

Exclusions Policy

Policy Owner: Director of Inclusion

Approved by: Trust Board

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Next review due by: December 2021

Due to the evolving nature of Inspiration Trust, procedures behind this Policy will be reviewed and amended accordingly to reflect changes.

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

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1. Aims

The Inspiration Trust and its schools aim 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)

This policy and the work of the trust in general is informed by five core **principles**:

1. We have rules and systems to ensure good behaviour so that all children can learn, disruption free. But we realise that behaviour needs to be taught, and some children need more support to reach that standard than others.
2. We use routines to make learning efficient and increase learning time. But, we ensure that over time this scaffolding is removed to prepare children for the independence of adulthood.
3. We raise our children to be comfortable in the social norms of most workplaces. But, we think hard about where those norms may not feel inclusive; we want our children to feel welcome.
4. We teach powerful knowledge so that children can understand, access and influence our society. But, we also teach critiques of this knowledge - to give our pupils an edge and show them that a canon is always up for debate.
5. We guide learning carefully to ensure that all children can access the curriculum and know it. But, we also challenge children to apply their thinking to complex problems to strengthen their intellectual resilience.

We recognise that young people can find it hard to develop the good behaviours that help them be successful at school. We are committed to helping young people to engage with their education so that they can have the best chance to achieve their full potential as learners and fulfil their dreams and ambitions. To this end our schools actively teach pupils what acceptable behaviour looks like, teach staff how to recognise emerging behaviours and how to de-escalate situations, work hard to pre-empt behavioural issues through careful planning and systems and routines, provide effective support academically, pastorally and, where identified, through the SEND department and engage with all stakeholders to help ensure that our schools are warm and welcoming communities where every pupil is important and valued.

Our principals know that exclusion, both for a fixed term and permanently, can have a negative impact on the life chances of a pupil. For this reason, our academies only use exclusions where it is deemed by the principal to be absolutely necessary. This policy sets out how, on the rare occasions where this consequence is used, our schools will act.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

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

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

This policy complies with our funding agreement and articles of association.

3. The decision to exclude

Only the principal, or acting principal, can exclude a pupil from school. The decision to permanently exclude will only ever be used as a last resort when other consequences are unsuitable, when all avenues for further support have been exhausted and when the conditions for permanent exclusion as set out the statutory guidance regarding exclusions have been met.

Our 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.”

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

Where a fixed term or permanent exclusion is being considered the principal will consider the impact that this action will have on the pupil, their family and the school as a whole. Key to this is understanding the pupil and any underlying reasons for the behaviours that have been seen. To ensure that this is the case our principals take the following actions before issuing either a fixed term or permanent exclusion:

- Accounts are collected from pupils involved, other witnesses and staff
- The SEND team are consulted about any recognised SEND that may have caused/contributed to the behaviour
- The pastoral team is consulted about any known pastoral issues that may be affecting the pupil(s) as well as the level of support that has been provided to the pupil(s) in the past.
- The safeguarding team are consulted and consideration is made about whether an exclusion will place a pupil at risk.

Only when all of the above steps have been taken and the information provided has been reviewed will the principal decide what action will be taken.

A decision to consider a permanent exclusion for a pupil will be taken only when both of the following conditions have been met:

- 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

Our schools work with our Director of Inclusion once they identify that a pupil is at risk of permanent exclusion to try and prevent this. Decisions around permanent exclusions are also reviewed by our Primary or Secondary Director before making the final decision to permanently exclude. This means we can ensure we have explored all other options and preventative measures.

Definition

For the purposes of exclusions, a 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 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, 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 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
- 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 academy committee

The principal will immediately notify the academy committee 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 15 school days 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 principal 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 principal will notify the academy committee once a term.

5.2 The academy committee

Responsibilities regarding exclusion is delegated to the academy committee who will convene a pupil discipline panel as and when required. Any pupil discipline panel must consist of at least 3 members of the academy committee for the school or, where three panel members can't be available at the allotted time, be drawn from other academy committees within the trust.

The pupil discipline panel has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the academy committee 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 academy committee will ensure that the school arranges suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

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.

5.3 The Local Authority (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 pupil

A pupil discipline panel made up of members of the academy 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, the academy 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, the pupil discipline panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the academy committee will consider the exclusion and decide whether or not to reinstate the pupil.

The pupil discipline panel can either:

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

In reaching a decision, the pupil discipline panel 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 pupil's educational record.

The pupil discipline panel will notify, in writing, the principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the pupil discipline panel 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 academy trust 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 Inspiration Trust will arrange for an independent panel to review the decision of the academy's pupil discipline panel 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 pupil discipline panel 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 principal 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 principals during this time
- Principals or individuals who have been a principal within the last 5 years

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

- Are a member/director of the Inspiration Trust, or academy committee of the excluding school
- Are the principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Inspiration Trust, or the academy committee, of the excluding school (unless they are employed as a principal at another school)
- Have, or at any time have had, any connection with the Inspiration Trust, school, academy committee, 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 pupil discipline panel's decision
- Recommend that the pupil discipline panel reconsiders reinstatement
- Quash the pupil discipline panel'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 academy 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/carers, a member of senior staff and other staff, where appropriate.

A range of supportive measures including, but not limited to, those listed below may be implemented when a pupil returns from a fixed-term exclusion:

- An Acceptable Behaviour Contract (ABC)
- A Behaviour Support Plan (BSP)
- An Exclusion Reduction Plan (ERP)
- Enhanced pastoral support
- A family education and support programme
- A formal FSP/CAF (Family Support Plan/Common Assessment Framework)
- Social skills and school readiness programmes
- Referral to external support

10. Monitoring arrangements

The senior behaviour lead at each school is responsible for monitoring the number of exclusions every term and reports back to the principal and the academy committee as appropriate. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Director of Inclusion for the Inspiration Trust every two years. At every review, the policy will be shared with the academy committees at each trust school.

11. Links with other policies

This exclusions policy is linked to the following policies:

- Behaviour policy
- SEN policy and information report
- Single Equality and Community Cohesion Scheme
- Anti-bullying Policy