

Holy Trinity C of E Primary School

A church school community aspiring for all to live life to the full.

Exclusions Policy

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Committee Full Governing Body

Contents

1.	Aims	3
2.	Legislation and statutory requirements	3
3.	Definitions	3
4.	Roles and responsibilities	3
5.	Decision to exclude	5
6.	Pupils with additional and complex needs.....	6
7.	Pupils with a social worker.....	7
8.	Off-site behaviour.....	7
9.	Cancelling suspensions and permanent exclusions	7
10.	Providing education during the first 5 days of suspension or exclusion	7
11.	Considering reinstatement of a pupil	7
12.	An independent review.....	9
13.	School registers.....	9
14.	Returning from a fixed-term exclusion (suspension).....	10
15.	Monitoring of exclusions.....	10
16.	Links to other policies.....	10

Appendices

Appendix 1. Independent review panel training

Appendix 2. Exclusions process

1. Aims

This policy aims to provide clarity on the school's approach to exclusion and outline the processes which underpin school inclusion and reintegration.

The policy also aims to outline some of the legal and moral responsibilities and considerations when applying exclusions.

School exclusions at Holy Trinity Church of England Primary School are always used proportionally and as a last resort.

2. Legislation and statutory requirements

This policy is based on advice from the Department for Education (DfE) on:

- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement

It is based on the following legislation, which outlines the school's powers to exclude pupils:

- 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:

- the Education and Inspections Act 2006;
- the Education Act 1996;
- The Equality Act 2010
- Children and Families Act 2014
- 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.
- Gloucestershire County Council [Exclusions guidance](#)

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed term exclusion'.

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'. Sometimes abbreviated to 'PEX'.

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 (with or without a trial period). All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The Headteacher

Informing parents

The Headteacher will, without delay, provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion (suspension) 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 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 parents have a right to attend a meeting, be represented at a meeting (at their own expense) and be accompanied by a suitable adult

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 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.

The Headteacher must consider how parents who speak English as an Additional Language, or those who cannot yet speak English, are notified, informed and may be able to make fair representation of their views to the school.

Informing the local authority

The Headteacher will promptly, and without delay, notify the Local Authority (LA) of all suspensions and exclusions.

For a permanent exclusion, if the pupil lives outside the area of jurisdiction of Gloucestershire Local Authority, the Headteacher 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 head teacher will notify the governing body and LA once a term.

Informing the governing board

The Headteacher will promptly notify the governing board of:

- all permanent exclusions, including internal exclusions when this is deemed the most appropriate course of action.
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test

4.2 The governing board

Responsibilities regarding exclusions are delegated to the Reinstatement Panel consisting of at least 3 governors.

The Reinstatement Panel has a duty to consider the reinstatement of an excluded pupil. The Panel also has a duty to consider the parents' representations regarding exclusion.

Within 14 days of receipt of a request, the governing body will provide the secretary of state and Gloucestershire Local Authority with information about any exclusions in the last 12 months.

For a fixed-period exclusion (suspension) of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. During pandemics or natural disasters this may include Remote Education provision. This provision will begin no later than the sixth day of the exclusion. This includes consecutive fixed-period exclusions (suspensions) as these are considered to be cumulative.

4.3 The Local Authority

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

5. The Decision to exclude

Only the Headteacher can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to a serious breach 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 the pupil and/ or others such as staff or pupils in the school.

Before deciding whether to exclude a pupil, either permanently or for a fixed period (suspension), the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked;
- Allow the pupil to present their version of events;
- Consider if the pupil has special educational needs (SEND) and be satisfied that regard for the SEND Code of Practice has been applied throughout the exclusion process;
- For children with a social worker, ensure that the social worker has been consulted and invited to contribute to the exclusions process;

Lunchtime Suspension

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period.

Lunchtime suspension is treated in the same way as any other suspension:

- the head teacher will inform the parent of the suspension and the reasons for it;
- the suspension will run for a fixed period and must be marked in the register as a half day suspension per day;
- parents/carers have the right to make representations about the suspension to the discipline committee of the governors

It is not permissible to insist that a pupil is off the premises for lunchtime without it being a formal suspension. Informal arrangements to stay at home are not permitted.

Suspension

The head teacher may suspend a pupil for up to 45 days in any one school year.

However individual suspensions will be for the shortest time necessary, because any suspension makes it difficult for the pupil to reintegrate back into the school and damages positive home/school relationships.

Any suspension over 5 days requires the school to provide full time education elsewhere for the duration of the suspension

Permanent Exclusion

Permanent exclusion is an extremely serious step to take. The head teacher will normally only consider such action if:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

Off-rolling

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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school.

6. Pupils with additional and complex needs

The school recognises its legal duty under the Equality Act 2010 to prevent pupils with a protected characteristic from being at a disadvantage. Although our expectations shall remain the same, our approach to challenging behaviour may be differentiated to cater to the needs of the pupil.

The school's special educational needs co-ordinator will observe and evaluate a pupil who exhibits challenging behaviour to determine whether they have any underlying needs that are not currently being met. Where needs are identified, senior leaders and the class teacher will develop a robust action plan and support which focuses on improving behaviour and maximising learning time.

Where necessary, support and advice will also be sought from specialist teachers, an educational psychologist, medical practitioners and/ or other external advisors, to identify or support specific needs.

When acute needs are identified in a pupil, we will liaise with external agencies and plan support programmes for that child. However, the school retains the right to determine the necessary action plan and will lead in this process. We will also work with parents when developing behaviour, support and/ or pastoral plans for children with additional or complex needs and these will be reviewed at set intervals. We recommend that this process is completed half-termly but this may be completed more frequently where necessary.

The primary ambition for pupils with additional and complex needs is that they are able to access the curriculum and engage productively with their learning at least on par with their wider peers. We endeavour to be an inclusive school which holds ambitious yet achievable expectations for all pupils.

7. Pupils with a social worker

Should the Headteacher consider the exclusion of a pupil with a social worker, they will make every effort to discuss this decision with the child's social worker prior to confirming this. The social worker will be invited to share their thoughts regarding the potential impact of exclusion and how this might impact upon the child and their family or carers.

Should a parent or carer decide to appeal the decision to exclude and a panel appointed for review, the Local Authority Education Inclusion Team and the child's social worker will both be informed of the review date and invited to attend.

8. Off-site behaviour

Sanctions may be applied where a pupil has misbehaved off-site when representing the school, such as on a school trip, residential excursion or on the bus on the way to or from school.

Where behaviour is considered to be persistent, high-level or places others in danger, the Headteacher may take the decision to exclude based on this conduct. This includes, but is not limited to, bullying and cyber-bullying.

9. Cancelling suspensions and permanent exclusions

The 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

10. Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

11. Considering the reinstatement of a pupil

The governing body 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 suspension 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 body 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 an exclusion would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (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 governing body 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 body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the head teacher 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 body will notify, in writing, the head teacher, parents and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the 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 pupil's SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the Local Authority to appoint a SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for a SEND 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 suitable adult 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.

The governing body may elect to hold any exclusion reinstatement meetings in person or remotely. Parents can request a meeting to be held via the use of remote access, which will only be done if the governing board is satisfied that the meeting is capable of being held fairly and transparently. A meeting can be held remotely if there is a reason related to extraordinary events or unforeseen circumstances, such as an outbreak of infectious illness/disease, which means that it is not reasonably practicable for a governing board meeting to be held in person.

The Head Teacher retains the right to withdraw the decision to exclude and to reinstate a pupil before the governing body has met to consider this. If this occurs, the parents, the governing body and the local authority, must be notified and, if relevant, the social worker. This process will be consistent with the most recent guidance on exclusions.

12. An independent review

If parents apply for an independent review, the Local Authority 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 governing body 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 head teachers during this time
- Head teachers or individuals who have been a head teacher within the last 5 years
- A person may not serve as a member of a review panel if they:
 - Are a member of the Local Authority, 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 Local Authority, or the governing board, of the excluding school (unless they are employed as a head teacher at another school)
- Have, or at any time have had, any connection with the Local Authority, 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.

Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal (Special Educational Needs and Disability) or County Court has the power to direct that the pupil should be reinstated.

13. 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 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, the governing body 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.

14. Returning from a suspension

Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

An agreed behaviour plan will be implemented with both the child and a suitable adult before returning to class following a suspension. This plan will be approved by the child's class teacher and a member of the senior leadership team. The plan will be recorded and added to the pupil's file.

15. Monitoring of exclusions

The Headteacher monitors the number of suspensions and permanent exclusions every term. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

Pupils at risk of exclusion are monitored by the senior leadership team and key stakeholders are invited to termly meetings where strategies are identified and reviewed to support these pupils.

16. Links with other policies

This policy is linked to the following policies:

- Behaviour Policy
- Safeguarding policy
- Attendance policy
- Managing Allegations Against Staff policy
- Anti-Bullying policy

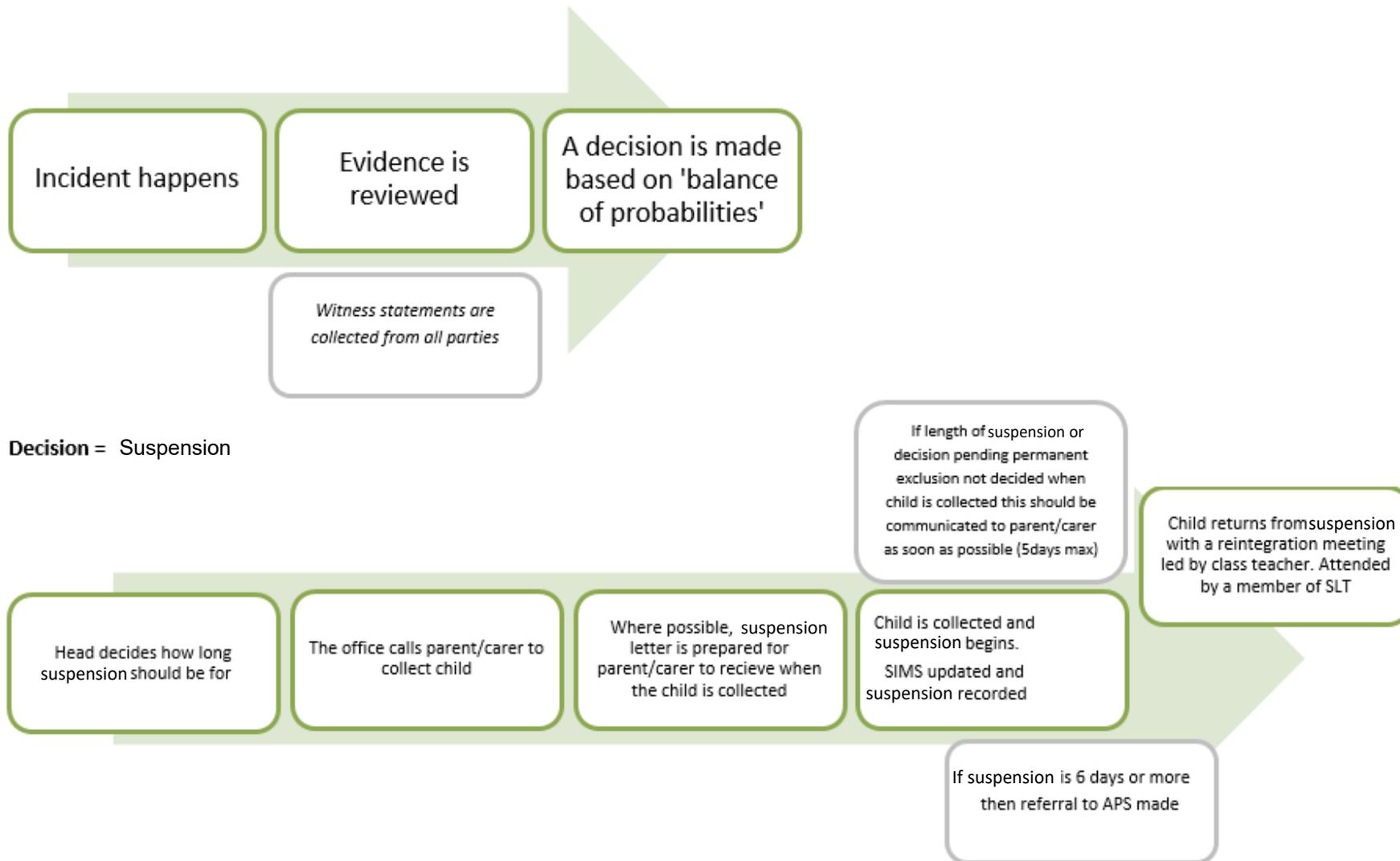
Appendix 1: Independent review panel training

The Local Authority 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 head teachers, 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

Appendix 2: Suspension/Permanent Exclusion process



Decision = Permanent Exclusion

