



**KINGS
COLLEGE**
GUILDFORD



Learning Partners
academy trust

Exclusions Policy 2024-2025

“Work hard and be kind.”

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Overview

All pupils are entitled to an education where they are protected from disruption and can learn in a calm, safe and supportive environment. As per the Department for Education, the Principal (and those he nominates) can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions.

The Department for Education trusts headteachers to use their own professional judgement based on individual circumstances when considering whether to suspend or permanently exclude a pupil. The circumstances that may warrant a suspension or permanent exclusion to occur can be found within the section [‘Reasons and recording exclusions’ within the ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement guidance’](#).

1. Aims

Our school aims to ensure that:

- The suspension and exclusions processes are applied fairly and consistently
- The suspension and exclusions processes are understood by governors, staff, family 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: [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](#)

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

3. The decision to exclude

Only the Principal, or a person acting with the Principal’s authority, can exclude a pupil from school. Any permanent exclusions will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **or**
- 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 for a fixed period, the Principal will:

- Consider the relevant facts and evidence
- Provide opportunity for the pupil to give their version of events
- Consider the pupil(s) involved and any specific needs they may have

4. Definition

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.

5. Roles and responsibilities

5.1 The Principal

Informing family

The Principal will immediately provide the following information, in writing, to the family of an excluded pupil:

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

The Principal will also notify family by the end of the afternoon session on the day their child is excluded that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, family is legally required to ensure that their child is not present in a public place during school hours without a good reason. Family 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 family 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 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 family's consent. If the headteacher cancels the suspension or permanent exclusion, they will notify the parents without delay and provide a reason for the cancellation.

Informing the governing board and local authority

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

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Exclusions 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 pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

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

For all other suspensions, the Principal will notify the governing board and LA once a term. The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

5.2 The governing board

Responsibilities regarding exclusions are delegated to the school's governing board.

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

Within 14 days of receipt of a request, the governing board 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 Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

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.

5.4 Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only 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 be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

6. Considering the reinstatement of a pupil

The governing board 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 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 pupil missing a public examination

If requested to do so by family, the governing board will consider the reinstatement of an excluded pupil within 15 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 governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the governing board will consider the exclusion and decide whether or not to reinstate the pupil.

The governing board 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 will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 Principal, family 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 family's 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, family have a right to require the Academy trust 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 family for this appointment
 - That family must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That family may, at their own expense, appoint someone to make written and/or oral representations to the panel, and family may also bring a friend to the review
- That if family believes 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. An independent review

If family applies for an independent review, the academy trust 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 family by the Governing Board 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 Principal 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 Principals during this time
- Principals or individuals who have been a Principal within the last 5 years

A person may not serve as a member of a review panel if they:

- Are the Principal of the excluding school, or have held this position in the last 5 years

- Have, or at any time have had, any connection with the School, governing board, family 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.

8. School registers

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

- 15 school days have passed since the family was 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 family has 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 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

Following fixed-term suspensions of over 1 day, a re-integration meeting will be held involving the pupil, family, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from fixed-term exclusion:

- *Putting a pupil on report to their tutor, Head of Pastoral or member of the SLT*
- *Agreeing a behaviour contract*
- *Internal isolation (e.g. completing their 1-5 detention)*
- *Direction to a member of staff during social times*

10. Monitoring arrangements

The Assistant Principal monitors the number of suspensions every term and reports back to the Principal and Governing body. They also liaise with the local authority to ensure suitable full-time education for permanently excluded pupils.

This policy will be reviewed by the Principal every 2 years. At every review, the policy will be shared with the governing board.

11. Remote access to meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

12. Links with other policies

This exclusions policy is linked to our

- Behavior for Learning policy
- SEND policy

Appendix 1: Independent Review Panel training

The Academy 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 Principals, 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