



Title	A11 Exclusion Policy
Purpose	To clarify the school's use of exclusion
Relevant to	All staff
Responsible Officer	Headteacher
Introduced	04/2010
Modification History	04/2014, 06/2018
Related Policies	A15 Health & Safety Policy B4 Behaviour Policy
Date due for review	06/2025
Relevant Governors' subcommittee for review	Local Governing Body
Agreed at full meeting of Governors on	27/06/2022
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Exclusion Policy

Aims

Our school aims to ensure that:

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

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student 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
- 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 students
- 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.

Our Practice and Procedures

Primarily the policy deals with the practice and procedures which inform the school's use of exclusion and is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use exclusion as a sanction.

Our Behaviour Policy explains how we manage challenging and difficult behaviour in school and acknowledges that within a climate of inclusion there will be students who need a personalised approach to their specific behavioural needs. We recognise that a number of students at Oak Lodge will, at some time, display challenging behaviour. However, for many the challenging behaviour is usually communication borne out of responses to situations and demands. This may be the only way our students, particularly those on the Autistic Spectrum, have of gaining attention, expressing feelings, expressing needs or refusing to engage. We are very mindful of this when considering an appropriate mode of action or response to behaviour.

We know that challenging behaviour exists as a continuum and may be described as behaviour which

- 1 prevents students and/or peers from participating in school activities and learning opportunities
- 2 isolates a student from adults or peers
- 3 prevents students from forming relationships
- 4 affects the learning of other students
- 5 makes excessive demands on staff time and other resources
- 6 places the student or others in danger of physical harm

Challenging Behaviours can specifically be identified as the following:

1. Physical Aggression towards self or others to include but not limited to

- 1 Hitting
- 2 Kicking
- 3 Pinching
- 4 Biting
- 5 Spitting
- 6 Punching
- 7 Self-Mutilation

2. Verbal Aggression towards others to include but not limited to

1. Teasing
2. Name Calling
3. Intimidation
4. Threats

3. Sexual Assault towards others to include but not limited to

- 1 Non-consensual touching of private areas of another person's body
- 2 Non-consensual kissing
- 3 Molestation
- 4 Sexual Penetration

4. Damage to school property to include but not limited to

- 1 Throwing equipment such as electrical appliances, chairs, tables, etc.
 - 2 Breaking windows, doors and furniture (with intent to damage)
 - 3 Breaking/destroying school resources (with intent to damage)
5. Other behaviours not focused towards others to include but not limited to:
- 1 Hyperactivity.
 - 2 Attention seeking behaviours
 - 3 Excessive crying and/or isolation.
 - 4 Constant refusal to do work

If necessary, behaviour plans are drawn up in consultation with parents/carers and external agencies where appropriate so that we can try to help the student understand the consequences of their actions. At all times we try to ensure that the student is aware that it is the behaviour that is unacceptable. e.g., "..... was bad because you hurt/upset X" - not "you are bad." Various strategies and sanctions for dealing with inappropriate behaviour are detailed in our Behaviour Policy.

If any member of staff however feels that the inappropriate action of a student was intentional and warranted a period of internal exclusion this would be discussed with the pastoral manager and relevant member of the leadership team. If this is the case parents/ carers will be informed that their child had to work on their own or had to spend a break or lunchtime under adult supervision and they will be informed of the reason for this.

The decision to exclude

Only the headteacher, or acting headteacher, can exclude a student from school. A permanent exclusion will only be taken as a last resort.

Our school is 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.

At Oak Lodge the decision to exclude a student will only be taken if allowing the student to remain in school would seriously harm the education or welfare of the student or others and this would fall in to either of the following categories:

- 1) As a final, formal step in a concerted process for dealing with disciplinary offences following consultation with other agencies and the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort.

2) Where it is appropriate to exclude a student permanently for a first or 'one-off' offence. For example, in response to:

- Serious *intended* actual or threatened violence against another student or a member of staff
- *Intended* sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon

Roles and responsibilities

The headteacher

Informing parents

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

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, 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 headteacher 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
- 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 student 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 and local authority

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

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

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

For all other exclusions, the headteacher will notify the governing board and LA once a term.

The governing board

Responsibilities regarding exclusions are delegated to the Local Governing Body.

The Local Governing Body has a duty to consider the reinstatement of an excluded student (see following section).

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 exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education (Y11) who do not have any further public examinations to sit.

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.

Considering the reinstatement of a student

The Local Governing Body will consider the reinstatement of an excluded student 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 student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents, the Local Governing Body will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, The Local Governing Body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Local Governing Body will consider the exclusion and decide whether or not to reinstate the student.

The Local Governing Body can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Local Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the 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 student's educational record.

The Local Governing Body will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Local Governing Body 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the [LA/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 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 academy trust will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Local Governing Body of its decision to not reinstate a student.

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 governor's 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/director of the academy trust, 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 academy trust, 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 academy trust, school, governing board, parents or student, 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.

Independent Panel Training

The academy trust 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 headteachers, 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

School registers

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

- school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student 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, the governing board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

Monitoring arrangements

This policy will be reviewed by the Headteacher of the relevant school every 4 years. At every review, the policy will be approved by the Local Governing Body of the relevant school.