

Exclusions Policy

Policy Monitoring, Evaluation and Review

This policy is effective for all schools within The Mead Educational Trust.

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| Version: | 1.0 |
| Date created: | May 2020 |
| Author: | TMET |
| Ratified by: | Executive Team |
| Date ratified: | May 2020 |
| Review date: | May 2023 |

Revision History:

| Version | Date | Author | Summary of Changes: |
|---------|----------|--------|---------------------|
| 1.0 | May 2020 | TMET | New policy |
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Exclusions Policy

1. Introduction

This Exclusions Policy is effective for all academies within The Mead Educational Trust.

TMET schools aim to ensure that:

- the exclusions process is applied fairly and consistently;
- the exclusions process is understood by academy councillors, staff, parents and pupils;
- pupils in school are safe and happy; and
- pupils do not become NEET (not in education, employment or training).

2. Definitions

Principal: in TMET, this is the person who has the head teacher responsibilities set out in the DfE guidance on exclusions.

School day: 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.

Academy council: this is the body responsible for governance of the school, although the Trust Board is ultimately accountable for governance across the Trust and all its schools. Responsibilities regarding consideration of exclusions are delegated by the Trust Board to the school's academy council, as set out in the TMET Scheme of Delegation.

Parents: this includes any person who has parental responsibility and any person with whom the child lives. Where practicable, all those with parental responsibility should be involved in the exclusions process. See Department for Education statutory guidance on exclusions for further details and for a guide for parents/carers (Annex C of that guidance).

3. 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](#)

4. The decision to exclude

Only the principal (or acting principal) can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our schools 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.”

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

A decision to exclude a pupil must be on disciplinary grounds.

A decision to **permanently** exclude a pupil will only be taken:

- in response to serious or persistent breaches of the school’s behaviour policy; **and**
- 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 all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked and any mitigating factors;
- allow the pupil to give their version of events; and
- consider whether the pupil has special educational needs (SEN).

5. Roles and responsibilities

5.1 The principal

Informing parents

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

- the reason(s) for the exclusion;
- the period of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents’ right to make representations about the exclusion to the academy council and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the academy council to meet to consider the exclusion, that parents have a right to attend a meeting, be represented at that meeting (at their own expense) and to bring a friend.

The principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an 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 an exclusion:

- the start date for any provision of full-time education that has been arranged for the child during the exclusion;
- 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; and
- 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 academy council and local authority

The principal will immediately notify the academy council and the local authority (LA) of:

- any permanent exclusion (including when a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test.

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 exclusions, the principal will notify the academy council and LA once a term.

5.2 The academy council

Responsibilities regarding consideration of exclusions are delegated by the Trust Board to the school's academy council, as set out in the TMET Scheme of Delegation.

Consideration of an exclusion will be by an exclusions panel of three academy councillors. Where it is not possible to find three from the school's academy council, the Trust will recruit panel members from academy councils of other Trust schools and/or from the Trust Board.

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

For a fixed-period exclusion of more than 5 school days, the academy council 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.

6. Considering the reinstatement of a pupil

See DfE statutory guidance Annex A for a flow chart which summarises the governing board's (or academy council's) duties to review exclusions: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

The academy council exclusions panel 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; **or**
- it would result in a pupil missing a public examination or national curriculum test.

If the pupil has been excluded for more than five but less than 15 school days in the term, and if the parents make representations, the exclusions panel will consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents the panel is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, the exclusions panel will consider the reinstatement of the pupil before the date of the examination, so far as is reasonably practicable. If it is not practicable for a sufficient number of academy councillors/trustees to consider the decision before the examination or test, a smaller panel of two people of the chair of the academy council may consider the exclusion and decide whether or not to reinstate the pupil.

In reaching a decision, the exclusions panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the principal followed their legal duties. When establishing the facts in relation to an exclusion, the panel will apply the civil standard of proof, i.e. 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'.

The academy council exclusions panel can either:

- decline to reinstate the pupil; or
- direct the reinstatement of the pupil immediately, or on a particular date.

A clerk will be appointed to the panel. 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 academy council exclusions panel will notify, in writing, the principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is **permanent**, the exclusions panel decision notification will also include the information below.

- The fact that it is permanent.
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - a) the date by which an application for an independent review must be made;
 - b) the name and address to whom an application for a review should be submitted;
 - c) 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;
 - d) that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require The Mead Educational Trust to appoint an SEN expert to advise the exclusions panel;
 - e) details of the role of the SEN expert; and
 - f) that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.

- That, if parents believe that there has been unlawful discrimination in relation to the exclusion, 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 six months of the date on which the discrimination is alleged to have taken place (e.g. the day on which the pupil was excluded).

7. Independent review

Where an exclusion is **permanent**, parents have the right to ask for the decision to be reviewed by an independent review panel.

If parents apply for an independent review within the legal time frame, The Mead Educational Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil. This will be by buying in the local authority service to provide an independent review.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the academy council exclusions panel of its decision to not reinstate a pupil.

A panel of three members will be constituted representing each of the three categories below.

- 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.
- A school governor who has served as a governor for at least 12 consecutive months in the last five years, provided they have not been a teacher or head teacher during that time.
- A head teacher or an individual who has been a head teacher within the last five years.

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

- are a member of the local authority, a trustee of TMET or on the academy council of the excluding school;
- are the principal of the excluding school or have held this position in the last five years;
- are an employee of the local authority or TMET;
- have, or at any time have had, any connection with the local authority TMET, school, academy council, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality; or
- have not had the required training within the last 2 years (see DfE exclusions guidance for details of the training).

A clerk will be appointed to the panel.

Following its review the independent review panel can decide to:

- uphold the academy council exclusions panel decision;
- recommend that the academy council exclusions panel reconsiders reinstatement; or
- quash the decision and direct that the academy council exclusions panel reconsiders reinstatement.

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 were notified of the academy council exclusion panel's 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 school will wait until that review has been determined, or abandoned, and until the academy council has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.

Where alternative provision has been made and the pupil attends it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where an excluded pupil is not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. Appropriate measures may be implemented such as agreeing a behaviour contract, putting the pupil 'on report' or internal isolation.

10. Monitoring arrangements

The principal monitors the number of exclusions every term and reports back to the academy council and Trust. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Mead Educational Trust every three years.

11. Links with other policies

This Exclusions Policy is linked to the school:

- Behaviour Policy
- SEND Policy
- SEN Report