



**Whitefield**  
Academy Trust

**Policy  
Document**

# Exclusion Policy

**Category: Management**

## Key Elements

Exclusions are not considered unless there has been an exceptionally serious incident or a number of incidents and a full range of strategies (outlined in the policy) have been tried without bringing about change.

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This policy sets out in what circumstances a decision to exclude may be taken.

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The processes and procedures followed and the process involved in reviewing cases.

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**Adopted on:**  
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**Agreed by:**  
Directors

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# 1. Aims

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Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by directors, staff, parents 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

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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

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Children and young people in the Whitefield Academy Trust may display behaviours of concern as a result of their special educational needs and conditions. The Trust has adopted the Positive Behaviour Support approach which is based on an understanding that children and young people's behaviour has meaning and that when adults understand the meaning and causes of their behaviour this can lead to positive change. In some cases the children and young people are communicating directly and intentionally through their behavior. Behaviours cause concern when they reduce the quality of an individual's life reduces access to learning, put a child or young person at risk (physically or emotionally), put the people around a child or young person at risk (physically or emotionally), leads to responses from other people which restrict opportunities for social contact, enjoyment or learning.

The Trust has invested in training so that staff are able to respond to behaviours of concern in a positive and proactive way as stipulated in the Positive Behaviour Policy. Proactive strategies are used throughout the school day to help a child or young person remain content and engaged and to help them learn positive ways to communicate. Some proactive strategies may be used when a child or young person shows signs that they are becoming less engaged or beginning to be anxious or angry. Reactive strategies are used when a child or young person is showing a behaviour of concern in order to help him or her calm and be ready to re-engage and to keep the child or young person and those around him or her safe. When a behaviour of concern occurs, or is likely to occur, staff follow a gradient, which



is preventative, proactive and supportive, using the strategies which are least restrictive and least likely to cause distress to the child or young person.

A restrictive practice is any practice which stops someone doing something they want to do. It is the responsibility of adults to provide clear guidance and to keep children and young people safe. Equally, it is important to give children and young people as many choices as possible and to give them as much control over their lives as possible.

Staff, parents and professionals involved in the child's life and education contribute to discussions and decisions of a proactive and positive support plan in particular when a child displays behaviours of concern. Serious incidents trigger a thorough review of the child's or young person's Positive and Proactive Support Plan (PPSP) and ensure that parents/carers are fully informed of the proactive and reactive strategies to be used including any restrictive interventions, if those are appropriate.

Exclusions are not considered an option unless there has been an exceptionally serious incident or a number of incidents and the above strategies have been tried without bringing about change.

Only the Principal or Headteacher or the CEO can exclude a pupil from school. A permanent exclusion is an absolute last resort.

A decision to exclude a child or young person will be taken only:

- In response to serious or persistent incidents 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 or Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider the pupil's special educational needs (SEN)

## 4. Definition

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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

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### 5.1 The Principal or Headteacher

#### Informing parents

The Principal or Headteacher will immediately 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 or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Board of Directors and how the pupil may be involved in this



- Where there is a legal requirement for the Board of Directors 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 to bring a friend

The Principal or 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.

### **Informing the Board of Directors and local authority**

The Principal or Headteacher will immediately notify the Board of Directors and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal or 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 Principal or Headteacher will notify the Board of Directors and LA once a term.

## **5.2 The Directors**

Responsibilities regarding exclusions is delegated to the Board of Directors.

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

Within 14 days of receipt of a request, the Board of Directors 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 school 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

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The Board of Directors 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
- It would result in a pupil missing a public examination

If requested to do so by parents, the Board of Directors 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 Board of Directors will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Board of Directors will consider the exclusion and decide whether or not to reinstate the pupil.

*The Board of Directors 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 Board of Directors will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal or 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 pupil's educational record.

The Board of Directors will notify, in writing, the Principal or Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Board of Directors 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 SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require schools within the Whitefield 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

## 7. An independent review

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If parents apply for an independent review, schools within the Whitefield Academy Trust will arrange for an independent panel to review the decision of the Board of Directors 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 Chair of the Directors 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 or 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 Principal or Headteachers during this time
- Principal or Headteachers or individuals who have been a Principal or Headteacher within the last 5 years

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

- Are a member of staff of the schools within the Whitefield Academy Trust or Board of Directors of the excluding school
- Are the Principal or Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust or the Board of Directors, of the excluding school (unless they are employed as a Principal or Headteacher at another school)
- Have, or at any time have had, any connection with the Trust, Board of Directors, 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 Board of Directors' decision
- Recommend that the Board of Directors reconsiders reinstatement
- Quash the Board of Directors' 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

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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 Board of Directors 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 exclusion

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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.

## 10. Monitoring arrangements

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The Principal or Headteacher monitors the number of exclusions every term and reports back to the Board of Directors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils. This policy will be reviewed by [name of role/individual] every [number] years. At every review, the policy will be shared with the Board of Directors.

## 11. Links with other policies

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This exclusions policy is linked to the Trusts':

- Positive Behaviour policy
- SEN policy and information report

## 12. Appendix 1: independent review panel training

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The 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 Principal or Headteacher, Board of Directorss 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







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[www.whitefield.org.uk](http://www.whitefield.org.uk)**