



Exclusion Policy

Alwyn Infant School and Courthouse Junior School Federation

Approved by: Governing Body

Date: July 2022

**Last reviewed
on:** Summer 2021

**Next review due
by:** Summer 2023

1 Aims

Our schools aim to ensure that:

- The suspensions and exclusions process is applied fairly and consistently
- The suspensions and exclusions process is understood by governors, staff, parents/carers and children
- Children in school are safe and happy

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](#)

3 The decision to exclude

Only the Executive Headteacher can suspend or exclude a child from school. A permanent exclusion will be taken as a last resort.

A decision to suspend or exclude a child will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the child to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a child the Executive Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked
- Allow the child to give their version of events
- Consider if the child has special educational needs (SEN)

4 Definition

For the purposes of suspensions and 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.

5 Roles and responsibilities

5.1 The Executive Headteacher

Informing parents/carers

The Executive Headteacher will immediately provide the following information, in writing, to the parents/carers of a suspended or excluded child:

- The reason(s) for the suspension or exclusion
- The length of a suspension or, for an exclusion, the fact that it is permanent
- Information about parents'/carers' right to make representations about the suspension or exclusion to the governing board and how the child may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a child, and that parents / carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Executive Headteacher will also notify parents / carers by the end of the afternoon session on the day their child is suspended that for the first 5 school days of an suspension, or until the start date of any alternative provision where this is earlier, parents / carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents / carers 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/carers of an suspension:

- 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' / carers' consent.

Informing the governing board and local authority

The Executive Headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a child
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the child missing a public examination

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

For suspensions, the Executive Headteacher will notify the governing board and LA once a term.

5.2 The governing board

The governing board has a duty to consider the reinstatement of an suspended or excluded child (see section 6).

For a suspension of more than 5 school days, the local authority will arrange suitable full-time education for the child. This provision will begin no later than the sixth day of the exclusion.

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 child

The governing board will consider the reinstatement of a suspended or excluded child 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 suspension to more than 15 in a term
- It would result in a child missing a public examination

If requested to do so by parents / carers, the governing board will consider the reinstatement of an suspended or excluded child within 50 school days of receiving notice of the suspension or exclusion if the child would be suspended or excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or exclusion would result in a child missing a public examination, the governing board will consider the reinstatement of the child before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension or exclusion independently and decide whether or not to reinstate the child.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the suspension or exclusion was lawful, reasonable and procedurally fair and whether the Executive 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 governing board will notify, in writing, the Executive Headteacher, parents / carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' / carers' 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 suspended or excluded pupil has recognised SEN, parents / carers have a right to require the LA 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/carers for this appointment
 - That parents / carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents / carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That if parents/ carers believe that the suspension / 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/carers apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded child.

Applications for an independent review must be made within 15 school days of notice being given to the parents / carers by the governing board of its decision to not reinstate a child.

8 School registers

A child's name will be removed from the school admissions register if:

- 15 school days have passed since the parents / carers were notified of the exclusion panel's decision to not reinstate the child and no application has been made for an independent review panel, or
- The parents / carers 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 child's name from the register.

Where alternative provision has been made for a suspended or excluded child and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended or excluded children are not attending alternative provision, code E (absent) will be used.

9 Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the child, parents / carers, a member of senior staff and other staff, where appropriate. A Behaviour Plan may be written.

10 Monitoring arrangements

The Executive Headteacher monitors the number of suspensions and exclusions every term and reports back to the governors. They also liaise with the LA to ensure suitable full-time education for excluded children.