



EXCLUSIONS POLICY

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1.0 Introduction

In line with our vision and values, exclusion at Springwell Learning Community is seen as an absolute final resort and is only considered when the best endeavours of all leaders to avoid exclusion have been exhausted. Where exclusion is unavoidable, it is viewed not as a sanction but as a mechanism to provide support and plan intervention.

2.0 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](#) and should be read alongside the following guidance:

- [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- [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. It takes into consideration the school's duties under [The Equality Act 2010](#) and the [SEND Code of Practice](#).

3.0 The decision to exclude

Only the Executive Principal, or Principal has the authority to exclude a pupil from school. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. The decision to exclude a pupil will be taken only:

- On disciplinary grounds;
- In response to serious or persistent breaches of the school's behaviour policy;
- If allowing the pupil to remain in school would seriously harm the education or welfare of others; AND
- Where all other alternatives have been exhausted.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the (Exec) Principal 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 additional or special educational needs.

The length of a fixed term exclusion is at the discretion of the (Exec) Principal. At any time, however, no child will receive greater than 45 days of exclusion in any one academic year without being permanently excluded for persistent disruption. Please note that the Principal also retains the right to permanently exclude a child for persistent disruption even if they have not reached 45 days. A pupil would only be permanently excluded as a last resort, after trying to improve the child's behaviour through every other means. However, we recognise that there are exceptional circumstances in which the (Exec) Principal may decide to permanently exclude a pupil because of a serious one-off incident.

4.0 Monitoring

The school continuously seeks to reduce the number of incidents leading to exclusions by:

- Ensuring all staff promote the school's vision and values including unconditional positive regard
- Delivering high quality SEND interventions and developing appropriate strategies to support pupils with additional needs.
- Implementing high quality behaviour systems that support pupils to regulate their emotions
- Exploring, with sophistication, the reasons why pupils display challenging behaviour

- Developing expertise in restorative practice, post incident learning, behaviour management and personalisation.

The school regularly monitors the number of exclusions to ensure that no group of pupils is unfairly disadvantaged. Exclusions are scrutinised by the LGB and the Trust.

5.0 Appendices

5.1 Roles and responsibilities

The (Exec) 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 (Exec) Principal will also notify parents by the end of the afternoon session on the day that 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.

5.1.1 Informing the Governing Body and the Local Authority

The (Exec) Principal will immediately notify the LGB 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 (Exec) 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 governing board and LA once a term.

5.1.2 The Governing Body

Responsibilities regarding exclusions are delegated to the Exclusions Committee. The Committee has a duty to consider the reinstatement of an excluded pupil. Within 14 days of receipt of a request, the governing body 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 governing body will arrange 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.

5.1.3 The Local Authority

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

5.2 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 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 exclusions 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 exclusions committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, they will consider the exclusion and decide whether or not to reinstate the pupil. The 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, the exclusions committee 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 committee 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 committee'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
- 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

5.3 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. 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 Principal during this time
- Principal 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 director of the Trust, or governing board of the excluding school
- Are the (Exec) Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust, or the governing board, 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 Trust 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.

5.4 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.

5.5 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:

- Restorative Meeting
- Agreeing a behaviour contract
- Updating the pupil's Self-Regulation Plan
- Adjustments to provision where relevant