

# Exclusions Policy

Review Date	Reviewer	Approved by	Date Approved	Implemented
September 2021	J Barker	Executive Board	1 September 2021	1 September 2021
September 2022	J Barker	Executive Board		

<b>Issue No</b>	<b>Date</b>	<b>Description</b>
5	Sept 2021	Added: Section 3 – Legislation and statutory guidance. Section 5 – Links to other policies. Section 10 – Duty to inform Updated Section 13 – Review of an exclusion by the Local Academy Council.

	<b>Contents</b>	<b>Page No.</b>
1.	Introduction	3
2.	Confidentiality	3
3.	Aims	3
4.	Power to exclude	3
5.	Making the decision to exclude	3
6.	Reasons for exclusion	4
7.	Types of exclusion	4
8.	Exclusion of pupils/students from specific groups	5
9.	Investigating an incident	6
10.	Recording and notifying of the decision to exclude	6
11.	During an exclusion	7
12.	Review of an exclusion by the Local Academy Council	7
13.	Right to an independent review of a permanent exclusion	9
14.	The duty to remove a permanently excluded pupil/student from the school roll	9

## 1. Introduction

The North East Learning Trust (NELT) is committed to ensuring that all Academies within the multi-academy trust are fully accessible, inclusive, welcoming, and respecting of the diversity of children and young people, staff, local communities, and visitors.

This policy is underpinned by the commitment of the Trust to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve.

All staff work hard in our Academies to ensure that the ethos and environment supports pupil and student learning and success. Exclusion is a sanction used only as a last resort, and we strive to reduce the need for exclusion as far as it is possible.

This policy outlines the Trust's policy in relation to exclusions and applies to all Academies within the Trust and is supported by the individual Academy's Behaviour Policy.

For the purposes of this policy Executive Headteacher may also be read as Headteacher, Head of School.

## 2. Confidentiality

The North East Learning Trust, Local Academy Council and all staff will deal with cases of exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and any breach of this may result in disciplinary action.

## 3. Aims

The aim of the policy is to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by parents/carers, students/pupils, and Governors.
- Students/pupils are safe and happy.
- Students/pupils do not become NEET (not in education, employment, or training).

## 4. Legislation and statutory guidance

This policy is based on statutory guidance from the Department of Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#) and the following legislation which outline the powers to exclude pupils/students from schools:

- The Education Act 2002, as amended by the Education Act 2011

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The [Education and Inspections Act 2006](#)
- The [Education Act 1996](#)
- 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](#)

This policy also complies with the Trust’s funding agreement and articles of association.

## 5. Links to other policies

This policy should be read alongside the following Trust and Academy policies:

- Acceptable Use
- Behaviour
- Safeguarding
- SEND

## 6. Power to exclude

The Executive Headteacher is the only member of staff within the Academy who can exclude a pupil/student, either permanently or for a fixed term.

## 7. The purpose of exclusion

The purpose of exclusion is to:

- Prevent disruption to classes.
- Protect the educational, emotional and physical welfare of pupils/students and staff.
- Reinforce the discipline of the Academy.
- Provide, when necessary, a ‘cooling off’ period for the pupil/student.
- Involve parents/carers and pupils/students in discussing the pupil/student’s future behaviour.
- In the event of lengthy fixed term exclusions, establish targets for improvement in identified areas.

## 8. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously by the North East Learning Trust. Various alternative strategies to manage behaviour as outlined in each Academy’s Behaviour Policy will be tried before exclusion, as this sanction is only used as a last resort and will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

Before deciding whether to exclude a pupil/student, either permanently or for a fixed period, the Executive Headteacher will:

- Ensure that a thorough investigation has been undertaken.
- Consider all the evidence available when looking to support the allegations
- Encourage the student to give his or her version of events.
- Consider if the pupil has special educational needs (SEND).
- Consider the Academy's behaviour policy, equal opportunities policy and relevant equalities legislation.
- Find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment or bullying.
- Consult other people as necessary (but not anyone on the Local Academy Council who may later have a role in reviewing the decision).
- Keep a written record of discussions, interviews, and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

If it is decided that exclusion is necessary, the parents/carers of the pupil/student will be notified, and the circumstances surrounding the exclusion will be formally recorded.

## 9. Types of exclusion

### 9.1 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the Executive Headteacher in accordance with the Exclusion Policy as agreed by the North East Learning Trust and the Academy's Behaviour Policy only as an absolute last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion for a first offence is the only option. These include:

- serious, actual, or threatened violence against another pupil/student or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

It may be necessary for the Academy to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the Local Academy Council to ensure that they are justified and fair and have been dealt with in accordance with the policies and procedures agreed by the Trust

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

and the Local Academy Council. The Executive Headteacher can withdraw an exclusion that has not yet been reviewed by the Local Academy Council.

## 9.2 Fixed-term exclusion

The length of a fixed-term exclusion will be set out by the Executive Headteacher at the start of the exclusion period. If a pupil/student is excluded for more than 45 days in an academic year they will be permanently excluded.

A fixed-term exclusion may result from a serious breach of the Academy's Behaviour Policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than detention but does not warrant permanent exclusion.

An excluded pupil/student has no automatic right to take a public examination or National Curriculum tests on the Academy's premises. The Trust can decide whether or not to allow the pupil/student to sit the tests in another Academy within the Trust, however, this will depend on the seriousness of the reason for exclusion.

## 10. Duty to Inform

### 10.1 Parents/Carers

The Executive Headteacher where possible, will notify parents/carers that their child has been excluded and the reasons for this in person or by telephone.

The Executive Headteacher will notify the parent/carer, in writing, of the following information without delay, and by the end of the afternoon session at the latest:

- The reason for the exclusion.
- The period of a fixed-term exclusion or if the exclusion is permanent, the fact that it is permanent.
- The parent/carers right to make representation to the Local Academy Council, how representations should be made and how the pupil/student may be involved in this process.
- That the parents/carers have the right to attend a meeting, to be represented at that meeting and to bring a friend, if there is a legal requirement for the Local Academy Council to consider the exclusion.

In addition, the parents/carers must also be informed:

- That they must ensure that their child is not present in a public place during the first five school days of an exclusion, or until after the start date of any alternative provision or the end of the exclusion where this is earlier.
- Details of any alternative provision that is arranged including start date, times of attendance, location and any information required by the pupils to identify the person who they should report to on the first day.

### 10.2 Local Academy Council & Local Authority

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

The Executive Headteacher will notify the Chair of the Local Academy Council and the LA within 1 day of:

- Any permanent exclusion, including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil/student.
- Any exclusion which would result in the pupil/student being excluded for a total of more than five days (or more than 10 lunchtimes in a term).
- Any exclusion which would result in a pupil/student missing an examination and/or a national curriculum test.

All other exclusions should be reported once per term and include the duration and the reason for the exclusion.

If a permanently excluded pupil lives outside the LA, the Executive Headteacher must notify the pupil/student 'home authority' immediately.

### **11. Exclusion of pupils/students from specific groups**

The Trust recognises that exclusion rates for certain groups of pupils/students are consistently higher than average. These include the following groups of pupils/students:

- Special Educational Needs and Disabilities (SEND)
- Free School Meals
- Looked After Children
- Certain Ethnic Groups

All Academies within the Trust will ensure that any additional support needed to identify and address the needs of pupils/students in these groups to reduce exclusion is implemented.

The Trust also recognises there are certain groups of pupils/students with additional needs who are particularly vulnerable to the impacts of exclusion namely SEN and looked after children.

The Executive Headteacher of Academies with the Trust will, as far as possible, avoid permanently excluding any pupil/student with an Education, Health and Care (EHC) Plan or a looked after child. The Academies within the Trust will engage proactively with parents/carers in supporting behaviour of pupils/students with additional needs.

Where an Academy has concerns about the behaviour, or risk of exclusion, of a pupil/student with additional needs, an EHC plan or looked after child, it will in partnership with others consider whether additional support or an alternative placement may be required. This will involve assessing the suitability of provision for a pupil/student's SEN. Where a pupil/student has an EHC plan, consideration will be given to requesting the Local Authority to undertake an early review or interim/emergency review.

In relation to looked after children, the Academy will co-operate proactively with foster carers, social workers and the Virtual Head of the Local Authority (LA) that looks after the child and the Trust's Virtual Head to discuss how to support the child to improve their behaviour and avoid exclusion becoming necessary. In the event that an Academy decides to fixed term and/or

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker



permanently exclude a LAC, the Executive Headteacher will inform the Virtual Head of the relevant LA and the Trust’s Virtual Head

## 12. During an exclusion

While the Executive Headteacher makes the decision to exclude a pupil/student, the Trust will maintain responsibility for the education of that child and will do everything possible to minimise the disruption to their education.

For the first five days of any type of exclusion, the Academy will set and mark work that the pupil/student should complete at home under the supervision of the parent/carer.

From the sixth day onwards, if the exclusion is fixed term, the North East Learning Trust will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child’s needs.

Alternative provision may be arranged at:

- another Academy within the Trust
- a shared joint facility
- a student referral unit
- a private provider
- a local FE college.

If the child has an EHC plan, the alternative provision will meet those needs.

## 13. Review of an exclusion by the Local Academy Council

	Fixed Term Exclusions			Permanent Exclusions
	FTE up to and including 5 in one term	FTE more than 5 but not exceeding 15 in a term	FTE more than 15 but not exceeding 45 in a term	
Are the Governors required to meet?	Yes, but only if the parent/carer has made written representations and requests Governors meet to review the exclusion.		Yes	Yes
When do Governors have to meet?	No specific time frame but best practice within 50 school days of receiving the notification of the exclusion.	Within 50 school days of receiving the notification of the exclusion.	Within 15 school days of receiving the notification of the exclusion.	Within 15 school days of receiving the notification of the exclusion.
Can the parent/carer attend the meeting?	No, only written representations can be made.	Parents/carers can be present and make verbal or written contribution.		Parents/carers can be present and make verbal or written contribution.
If Governors agree to	Make a note on the pupil/student’s educational record reflecting this.			Make a note on the pupil/student’s educational record reflecting this.

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

uphold the exclusion.			
If Governors do not uphold the exclusion, what choices do they have?	Governors have no power to direct reinstatement. If Governors do not uphold the decision to exclude, this and the reason for the decision, may be recorded on the pupil/student's educational record.	Governors can reinstate the pupil/student immediately or on a fixed date. Where a pupil/student has already returned to the Academy, Governors should request the Executive Headteacher record the decision on the educational record.	Governors can reinstate the pupil/student immediately or on a fixed date.

The Pupil Discipline Committee of the Local Academy Council will automatically review all cases of permanent exclusion, as well as any fixed-term exclusions that would lead to a pupil/student being excluded for more than 15 days in one term or missing a public exam. The Committee will look at the evidence and the records leading up to the exclusion and decide whether the Executive Headteacher has made a fair decision and if exclusion is the appropriate sanction in accordance with the Academy's Behaviour Policy and the Trust's Exclusion Policy.

The Pupil Discipline Committee will meet within 15 school days of the notification to exclude and will consider the interests and circumstances of the excluded pupil/student, including the circumstances in which the pupil/student was excluded, and have regard to the interests of other pupils/students and people working at the Academy.

The Pupil Discipline Committee must also consider representations made by parents/carers and the Executive Headteacher. A parent/carer may invite a representative of the LA to attend a meeting of the Committee as an observer; the representative can only make representations with the consent of the Local Academy Council.

When establishing the facts in relation to an exclusion decision, the Committee must apply the civil standard of proof, in other words, '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'. In the light of their consideration, the Committee can either:

- Uphold an exclusion: or
- Direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil/student has already returned to school following the expiry of a fixed term exclusion or the parents make clear they do not want their child reinstating, the Committee must consider whether the Executive Headteacher's decision to exclude was justified based on the evidence.

The Committee must also note the outcome of their consideration on the pupil/student's educational record, along with copies of the relevant papers for future reference.

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

In cases where the Committee consider parents/carers representations but does not have the power to direct a pupil/student's reinstatement, they should consider whether it would be appropriate to request that the Executive Headteacher place a copy of the findings on the pupil/student's educational record.

The pupil/student concerned is encouraged to attend if they are able to fully understand the proceedings. The North East Learning Trust believes that students should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The members of the Pupil Discipline Committee will have appropriate training to fulfil the role, and notes will be taken of any review proceedings.

Parents/carers will be notified within one school day of the outcome of the meeting.

The decision of the Pupil Discipline Committee in relation to a fixed term exclusion is final and there is no further right of appeal.

#### **14. Right to an independent review of a permanent exclusion**

In respect of permanent exclusion, the outcome letter will confirm to parents/carers their right to request a review by an independent panel if they are unhappy with the decision of the Pupil Discipline Committee.

Parents/carers must request an independent review within 15 school days of being notified of the Pupil Discipline Committee's decision. The Trust will not consider any requests for a review received outside of the legal time frame. The review will be arranged within 15 days of receiving the request from parents/carers and the cost will be borne by the trust.

The independent review panel can make one of the following decisions:

- Uphold the exclusion
- Recommend that the Local Academy Council reconsiders their decision
- Quash the decision and direct the Local Academy Council to consider the exclusion again

The decision of the independent review panel is binding on the pupil, parents, Local Academy Council, Executive Headteacher, Local Authority, and the Trust.

#### **15. The Executive Headteacher's duty to remove a permanently excluded pupil/student from the school roll**

Pupils/students who have been excluded will remain on the roll of the Academy until the 'effective date' of the permanent exclusion (i.e. the 16<sup>th</sup> day after the Pupil Discipline Committee's decision or when the parent/carer notifies the Independent Review Panel provider of their decision not to pursue an independent review). After this date the Executive Headteacher must remove a pupil/student's name from the Academy admissions register. The LA is legally obliged to provide full time education from the 6<sup>th</sup> day, following notice of permanent exclusion.

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker

Where an application for an independent review has been submitted within 15 school days, the Executive Headteacher must wait until the review outcome has been determined or the review abandoned before removing the pupil/student's name from the Academy's roll.

Whilst an excluded pupil/student's name remains on the Academy's admission register the pupil/student should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil/student attends it, an appropriate attendance code should be used. Where a pupil/student is not attending alternative provision, they should also be marked with the appropriate code.

Issue No:	5	Quality Document Type:	Policy
Date of Review:	23/06/2021	Ref:	TRUST/PASTORAL/EXCLUSIONS
Approved by EB:		Originator of this document is:	J Barker