



Exclusions Policy

Adopted by LGB: September 2022

Published: BLP Policy Folder. Websites

Document Control

This policy will be reviewed annually

This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

1. Aims

This policy aims to:

- Outline that the suspensions and permanent exclusions process must be applied fairly and consistently
- Explain how the suspensions and permanent exclusions process is to be understood by local governing body members, staff, parents/carers and pupils
- Ensure pupils in school are safe and happy.

2. Behaviour Principles

Our approach to managing behaviour across our Schools is underpinned by our Behaviour Principles:

- All pupils, staff and visitors have the right to feel safe at all times in our Schools.
- Appropriate behaviour is the foundation upon which pupils can make the greatest progress.
- Our Schools are inclusive. All members of a School's community should be free from discrimination of any sort.
- All policies are underpinned by our Trust values of Equality, Resilience, and Integrity.
- All staff must take responsibility for applying the Behaviour Policy as required
- School rules and expectations are clearly set out and communicated at each school.
- Sanctions for unacceptable behaviour will be known and understood by all staff and pupils and consistently applied in a way which preserves dignity and respect towards all individuals
- Violence, threatening behaviour or abuse by pupils or parents towards staff will not be tolerated and will receive an immediate appropriate sanction which may be a suspension or exclusion.
- The Behaviour policy will set out the Schools' responses to inappropriate behaviour.

3. Culture and Standards

As a family of Schools each of our Schools has its own identity, but shares a common purpose: to provide a cradle to career education that allows our children to enjoy lives of choice and opportunity. By the age of 18, we want every child to have the option of university or a high quality alternative.

BLP Schools are built on strong cultures that are welcoming, warm and inclusive. Our Schools are places where pupils behave with consistently high levels of respect and regard for others. They are polite and have good manners; they wear their uniform smartly with pride. Our pupils are proud of their Schools and play a highly positive role in them. They are part of a School culture in which pupils are able to learn disruption free, difference is valued and celebrated, and bullying, harassment and violence are never tolerated.

We support our pupils to develop consistently positive attitudes and demonstrate commitment to their education, to be highly motivated and remain positive in the face of difficulties. We support them on the pathway to becoming increasingly independent through the development of resilience and self-regulation, and in developing intellectual resilience. Our pupils are given every opportunity to make a highly positive, tangible contribution to the life of their School and/or the wider community.

We expect our pupils to behave consistently well, demonstrating high levels of self-control and we have unapologetically high expectations. However, we are also clear that if pupils struggle to meet our expectations it is our role to support them, taking intelligent, fair and highly effective action to enable them to become successful in their education and to fulfil their potential.

We recognise that our Schools serve different communities and that our Schools need to be welcoming and meet the needs of these communities.

Our Headteachers know that suspension for a fixed term or permanent exclusion can have a negative impact on the life chances of a pupil. For this reason, our Schools only use suspensions and permanent exclusions where it is deemed by the Headteacher to be absolutely necessary.

4. Legislation and statutory guidance

This policy is based on the following statutory guidance from the Department for Education: Exclusion from maintained schools, Schools and pupil referral units (PRUs) in England. It is based on the following legislation, which outlines schools' powers to exclude pupils and must be followed where applicable:

- 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](#)
- Suspension and Permanent Exclusion from maintained schools, Schools and pupil referral units in England, including pupil movement 2022.

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.

5. The decision to suspend or permanently exclude

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a pupil from school. The decision to permanently exclude will only ever be used as a last resort when other alternatives are unsuitable, when all avenues for further support have been exhausted and when the conditions for permanent exclusion as set out in the statutory guidance regarding exclusions have been met.

Our trust 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 are committed to following all statutory suspension and permanent exclusion procedures to ensure that every child receives an education in a safe and caring environment.

Where a suspension or permanent exclusion is being considered, the Headteacher will consider the impact that this action will have on the pupil and the School as a whole. Key to this is understanding the pupil and any underlying reasons for the behaviours that have been seen. To ensure that this is the case our Headteachers take the following actions before issuing either a suspension or permanent exclusion:

- Accounts are collected from pupils involved, other witnesses and staff
- The Designated Safeguarding Lead is consulted and consideration is made about whether an exclusion will place a pupil at risk
- If the pupil being considered for exclusion has SEND or any disability the following must be taken into account:
- Children with SEND may not necessarily have a disability. The definition of disability is not the same as the definition of special educational needs but there may be overlap between those who have SEND and those who are disabled.
- Have reasonable adjustments been made to the provision offered the child? (page 11 of the DfE Guidance and the SEND Code of Practice (May 2015) and the Equality Act (2010), references the expectations regarding “reasonable adjustments”

Only when all of the above steps have been taken and the information provided has been reviewed will the Headteacher decide what action will be taken.

A decision to consider a permanent exclusion for a pupil will be taken only when both of the following conditions have been met:

- It is being taken in response to serious or persistent breaches of the School’s behaviour policy, **and**
- If allowing the pupil to remain in the School would seriously harm the education or welfare of the pupil or others in the School.

Our Schools will work with their Hub Directors or School Performance Directors once they identify that a pupil is at risk of permanent exclusion to try and prevent this. Decisions around permanent exclusions must also be reviewed with the BLP Director of Education before making a final decision to permanently exclude.

A Headteacher may cancel an exclusion that has not been reviewed by the governing body. If this occurs the parents, governing body, and local authority should be notified and if relevant the social worker and Virtual School.

Definition

For the purposes of suspensions and permanent exclusions, a school day is statutorily defined as any day on which there is a school session. INSET or staff training days do not count as a school day.

6. Roles and responsibilities

The Headteacher

Informing parents/carers

The Headteacher will immediately provide the following information, in writing, to the parents/carers of a suspended or permanently excluded pupil, and to their social worker (if any) or, in the case of a looked after pupil, their social worker and/or Virtual School Headteacher:

- The reason(s) for the suspension or permanent exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents’/carers’ right to make representations about the suspensions and permanent exclusion 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/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend (see section 7)

If a parent/carer is asked to collect their pupil from school for a behavioural related reason, the Headteacher **must** record the absence as a suspension and the procedures set out in this policy adhered to.

The Headteacher will also notify parents/carers immediately after their child is suspended or permanently excluded that for the first 5 school days of a suspension or permanent exclusion, 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.

Headteachers must ensure that work is set and marked for pupils during the first five school days of a suspension which adheres to legal duties to pupils with disabilities or SEN, if applicable. As stated below, it is the responsibility of the local governing body to ensure that the Headteacher arranges full-time alternative provision from the sixth day of any suspension. The Local Authority must arrange full-time alternative provision from the sixth day of any permanent exclusion. If alternative provision is being arranged, the following information will be included when notifying parents/carers of a suspension or permanent 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
- 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.

The Headteacher **must** ensure that for any suspension or permanent exclusion that the registers are coded correctly with 'E' for each session that the pupil is absent, unless they are attending alternative provision.

For notifications of exclusion and suspension, notification should be in person or by telephone in the first instance as this allows those being informed to ask any initial questions or raise concerns directly with the headteacher. Headteachers should consider the following:

- Has the School spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the behaviour leading to the suspension or exclusion?
- Has the School considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the School provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- Does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
- Has the School informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- Has the School informed parents of any applicable right of representation to the local governing body under section 7 of this policy?

Informing the local governing body and local authority

The Headteacher will immediately notify the local governing body and local authority of:

- A permanent exclusion
- A suspension of any length
- Suspensions which would result in the pupil being excluded for more than 5 school days (or 10 lunch times) in a term
- Suspensions or permanent 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 Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

The Local Governing Body

Responsibilities regarding suspension and permanent exclusion are delegated to the local governing body which will convene a pupil discipline panel as and when required under paragraph 7. The pupil discipline panel will be established in line with the requirements set out in "Suspension and Permanent Exclusion from maintained schools, Schools and pupil referral units in England, including pupil movement 2022" .

The pupil discipline panel has a duty to consider the reinstatement of an excluded pupil.

Within 14 days of receipt of a request, the local governing body will provide the Secretary of State with information about any exclusions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the local governing body will ensure that the School arranges suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

The Local Authority (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.

7. Considering the reinstatement of a pupil

A pupil discipline panel made up of members of the local governing body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent; or
- It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term; or
- It would result in a pupil missing a public examination or national curriculum test.

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

Where a pupil has a social worker or is looked after then the social worker and/or Virtual School Headteacher must be informed when the local governing body panel is meeting in order to share information and be invited to attend if they so wish.

Where a suspension or permanent exclusion would result in a pupil missing a public examination, the pupil discipline panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of Governors will consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The pupil discipline 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 pupil discipline panel will consider whether the suspension or permanent 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 suspend/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 pupil discipline panel will notify, in writing, the Headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay. If the pupil has a social worker or is looked after, then the social worker and/or Virtual School Headteacher will also be informed.

Where an exclusion is permanent, the pupil discipline panel 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
 - Where appropriate, that any application should 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/carers have a right to require BLP 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.

If parents/carers believe that the permanent 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.

An independent review

If parents/carers apply for an independent review, BLP will arrange for an independent panel to review the decision of the School's pupil discipline panel not to reinstate a permanently excluded pupil. The process of arranging and administering an independent review panel is set out in Suspension and Permanent Exclusion from maintained schools, Schools and pupil referral units in England, including pupil movement, 2022. This guidance must be followed.

Applications for an independent review must be made to the School via office@swillingtonprimary.com within 15 school days of notice being given to the parents/carers by the pupil discipline panel of its decision to not reinstate a pupil.

The independent panel will decide one of the following:

- Uphold the pupil discipline panel's decision
- Recommend that the pupil discipline panel reconsiders reinstatement
- Quash the pupil discipline 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/carers were notified of the pupil discipline panel's decision to not reinstate the pupil 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 School 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 fixed-term suspension

When a fixed-term suspension has been put in place, a reintegration meeting will be arranged when the pupil and parents/carers are invited to meet with a member of senior staff and other staff, where appropriate. A range of supportive measures including, but not limited to, those listed below may be implemented when a pupil returns from a fixed-term suspension:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact with a designated pastoral professional in-school
- Use of a report card with personalised targets leading to personalised rewards
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
- Planned pastoral interventions
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents/carers and staff of potential external support.

If the parents/carers do not agree to attend the reintegration meeting then the meeting will still take place and notes of actions will be sent to the parents/carers by the School.

10. Monitoring arrangements

The Headteacher at each School is responsible for monitoring the number of exclusions every term and the characteristics of pupils who have been suspended or excluded. The local governing body will review the Headteacher reports to consider the level of pupil moves and whether permanent exclusions are only used as a last resort. They also liaise with the local authority to ensure suitable alternative full-time education for excluded pupils.

This policy will be reviewed by the CEO / Executive team for BLP annually. At every review this policy will be shared with the local governing bodies at each School.

11. Links with other policies

This exclusions policy is linked to the following policies:

- Behaviour policy
- SEN policy and information report
- Anti-bullying Policy