> It is used in conjunction with the behavior in schools guidance <https://www.gov.uk/government/publications/behaviour-in-schools--2>

It is based on the following legislation, which outline schools' powers to exclude pupils:

- 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 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](#)
- Local authority briefing notes around the changes to exclusions from September 2022

Changes to the guidance in May 2023 are as follows:

- New guidance and amended regulations⁵ about a headteacher's ability to cancel an exclusion before the governing board has met to consider whether the pupil should be reinstated. This practice is sometimes known as withdrawing or rescinding an exclusion. If this occurs, the parents⁶, the governing board and the local authority, must be notified and, if relevant, the social worker and VSH. Further information on other actions that should take place following a cancelled exclusion is set out in paragraph 13.
- Governing board reinstatement meetings and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged. Further information is set out in Part Eleven.
From July 2022

- When headteachers suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.
- When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- Guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings.
- Guidance on managed moves, what they are and how they should be used.
- Clarified guidance on the use of off-site directions as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.

Guidance for governing boards to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used, when necessary, as a last resort.

3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil 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 pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy,
 - At Cape we believe that exclusion is a last resort. We will exclude children for:
 - Extreme or persistent violence to others.
 - Racism
 - Possession of an illegal substance, weapon, article
 - Persistent disruption and application of our sanctions.
 - Persistent or systematic bullying.
 - A child who presents a safeguarding issue to others in our school community.
- 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 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)

In relation to permanent exclusions paragraph 105 of the guidance states:

“105. Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

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.Roles & Responsibilities

5.1 The headteacher

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 suspension 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, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

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.

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

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 governing board and local authority

The headteacher will immediately notify the governing board 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.

When headteachers suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.

Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VSH. Further information of other actions that should take place after an exclusion is cancelled is set out in paragraph 13.

- The list of parties that must be informed has been extended to include the social worker and Virtual School Head, if appropriate
- Paragraph 13 states the following:
- Where an exclusion is cancelled, then:
- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;

The pupil should be allowed back into school.

5.2 The governing board

Governors are directed to the guidance below for clarity on what they should and can expect to have oversight of. How often the information is shared is a matter for each reporting Principal.

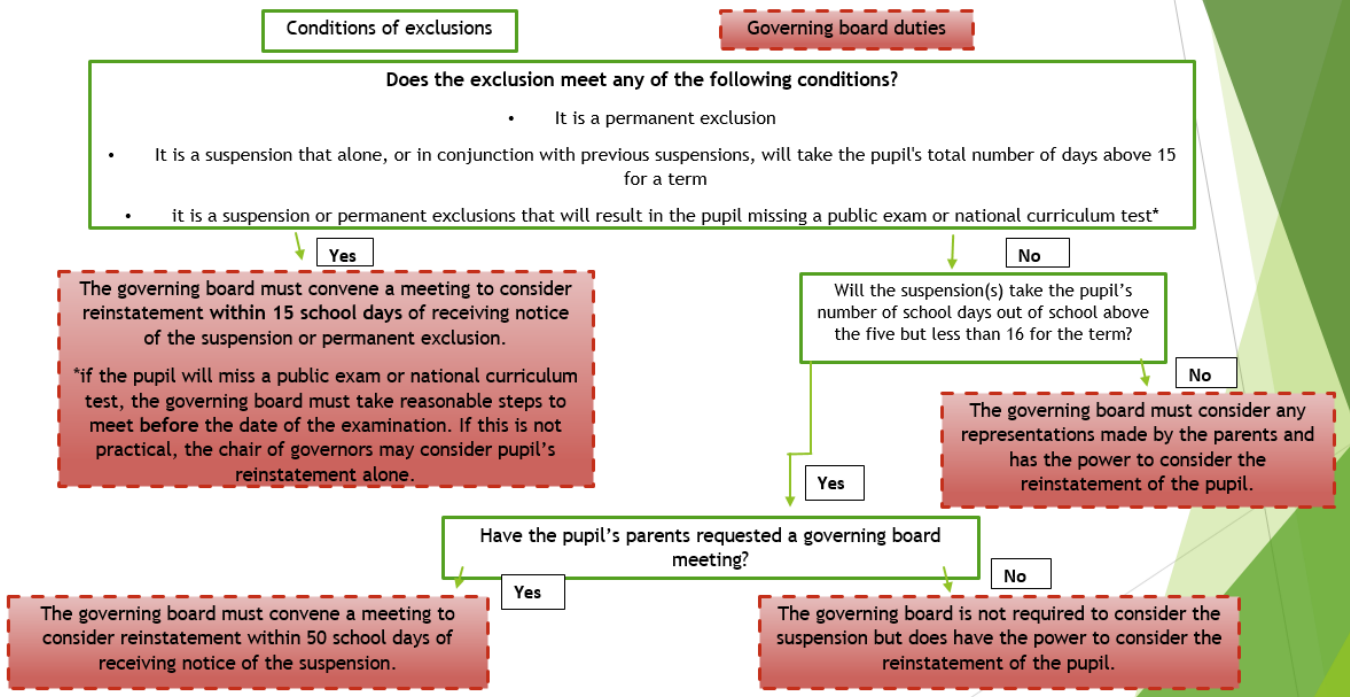
Understanding your data: a guide for school governors and academy trustees - GOV.UK (www.gov.uk)

With regard to exclusions, the guidance states:

Governors should consider:

- effectiveness and consistency in implementing the school’s behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- rolling average of permanent exclusions to ensure they are used very sparingly
- timing of moves and permanent exclusions, and whether there are any patterns including any indications which may highlight where policies or support are not working
- the characteristics of children who are suspended or permanently excluded, removed from roll, or educated off site, such as the proportion who have SEND, whether they are supported by social care and have needed social workers, and their ethnic background. This should include considering whether any groups are permanently excluded or moving out of school at a higher rate than others, discussing why this is and whether any changes to practice are required to address disparities
- whether the placements of pupils directed off site into AP are reviewed at sufficient intervals to provide assurance the education is achieving its objectives and that the pupils are benefiting from it.

A summary of the governing board’s duties to review the Headteacher’s exclusion decision



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.

5.4 The Role of a Social Worker

Guidance on the role of a social worker and VSH, during governing board meetings and IRP meetings.

"59. Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers."

Further clarity provided within the guidance including the role of the VSH in a disciplinary hearing (Key Change 2)

6. Considering the reinstatement of a pupil

Pupil Discipline Committee 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, Pupil Discipline Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, Pupil Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the 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.

Pupil Discipline Committee can either:

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

In reaching a decision, Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 pupil's educational record.

Pupil Discipline Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, Pupil Discipline Committee 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 SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local Authority to appoint an 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 an 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 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. An independent review

If parents apply for an independent review, the Local Authority 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 Pupil Discipline Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member of the Local Authority, 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 Local Authority 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 Local Authority school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent 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.

8. School registers

A pupil'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 pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

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

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

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

9. 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:

- Agreeing a behaviour contract

10. Monitoring arrangements

The Headteacher monitors the number of exclusions every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher annually. At every review, the policy will be shared with the governing board.

11. Guidance on managed moves, what they are and how they should be used.

The Government recognise that managed moves can be used as a permanent measure to prevent school exclusion

Guidance in the area should be read alongside the newly published:

Behaviour in Schools - Advice for headteachers and school staff (publishing.service.gov.uk)

Paragraph 91 of the above guidance states:

"91. A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described in paragraphs 33 to 42 of the Suspension and Permanent Exclusion guidance) should be used. Managed moves should only occur when it is in the pupil's best interests."

For students with an EHCP – The LA are required to amend the plan prior to any move commencing

Consider the information shared and received regarding a student who is the subject of such a move. Information shared should include (at the very least): academic, attainment and a risk assessment.

12. Guidance on off-site directions

With regard to off-site directions, the guidance offers clarity around processes linked to reintegration specifically:

Schools should have a 'Reintegration Strategy' that details how students will be offered a fresh start, helps them to understand the impact of their behaviour, teaches them how to comply with behavioural expectations and builds opportunity for engagement with learning. This should be explained fully to students

Reintegration meetings should include families however, a student should not be prevented from returning if parents are unwilling to attend such a meeting

Any professionals currently involved should be invited and SEND needs should be explored if not already identified

A part-time timetable should not be used to manage behaviour. If used, this must be the case for the shortest time necessary. For periods of time where a student is not expected in school should be treated as an 'authorised absence'. For these students, regular reviews involving all stakeholders, should take place

13. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report
- Anti-bullying policy