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|  Exclusion PolicyReference: WP/Curriculum and Standards

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**Contents**

The Academies for Character and Excellence (ACE) is committed to ensuring that consistent effective safeguarding procedures are in place promoting the welfare and wellbeing of our children and expect all staff and volunteers to share this commitment.

1. Aims 3

2. Legislation and statutory guidance 3

3. The decision to exclude 3

4. Definition 4

5. Roles and responsibilities 4

6. Considering the reinstatement of a pupil 5

7. An independent review 7

8. School registers 7

9. Returning from a fixed-term exclusion 8

10. Monitoring arrangements 8

11. Links with other policies 8

Appendix 1: Independent Review Panel Training 9

# 1. Aims

Our Trust aims to ensure that:

* The exclusions process is applied fairly and consistently
* The exclusions process is understood by directors, 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 (August 2024):

[Suspension and permanent exclusion guidance](https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf)

It is based on the following legislation, which outlines schools’ powers to exclude pupils:

* Section 52 of the [Education Act 2002](http://www.legislation.gov.uk/ukpga/2002/32/section/52), as amended by the [Education Act 2011](http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted)
* [The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1033/made)
* Sections 64-68 of the [School Standards and Framework Act 1998](http://www.legislation.gov.uk/ukpga/1998/31)
* In addition, the policy is based on:
* Part 7, chapter 2 of the [Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2), which looks at parental responsibility for excluded pupils
* Section 579 of the [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/section/579), which defines ‘school day’
* The [Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1870/contents/made), as amended by [The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/3216/contents/made)

This policy also pays due account to other legislation and guidance which includes (but is not limited to)

* Equalities Act (2010)
* Working together to Keep Children Safe in Education (Annual)
* Working together to improve school attendance (2024)

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

# 3. Definitions

This policy covers the procedures, roles and responsibilities in relation to the suspension and/or permanent exclusion of pupils on roll in school.

* A **suspension** is defined in legislation as an exclusion of a pupil for a fixed period of time. No pupil may be suspended from school for more than 45 days in any academic year.
* A **permanent exclusion** is defined as decision to remove a pupil from school permanently. The pupil is no longer allowed to attend the school (and is removed from the school roll after 5 days after the decision)

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.

In ACE, *Local Advocate Boards* (LABs) act as the local committee for the purposes of exclusions.

# 4. The decision to exclude

Only the headteacher, or acting headteacher, can legally suspend or permanently exclude a pupil from school. In schools with a ‘lead teacher’, approval must be sought and received from the person who is registered as Head Teacher at the school if they are not present on site at the time that the decision needs to be made.

A decision to exclude a pupil will be taken only:

* 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

Before deciding whether to exclude a pupil, either permanently or through suspension, 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 (pupil voice)
* Consider if the pupil has special educational needs (SEND)
* Advise the Trust’s Safeguarding and Inclusion Lead

A permanent exclusion will be taken as a last resort and will be taken following legal advice from the Trust and consulting the CEO in line with the statutory guidance for Exclusions.

All headteachers are aware of the need to ensure that all statutory exclusion procedures to ensure that every pupil receives an education in a safe and caring environment.

All headteachers are aware 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.”*

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# 5. Roles and 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 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 local committee and how the pupil may be involved in this
* Where there is a legal requirement for the local committee 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 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 local committee and local authority**

The headteacher must notify the local committee and the local authority (LA) of:

* any and all suspensions.
* any and all permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil).

In doing so, they should also highlight if the exclusion would result in the pupil missing a public examination or national curriculum test.

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.

It is also the responsibility of the headteacher to notify directly a social worker or virtual school head (VSH), where this applicable to the pupil subject to suspension or permanent exclusion.

Headteachers are also responsible for liaising with Local Authorities’ inclusion teams to ensure suitable full-time education is in place for excluded pupils.

5.2 The local committee (Local Advocate Board)

Responsibilities regarding exclusions are delegated to each school’s Local Advocate Board (LAB). This includes leading disciplinary panel meetings which are held to consider a headteacher’s decision to permanently exclude a pupil (see section 6).

Should LAB members not be available to attend disciplinary committee meetings, or if it is inappropriate they are present, then the Central Services Team (Safeguarding and Inclusion/Governance Lead) will request an Advocate (or Trustee if appropriate) to attend from another school within the Trust.

Following a request from the secretary of state, the Local Advocate Board must provide the secretary of state with information about any exclusions in the last 12 months. This will be provided within 14 days of receipt of a request.

For a fixed-term exclusion of more than 5 school days, the Trust will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

5.3 The ACE Trust Central Team

The Trust central team is responsible for:

* advising the headteacher on coming to a decision on whether to suspend or permanently exclude (although the final decision legally remains with the head)
* organizing a 2nd (Appeals) Committee (Independent Review Panel – IRP) to consider the reinstatement of a permanently excluded pupil if the initial decision to permanently exclude is challenged (see section 6).

5.4. 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.

# 6. Considering the reinstatement of a pupil

The LAB disciplinary panel 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 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 disciplinary panel will consider the reinstatement of a suspended 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 disciplinary panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the disciplinary panel will consider the exclusion and decide whether or not to reinstate the pupil.

The disciplinary panel can either:

* Decide to uphold the decision to suspend or permanently exclude, or
* Direct the head to overturn the decision to suspend or permanently exclude.

In reaching a decision, the disciplinary 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 probability, 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 disciplinary panel 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 disciplinary panel’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 Trust to appoint a 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. Independent Review Panel (IRP)

If parents request an independent review following the outcome of the disciplinary panel (see section 6), the Trust will arrange for an independent panel to consider the decision of the disciplinary panel not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice given to the parents by the disciplinary 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 governor’s 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 Headteacher during this time
* Headteacher 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/director of the Trust, or local committee 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 Trust, or the local committee, 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 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 be covered)

A clerk will be appointed to the panel.

The independent panel will decide on one of the following:

* Uphold the disciplinary panel’s original decision
* Recommend that the disciplinary panel reconsiders it decision
* Quash the disciplinary 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 local committee 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:

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 suspension:

* Agreeing a behaviour contract
* A review of all provision for pupil

# 10. Monitoring arrangements

The headteacher monitors the number of exclusions every term and reports back to the Trust on a regular basis. Data on exclusions will be reported to the Trust’s Board termly. They will also review this policy every two years, following which the revised policy will be shared with the schools’ Local Advocate Boards.

# 11. Links with other policies

This exclusions policy is linked to and informed by the following Trust policies:

* SEND policy and information report
* Behaviour policy
* Attendance Policy
* Safeguarding and Child Protection Policy

# Appendix 1: Independent Review Panel Training

If arranged internally, the Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

* The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel’s decision making
* The need for the panel to observe procedural fairness and the rules of natural justice
* The role of the chair and the clerk of a review panel
* The duties of headteacher, governing boards and the panel under the Equality Act 2010
* The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

The Trust has the option to use an externally arranged Independent Review Panel. If this is the case, they will be responsible for ensuring the above requirements are met.

**Appendix 2** - **A summary of the Local Committee’s Duties to review the Headteacher’s exclusion decision:**

Conditions of exclusion

Governing Board Duties

 Yes No

Does the exclusion meet any of the following Conditions?

* It is a permanent exclusion
* It is a suspension that alone, or in conjunction with previous suspensions, will take a pupil’s total number of days out of school above 15 for a term
* It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test\*

 Yes No

The Local Committee Hearings Panel must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of permanent suspension or exclusion.

\*If the pupil will miss a public exam or national curriculum test, the Local Committee Hearings Panel must take reasonable steps to meet before the date of examination.

Will the suspension(s) take the pupil’s total number of school days out of school above 5 but less than 16 for the term?

 No

The Local Committee Hearings Panel must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Have the pupil’s parents requested a Local Committee Hearings Panel Meeting?

 Yes No

The Local Committee Hearings Panel is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

The Local Committee Hearings Panel must convene a meeting to consider reinstatement within 50 school days of receiving notice of suspension.