



An Daras Trust
Igniting Curiosity Growing Capabilities

Exclusion of Pupils Policy

An Daras Multi-Academy Trust

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Reviewed: 29 September 2021

Next Review: September 2022

Committee: RSS

1. INTRODUCTION

- 1.1. Good discipline in schools is essential so that all pupils can benefit from the opportunities provided by education and so that the school is a safe environment for pupils, staff and visitors. Against this background there may be occasions when it is necessary to consider exclusions. However, permanent exclusions should only be used as a last resort and only in response to either a serious breach, or persistent breaches of this school's behaviour policy and where allowing the pupil to remain in school would seriously harm the education and/or welfare of others within the school.

2. AUTHORITY TO EXCLUDE

- 2.1. Only the Executive Headteacher/Headteacher has the authority to exclude a pupil. This is the case whether the exclusion is permanent or for a fixed period (up to a maximum of 45 days). If the Headteacher is absent from school, the next Senior Member of school staff has the power to exclude following consultation with the substantive Headteacher

3. THE PROCESS

- 3.1. The Headteacher will investigate potential breaches of the school's Behaviour Policy prior to making a decision to exclude a pupil unless there is a risk that allowing the pupil to remain in school would threaten the safety of pupils or others in the school.
- 3.2. The investigation should include consideration of all available and relevant evidence and encompass interviewing the pupil at risk of exclusion and any other relevant witnesses. The Headteacher will produce a written Investigation Report which will include the evidence considered and a summary of his/her findings.
- 3.3. Where the Headteacher takes a decision to exclude a pupil they will, without delay, inform the parents of the fact of the exclusion, the reasons for it and the period of the exclusion. They will also confirm in writing:
- a) the reasons for the exclusion
 - b) the period of a fixed period exclusion or, for a permanent exclusion, the fact that is permanent
 - c) the parents' right to make representations to the Governing Body and how the pupil may be involved in this process

- d) how any such representations should be made
- e) the fact that where there is a legal requirement for the Governing Body to consider the exclusion, that the parents have a right to attend a meeting, to be represented (at their expense) and to be accompanied by a friend
- f) what arrangements have been made to enable the pupil to continue his/her education prior to the start of any alternative provision or the pupils return to school
- g) the relevant sources of free information available to parents including:

a link to the statutory guidance on [exclusions](#)

a link to Coram Children's Legal centre www.childrenslegalcentre.com and their telephone number 08088 020 008 and

where the Executive Headteacher/Headteacher considers it relevant links to local services such as the local parent partnership

- 3.4. If the excluded pupil is of compulsory age, the Executive Headteacher/Headteacher will also notify the parents, without delay, and by the end of the session that the first five days school days of the exclusion parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that the parents may be given a fixed penalty notice or prosecuted if they fail to do so.
- 3.5. If alternative provision is being arranged, the parents should also be informed of the arrangements to include the start date, start and finish times, where the provision will take place and who the pupil should report to on the first day.
- 3.6. Where the Executive Headteacher/Headteacher takes a decision to exclude permanently, or to exclude for a period of five or more days (10 or more if lunchtimes) in a term, or where the exclusion would result in the pupil missing a public examination or national curriculum test, he/she will also, without delay, notify the Governing Body and Local Authority. Notifications should include the reasons for the exclusion and the length of any fixed period.

4. FACTORS TO BE CONSIDERED

Alternatives to exclusion

4.1 Prior to taking a decision to exclude a pupil, the Headteacher will first consider whether any alternative actions might be appropriate including:

- a) internal exclusion which may include a lunchtime exclusion

- b) timetable variations or alternative provision adjustments
- c) a managed move to another school
- d) mediation

4.2 The Executive Headteacher/Headteacher will take into account any contributing factors including where the pupil has suffered bereavement, has mental health issues or has been the subject of bullying when considering whether an alternative action might be more appropriate than an exclusion.

Pupils with a disability

4.3 Pupils with a disability may be particularly vulnerable to the impacts of exclusions. Therefore, particular care will be taken when considering the exclusion of a pupil with a disability. The Executive Headteacher/Headteacher will ensure that reasonable adjustments have been considered prior to taking a decision to suspend.

Pupils with EHC Plans and looked after/children in care

4.4 Pupils with EHC Plans and looked after children/children in care are also particularly vulnerable to the impacts of exclusion. Therefore, the Executive Headteacher/Headteacher will, as far as possible, look to avoid excluding these categories of pupil. The school should engage proactively with parents and co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child.

4.5 Where the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHCP or a looked after child/child in care it will, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHCP, the school will consider requesting an early annual review or interim / emergency review.

5. REVIEW BY THE GOVERNING BODY

5.1. The Local Governing Body or Review Panel appointed by the Local Governing Body has a duty to consider any parent's representations in respect of an exclusion of their child. They will review all cases where:

- a) the exclusion is permanent,
- b) the exclusion is for a fixed period which would bring the pupil's total number of school days of exclusion to more than 15 in a term or
- c) the exclusion would result in the pupil missing a public examination or national curriculum test

- 5.2. The Review Panel should have regard to and consider the Department for Education Guidance “Exclusion from maintained schools, Academies and pupil referral units in England” when reviewing any decision to exclude a pupil. The primary function of the Review Panel is to consider all of the evidence and decide whether, in their opinion, the decision of the Executive Headteacher/Headteacher was a fair one.
- 5.3. When considering the decision of an Executive Headteacher/Headteacher, the Review Panel will request any written evidence in advance of the review meeting and where possible, circulate any written evidence and information, including a list of those who will be present at the review meeting, to all parties at least 5 days in advance of the meeting.
- 5.4. Where any parent appeals a decision to exclude their child, they will be invited to a review meeting along with the Executive Headteacher/Headteacher and are entitled to be accompanied a friend or representative (at their expense).
- 5.5. The Review Panel will identify any steps they might take to enable and encourage the excluded pupil to attend the review meeting and or how the excluded pupil might make representations if it is not possible for them to attend.
- 5.6. At the review meeting, when making any findings of fact, the Local Governing Body will decide on matters based on the balance of probabilities i.e. whether something is more likely than not.
- 5.7. The Review Panel must decide whether to **uphold** the Executive Headteacher/Headteacher’s decision or **direct reinstatement** of the pupil. The Review Panel will notify the parents, the Executive Headteacher/Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing without delay.

Exclusion Upheld

If the Review Panel upholds the Executive Headteacher/Headteacher’s decision to exclude, they must write to the parents and confirm:

- the fact that the decision to exclude was upheld
- the reasons for their decision
- the parent’s right to appeal to an independent review panel
- the name and address to whom an application (and any written evidence) should be submitted

- that any application should set out the grounds of appeal, the date by which any appeal needs to be submitted and where relevant, how the pupil's special educational needs were relevant to the exclusion
- the parent's right (regardless of whether the pupil has recognised special educational needs) to appoint an SEN expert to attend the review, details of the role of the expert and the fact there would be no cost to the parents in this regard
- that parents must make it clear if they wish for an SEN expert to be appointed
- that parents may, appoint someone (at their expense) to make written and/or oral representations and that they may also be accompanied by a friend
- that if parents believe any form of discrimination has taken place that they have the option of pursuing a claim under the Equality Act and that any such claim must be issued within 6 months of the date on which the alleged discrimination occurred

6. DUTY TO ARRANGE EDUCATION

- 6.1. For the first five days of either a fixed-term or permanent exclusion, we will set and mark work that the pupil should complete at home under parental supervision.
- 6.2. If the exclusion is permanent, the Local Authority will arrange for alternative provision to begin no later than the sixth day of exclusion. If the exclusion is for a fixed period, we will arrange for alternative provision to begin no later than the sixth day of exclusion.