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## Exclusion Policy

Date or Review	September 2024
Next Review Date	September 2026
CEO	Paul Goodman
Chair of the Trust	Graham Smith

## **Exclusions Policy**

### **Scope and publication**

The policy sets out guidelines and circumstances under which a pupil may be suspended or permanently excluded from a Scholars Trust school and applies to all pupils at all Trust schools, including those who may be below or above compulsory school age. The policy is available on each school website and can be made available in large print or other accessible formats if required.

In this policy the term Headteacher also any person formally appointed as Acting Headteacher

### **Relationship to other policies**

This policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy, the Child protection and Safeguarding Policy and the Whole School Equality Policy. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance and Punctuality Policy.

### **Guidance and legislation**

This policy is drafted to be compliant with the Exclusion from maintained schools, academies and pupil referral units in England (September 2022) statutory guidance. This policy contains a summary of the statutory guidance and is not intended to provide a full account of all the guidance content which should be read alongside this policy. The non-statutory government guidance Behaviour in Schools (September 2022) is also very relevant. This policy takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

### **Statement of principles**

Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's Behaviour Policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. We seek to reduce the number of incidents leading to a suspension and permanent exclusion by promoting a positive atmosphere of mutual respect and discipline within the school. We regularly monitor the number of suspensions and permanent exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### **A note on off-rolling**

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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration meeting.

- By exerting undue influence on a parent to encourage them to remove their child from the school.

### **Authority to exclude**

Suspensions and permanent exclusions can only be authorised by the Headteacher, after discussion with the CEO, and must not be delegated to anyone else. Legal advice can be sought to assist in this decision, but the final decision will always rest with the Headteacher. The Headteacher must always notify the CEO where any potential suspension or permanent exclusion involves a child with special educational needs or a disability (SEND), or a looked-after or previously looked-after child or for any exclusion where the circumstances are particularly complex.

### **Decision to exclude**

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

A decision to permanently exclude a pupil will only be taken:

- in response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- where a pupil's behaviour means that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof i.e., on the balance of probabilities it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.'

### **Before issuing a suspension or permanent exclusion, the Headteacher will:**

- **Investigation and evidence:** Ensure that a thorough investigation has been carried out and consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.

As per the school's Behaviour Policy, the Headteacher may consider the behaviour of a pupil outside school as grounds for an exclusion

. • **Pupil voice:** Allow and encourage the pupil to give their version of events. The Headteacher will give the pupil an opportunity to present his or her case taking into account their age and understanding, before taking the decision to exclude unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed support of an advocate, such as a parent or social worker.

- **Vulnerable pupil:** Find out whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g., pupils with SEND, free school meal (FSM) pupils; looked after

children; pupils with a social worker; certain ethnic groups; (for example traveller children) and consider whether all supportive and preventative strategies have been fully utilised.

- **SEND:** Where a pupil has any SEND, the Headteacher will consider if any reasonable adjustments need to be made and consider whether any further support can be provided.

The Headteacher will seek to understand the underlying cause of the behaviour and consider whether the pupil's SEND influenced their behaviour and if it did, whether it is still appropriate to issue the/a sanction.

- **Social worker/VSH:** Where a student has a social worker or a Virtual School Head (VSH) the Headteacher will ensure they and, as appropriate, any parents/carers; the Designated Safeguarding Lead; and the designated lead for Looked-After Children are involved as early as possible in relevant conversations.

- **Consider alternatives:** Consider whether all relevant initial intervention strategies set out in the Behaviour in Schools guidance and alternative solutions have been explored, including an off-site direction or managed move.

- **Mitigating circumstances:** Take into account possible short-term mitigating circumstances such as bereavement, mental health issues etc

- **Safeguarding:** Consider whether there are any safeguarding concerns and whether the Designated Safeguarding Lead should be consulted and seek guidance from the CEO to ensure all legal considerations have been made.

The Headteacher will keep a written record of the actions taken including the signed statements of witnesses. Any exclusion of a pupil, even for short periods of time, will be formally recorded.

#### **The Headteacher will not:**

- exclude any pupil for non-disciplinary reasons Exclusions Policy
- use exclusion informally or unofficially, children will not be sent home to 'cool off' even with parents' permission
- extend or 'convert' a suspension into a permanent exclusion

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

#### **Behaviour related to a protected characteristic**

We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against pupils on the basis of protected characteristics, such as disability or race. The school will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where permanent exclusion or suspension needs to be considered, the school will ensure that a pupil with a disability is able to present his or her case fully where the disability might hinder this. We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and try to intervene early in order to reduce the need for a subsequent sanction. We will consider whether a multi-agency assessment that goes beyond a pupil's educational needs is required.

Where a pupil has SEND or an EHC Plan and we have concerns about their behaviour, we will work in partnership with others to consider what additional support or alternative placement may be required.

We will also work proactively with parents in supporting behaviour of pupils with additional needs.

### **Lunchtime suspension**

A suspension can be for parts of the school day. For example, pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Local Governing Body meeting is triggered. Action following any exclusion Informing parents (or the pupil if they are 18 or older)

The Headteacher will provide the following information to parents of an excluded pupil (or the pupil if they are 18 or older), without delay (usually by phone initially and then followed up in a letter):

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations to the Local Governing Body and how the pupil may be involved in this.
- Where there is a legal requirement for the Local Governing Body 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. Exclusions Policy

### **Headteacher will also endeavour to notify parents by the end of the afternoon session on the day their child is suspended or permanently excluded:**

• That for the first five school days of a suspension or permanent 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

This letter should be sent without delay. If a pupil is issued with a further suspension or is subsequently permanently excluded, the Headteacher must inform parents without delay and issue

a new suspension or permanent exclusion letter to parents. **Parents will be informed of their right to appeal and the fact that they can provide representation virtually or in person.**

### **Informing the Local Governing Body and CEO**

The Headteacher will immediately notify the Clerk to the Local Governing Body and the CEO:

- a permanent exclusion
- suspensions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term
- suspensions which would result in the pupil missing a public examination or a national curriculum test

For all other exclusions, the Headteacher will notify the Local Governing Body and the CEO once a term. The Headteacher will also report once a term the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

See the section on monitoring and reporting below.

### **Informing the Local Authority (LA)**

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include: Exclusions Policy

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

As noted above, if a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible.
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that

- They have decided to suspend or permanently exclude the pupil.
- The reason(s) for the decision.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.

- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant).

The social worker/VSH will be invited to any meeting of the Local Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

## **Alternative education**

### **During the first five days of a suspension**

During the first five days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Microsoft Teams may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

### **For a suspension of more than five school days**

For a suspension of more than five school days for a pupil of compulsory school age, the school will arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. However, the school will attempt to start this provision as soon as possible.

Where a child receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of suspension or more than one suspension. 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.

For permanent exclusions, the pupil's home LA has responsibility for arranging suitable full-time education for the pupil. Reintegration Reintegration strategy Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult or a local mentoring charity.

- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the pupil, parents and staff of potential external support. The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

### **Reintegration meeting**

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent, and school.

### **Cancelling an exclusion**

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Local Governing Body.

Where there is a cancellation:

- The parents, Local Governing Body and Local Authority will be notified without delay.
- Where relevant, any social worker and Virtual School Head will notified without delay.
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation.
- The Headteacher will report to the Local Governing Body once per term on the number of cancellations; and
- The pupil will be allowed back in school. Considering the reinstatement of a pupil (GDC panel)

Scholars Trustees have delegated responsibility for reviewing exclusions to the Local Governing Body. The Local Governing Body has established a Governors Disciplinary Committee (GDC) for this purpose. T

he Clerk to the Local Governing Body will arrange a GDC panel to 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 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, a GDC panel 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 five school days, but less than 16, in a single term.

The GDC panel will consist of at least three Local Governors or Trust Trustees. The Local Governors may be from any Scholars Trust school.

The panel members must be impartial and not be conflicted in taking a place on the GDC panel through, for example, a personal connection with the excluded pupil or his or her family. Where an exclusion would result in a pupil missing a national curriculum test, a GDC panel will consider the reinstatement of the pupil, as far as reasonably practicable, before the date of the examination or test.

If it is not practicable for a sufficient number of panel members to consider the decision before the examination or test, a smaller sub-committee may make the decision.

The GDC 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 GDC panel 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 GDC will notify, in writing, the Headteacher, parents (or the pupil if they are 18 or older), the LA (and where relevant the social worker and VSH) of its decision, along with reasons for its decision, without delay.

**Where an exclusion is permanent**, the GDC's 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 o that any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
  - that, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the school to appoint a SEND expert to attend the review
  - details of the role of the SEND expert and that there would be no cost to parents for this appointment
  - that parents must make clear if they wish for a SEND expert to be appointed in any application for a review o 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 six months of the date on which the discrimination is alleged to have taken place.

- Availability of free and impartial advice

The GDC should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

### **Independent review panels**

Applications for an independent review must be made by the parents within 15 school days of notice being given to the parents by the GDC of its decision to not reinstate a pupil. If parents apply for an independent review, the Clerk to the Local Governing Body will arrange for an independent panel to review the decision of the GDC not to reinstate a permanently excluded pupil.

A panel of three or five members will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school governor category and two 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 past five years, provided they have not been teachers or Headteachers during this time.
- Headteachers or individuals who have been a Headteacher within the past five years.

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

- Are a member/director of the Trust or Local Governing Body of the excluding school.
- Are the Headteacher of the excluding school or have held this position in the past five years.
- Are an employee of the Trust, or the Local Governing Body, 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 Trust, school, Local Governing Body, 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 past two years.

A clerk will be appointed to the panel. The independent panel will decide one of the following:

- Uphold the GDC's decision.
- Recommend that the GDC reconsiders reinstatement.
- Quash the GDC's decision and direct that the GDC 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.

### **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 GDC'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 Local Governing Body 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.

### **Reporting, monitoring and analysing suspensions and exclusions data**

**The** Headteacher will make a termly report to the CEO and Local Governing Body on all suspensions and permanent exclusions, covering:

- the number and type of exclusions
  - the reasons, gender, ethnicity, and age of pupils and whether they were already on Individual Education Programmes or Pastoral Support Programmes
  - repeated suspensions and the school's response to them
  - links with parents
  - truancy punctuality and attendance figures
- the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation
- follow-up action, including what has subsequently happened to permanently excluded pupils. This information will also be provided to the Trust. The CEO and Local Governing Body will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves. The CEO and Local Governing Body will consider:
  - How effectively and consistently the school's Behaviour Policy is being implemented.
  - 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.
  - Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
  - 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 suspended and permanently excluded pupils, and why this is taking place.
  - Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
  - The cost implications of directing pupils off-site.

Scholars will also work with all of its academies to consider this data, and to analyse whether there are patterns across the Trust, recognising that numbers in any 1 may be too low to allow for meaningful statistical analysis.

## Annex A: Summary of the governing board's duties to review the Headteacher's exclusion decision

Reference: <https://www.gov.uk/government/publications/school-exclusion>

