

Exclusion Policy

August 2022

Triumph Multi Academy Trust



Approved by:	Triumph Trust	Date: April 2022
Last reviewed on:	August 2022	
Next review due by:	March 2025	

1. Aims

Our school is part of Triumph Trust and this policy will be followed by all schools within the Trust. We aim to ensure that:

- The suspension and exclusions process is applied fairly and consistently
- The suspension and exclusions process is understood by governors, 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

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

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 suspend or permanently exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school. A permanent exclusion will 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.

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

- In response to serious or persistent breaches of the school's Relational Behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others (such as Physical assault against a pupil, Physical assault against an adult, Verbal abuse or threatening behaviour against a pupil, Verbal abuse or threatening behaviour against an adult, Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy, Bullying, Racist abuse, Abuse against sexual orientation or gender reassignment, Abuse relating to disability).

Before deciding whether to suspend or permanently exclude a pupil, the headteacher will:

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

4. Definition

For the purposes of suspension or permanent exclusions, the 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

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of a pupil who is to be suspended or excluded permanently:

- The reason(s) for the suspension /exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension / permanent exclusion to the governing board and how the pupil 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 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

Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and Virtual School Head (VSH). Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;

The headteacher will also notify parents (in writing) and the Local Authority (LA) regardless of the length of the suspension, (if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable) by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, 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 a suspension /permanent exclusion:

- The start date for any provision of full-time education that has been arranged (the collection of school work / access to online learning, which has been prepared for the child and should be completed during the suspension).
- 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 suspension, 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, the Chair of Triumph Trust and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions 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 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 headteacher will notify the governing board and LA once a term (including if an suspension was cancelled, the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight).

5.2 The governing board

Responsibilities regarding suspensions and exclusions are delegated to each schools governing board (up to 3 governors). The appeal committee of the governing board has a duty to consider the reinstatement of an excluded pupil (see section 6). For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion. **Governing boards**

must ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary as a last resort.

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

A committee of the governing board will consider the reinstatement of an suspended/excluded pupil within 15 school days of receiving the notice of the suspension /exclusion if:

- The exclusion is permanent
- If the suspension brings the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, a committee of the governing board will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension/exclusion if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term. Where a suspension would result in a pupil missing a public examination, the committee of the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the committee of the governing board will consider the suspension/exclusion and decide whether or not to reinstate the pupil. The committee of the governing board 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 committee of the governing board will consider whether the suspension/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 suspend/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 committee of the governing board will notify, in writing, the headteacher, parents, Triumph Trust and the LA of its decision, along with reasons for its decision, without delay. Where an exclusion is permanent, the committee of the governing board 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 the 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 suspension/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

If parents apply for an independent review, Triumph Trust 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 committee of the governing board 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 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 Triumph 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 Triumph 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 Triumph Trust, 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.

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 suspension / 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 board 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 suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. **The school must support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.**

The following measures may be implemented when a pupil returns from a suspension:

- **Planned, supervised removal from classroom**
- **Additional Learning mentor support or LSA**
- **Movement breaks**
- **Thrive assessment**
- **Managed move (with agreement of the parent)**
- **Use of off-site provision**
- Agreeing a behaviour contract
- Putting a pupil 'on report'

10. Monitoring arrangements

Deputy Headteacher monitors the number of suspensions/exclusions every term and reports back to the Headteacher which is then included in a report to Governors and to Triumph Trust Directors.

This policy will be reviewed by Deputy Headteacher every 3 years. At every review, the policy will be approved by Triumph Trust Board and shared with the governing board of each school.

11. Links with other policies

This exclusions policy is linked to our

- Relational Behaviour policy
- SEN policy and information report

