



**Exclusion Policy  
March 2023**

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## **Aims**

Repton Manor Primary School and Greatstone Primary School and Nursery aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

We are committed to following all statutory procedures to ensure that every child receives an education in a safe and caring environment.

This policy documents key information from, 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' published by DFE in September 2022.

## **Definitions**

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## **Off-Rolling**

Schools in the Lightyear Federation are 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."

## **Roles and responsibilities**

Only the Executive Headteacher can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision whether to suspend or exclude can be made in relation to behaviour inside or outside of school:

- In response to serious or persistent breaches of our behaviour policy **or**

- If allowing a child to continue to attend school would seriously impact and harm the education and welfare of others.

Permanent exclusion will only ever be used as a last resort.

When deciding whether to suspend or exclude, the Executive Headteacher will:

- Consider all of the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked.
- Ensure that the child is given the opportunity to relay their version of events and express their views, taking into account their age and understanding.
- Consider whether the child is vulnerable (e.g. has a Social Worker, is a Looked-After Child or has special educational needs).
- Ensure that all alternative solutions have been explored (consideration given to direction off-site or managed moves)

### **Informing parents**

If a pupil is at risk of suspension or exclusion, the Executive Headteacher or Head of School will inform the parents as early as possible. This will allow both parties to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Executive Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The Executive Headteacher or Head of School will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the suspension or exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- That 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 Executive Headteacher/Head of School will also notify parents by the end of the afternoon session on the day their child is suspended or excluded that for the first 5 school days of a suspension or 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 a suspension or 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.

### **Informing the governing board**

The Executive Headteacher or Head of School will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is made permanent
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Executive Headteacher or Head of School will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay. The Executive Headteacher or Head of School will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### **Informing the local authority (LA)**

The Executive Headteacher or Head of School will notify the Local Authority of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the Executive Headteacher or Head of School will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the Executive Headteacher or Head of School will inform **the VSH/VSK** as early as possible

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

If the Executive Headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

### **Cancelling suspensions and permanent exclusions**

The Executive Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

### **Providing education during the first 5 days of a suspension or permanent exclusion**

Work will be set and marked for any child during the first five days of a suspension providing they are not already attending an alternative provision. This may include signposting children to online pathways such as the National Oak Academy or Learning on a Google Classroom. For children with SEND, reasonable adjustments will be made to the provision to ensure that any learning is accessible and achievable.

### **The governing board**

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

As part of this, the governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- School attendance procedures including absence codes
- Instances where the child has received a number of suspensions
- What interventions have been put in place to support children who may be at risk of suspension or permanent exclusion
- Numbers of permanent exclusions in relation to previous exclusion data, including looking for any patterns
- Any protected characteristics of suspended and permanently excluded pupils
- Any further implications of directing pupils off-site (e.g. staffing, costs, wellbeing)

## **The local authority (LA)**

For permanent exclusions, the LA will arrange suitable full-time education which will begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

## **Considering the reinstatement of a pupil**

The Governing Board/Personnel 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 Governing Board/Personnel 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 the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing board/Personnel Committee must consider any representations made by parents.

Where an exclusion would result in a pupil missing a public examination, the governing board/personnel committee will consider the reinstatement of the pupil 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 exclusion independently and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The pupil, if it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Executive Headteacher /Head of School
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- A representative of the local authority

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Governing Board/Personnel 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 Governing Board/Personnel Committee will consider whether the 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/personnel committee will notify, in writing, to the Executive Headteacher, parents, the LA and the VHS/Social Worker (where appropriate) of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board/personnel 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 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 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

### **Independent review**

If parents 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 pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Personnel 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 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 headteachers during this time
- Headteachers 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 of the LA or governing board 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 LA or the governing board, 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 LA 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.

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

### **School registers**

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified the 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 within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

### **Making a return to the LA**

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA using the Digital Front Door. This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

### **Returning from a suspension**

Following a suspension or 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:

- Agreeing a behaviour contract
- Putting a pupil 'on report
- Regular review meetings to share successes and any further concerns
- Informing the pupil, parents and staff of potential external support

### A summary of the governing board's duties to review the headteacher's exclusion decision

