



# Inspire Education Trust

Together we achieve, individually we grow

## Exclusions Policy – Primary

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**Policy Date:** October 2021

**Review Date:** October 2023

## Document History

| Version | Status |  | Date   | Author      | Summary Changes |
|---------|--------|--|--------|-------------|-----------------|
| V1      |        |  | Oct 21 | Rob Darling | Initial draft   |
|         |        |  |        |             |                 |
|         |        |  |        |             |                 |

|   |                                     |
|---|-------------------------------------|
| 1. Aims.....                                      | 2                                   |
| 2.<br>Introduction.....                           | 2                                   |
| 3. Legislation and statutory guidance .....       | <b>Error! Bookmark not defined.</b> |
| 4. The decision to exclude .....                  | 3                                   |
| 5. Roles and responsibilities .....               | 6                                   |
| 6. Considering the reinstatement of a pupil ..... | 8                                   |
| 7. An independent review .....                    | 9                                   |
| 8. School registers .....                         | 9                                   |
| 9. Returning from a fixed-term exclusion.....     | 9                                   |
| 10. Monitoring arrangements .....                 | 10                                  |
| 11. Links with other policies.....                | 10                                  |

## 1 Aims

This policy deals with the procedure and practice, which informs the School's use of exclusion. It is underpinned by the shared commitment of all members of the School community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the School community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

## 2 Introduction

The decision to exclude a student will be taken in the following circumstances:-

- (a) In response to a serious breach of the School's Behaviour Policy;
- (b) If allowing the student to remain in School would seriously harm the education or welfare of the student or others in the School.

## 3 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](#)

## 4 The decision to exclude

Exclusion is an extreme sanction and is only administered by the Head of Education, Primary or the Headteacher. Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Verbal abuse to Staff and others.
- Verbal abuse to students.
- Cyber bullying.
- Physical abuse to/attack on Staff.
- Physical abuse to/attack on students.
- Indecent behavior.
- Damage to property.
- Misuse of illegal drugs.
- Misuse of other substances.
- Theft.
- Serious actual or threatened violence against another student or a member of staff.
- Sexual abuse or assault.

- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the student's behaviour.

This is not an exhaustive list and there may be other situations where the Head of Education, Primary /Headteacher makes the judgment that exclusion is an appropriate sanction.

#### 4.1 Exclusion procedure

- Most exclusions are of a fixed-term nature (suspension) and are of short duration (usually between one and three days).
- The DfE regulations allow the Headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.
- The Governors have established arrangements to review promptly all permanent exclusions from the school and all suspension (fixed-term exclusions) that would lead to a student being excluded for over 15 days in a school term or missing a public examination.
- The Governors have established arrangements to review suspensions (fixed-term exclusions) which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations (see Complaints Policy).
- Following exclusion, parents/carers are contacted immediately where possible. A letter will be sent by post giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Governing Body and the LA as directed in the letter.
- A return to school meeting will be held following the expiry of the fixed term exclusion and this will involve a member of the Senior Leadership Team and other staff where appropriate.
- A suspension (fixed-term exclusion) will usually take the form of the student being required to remain at home.
- During the course of a suspension (fixed-term exclusion) where the student is to be at home, parents are advised that the student is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.

#### 4.2 Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situations in which permanent exclusion may be considered.

- (i) The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or possession and or use of an illegal drug on School premises.
- (ii) The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These might include:
  - Serious actual or threatened violence against another student or a member of staff.
  - Sexual abuse or assault.
  - Supplying an illegal drug.
  - Carrying an offensive weapon \*.
  - Arson

The school will consider police involvement for any of the above offences.

\*Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.”

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.

#### **4.3 General factors the school considers before making a decision to exclude**

Exclusion will not be imposed instantly, unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period the Head of Education, Primary / Headteacher will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Pupil Behaviour Policy and the Single Equalities Plan.
- \*Allow the student to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

*\*If/ where appropriate*

If the Head of Education, Primary / Headteacher is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

#### **4.4 Exercise of discretion**

In reaching a decision, the Head of Education, Primary / Headteacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head of Education, Primary / Headteacher will consider:

- (a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School’s Behaviour Policy and
- (b) the effect that the student remaining in the school would have on the education and welfare of other students and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors’ Pupil Discipline Committee, when it meets to consider the Head of Education, Primary / Headteacher’s decision to exclude. This Committee will require the Head of Education, Primary / Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student’s school record, witness statements and the strategies used by the school to support the student prior to exclusion.

#### **4.5 Alternatives to Exclusion**

Alternative strategies to exclusion are included in the Behaviour Policy. The school works closely with the Local Authority and in particular the Social, Emotional Mental Health Learning Team (SEMHL – Coventry LA) to undertake managed moves where such a course of action would be of

benefit both to the student and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

#### **4.6 Lunchtime Exclusion**

Students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as a suspension (fixed-term exclusion) and parents will have the same right to gain information and to appeal

#### **4.7 Behaviour Outside School**

Students' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the School's Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in School. For behaviour outside school but not on school business this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. If students' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for exclusion then the Head of Education, Primary/ Headteacher may decide to exclude.

#### **4.8 Drug Related Exclusions**

In making a decision on whether or not to exclude for a drug-related offence the Head of Education, Primary /Headteacher will have regard to the school's published policy on drugs and may also seek advice from the LA's Drugs Education Advisor. The decision will depend on the precise circumstances of the case and the evidence available. In some cases, a suspension (fixed-term exclusion) will be more appropriate than permanent exclusion. The Head of Education, Primary / Headteacher will make a judgment set against the criteria in the school's Drugs Policy.

## **5 Roles and Responsibilities**

### **5.1 The Head of Education, Primary / Headteacher**

#### **Informing parents**

The Head of Education, Primary / 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 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

#### **Informing the Local Governing Committee & Head of Education, Primary**

The Head of Education, Primary / Headteacher will immediately notify the local governing committee and local authority, where appropriate, 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 Head of Education, Primary / Headteacher 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 Head of Education Primary / headteacher will notify the governing board and LA once a term.

## 5.2 The Governing Committee

Responsibilities regarding exclusions is delegated to a cross Trust committee of local governing committee members – this will be with three members.

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

## 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 Pupil

The Exclusions 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 suspension (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 Exclusion 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.

The Exclusions 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, Exclusions 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.

The Exclusions 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, the Exclusions 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 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 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 exclusions committee of its decision to not reinstate a pupil.

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 suspension (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
- Looking at additional in-school or external support
- Seeking further advice guidance from the Local Authority. This might include accessing the Fair Access Panel or considering a managed school move.

## **10 Monitoring arrangements**

The Head of Education Primary monitors the number of exclusions every term and reports back to the Board of Directors and Local Governing Committee. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Head of Education Primary every two years. At every review, the policy will be shared with the governing board.

## **11 Links with other policies**

This exclusions policy is linked to our

- Behaviour and Discipline Policy
- Behaviour and Physical Intervention Policy
- SEN Policy and Information Report

## **11 Monitoring**

This policy will be reviewed every two years or sooner if necessary.

- Ban the parent from the school site

Reviewed by:

Rob Darling

October 2021

Next Review Date:

October 2023

Approved by Directors:

15 December 2021

Signed:



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Lois Whitehouse  
CEO



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David Bermingham  
Chair of Trust Board