



Exclusion Policy

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1. Aims

Hope Community School aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Council Members, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become children not in education.

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
- 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](#)

3. Definitions

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.

There are three types of exclusion that a school may use:

- Permanent – The pupil will not return to the school.
- Fixed term – This is a temporary exclusion which can be between 0.5 and 45 school days in length. No pupil may be excluded for more than a total of 45 school days in any one academic year.
- Lunchtime - Fixed-term exclusion where the pupil is excluded from the school premises for one or more lunchtimes.

INFORMAL or UNOFFICIAL exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

4. The decision to exclude

Only the Principal can exclude a pupil. If the Principal is absent the responsibility rests with the most senior leader who should make it clear that they are acting in the Principal's absence.

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 exclude a pupil permanently should only be taken:

- In response to serious 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 or others in the school.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal 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 if the pupil has special educational needs (SEN)

5. Roles and responsibilities

5.1 The Principal

Informing parents

The Principal will 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 School Council and how the pupil may be involved in this
- Where there is a legal requirement for the School Council 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 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 School Council and Local Authority

The Principal will notify the School Council 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 from school
- 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 will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

The Principal will notify the School Council of all exclusions once a term.

5.2 The Governing Body

Responsibilities regarding exclusions is delegated to our School Council panel consisting of at least 3 Council Members.

The panel has a duty to consider the reinstatement of an excluded pupil

Within 14 days of receipt of a request, the School Council 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 Council will ensure that suitable full-time education is arranged for the pupil. This provision will begin no later than the sixth day of the exclusion.

5.3 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.

6. Considering the reinstatement of a pupil

The School Council 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 School Council 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 School Council will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the School Council will consider the exclusion and decide whether to reinstate the pupil.

The School Council 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 School Council will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 School Council will notify, in writing, the Principal and parents of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the School Council 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 New Generation Schools Trust to appoint a 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 a 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 representation 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. Independent Review

If the parents of a permanently excluded pupil wish to challenge the decision of the Council Members, they may request an independent hearing. Details of how to do this and relevant timescales will have been included in the Council Members' letter to parents following the Council Members Review Meeting. Applications for an independent review must be made within 15 school days of notice being given to the parents by the School Council of its decision to not reinstate a pupil.

The purpose of the Independent Review Panel is to review the School Council's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The Review Panel must decide, on the balance of probabilities (i.e. the civil standard of proof rather than the criminal standard of 'beyond reasonable doubt'), whether the pupil did what he or she is alleged to have done. If more than one incident of misconduct is alleged, the panel should decide in relation to each one. The panel should consider the basis of the Principal's decision and should apply the following tests:

- Whether the Principal / Council Members acted outside their legal powers
- Whether the School Council's decision was not one a sensible person would make
- Was the exclusion process so unfair / flawed that justice was not done

The independent panel will decide one of the following:

- Where these tests have not been met the panel can quash the decision and direct the School Council to reconsider
- Where they have been met but where evidence / procedural flaws are identified, the panel can recommend that the School Council reconsider reinstatement.
- In all other cases the panel should uphold the School Council decision to exclude.

7.1 Membership

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 Council Members category and 2 members will come from the Principal 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 Council Member or volunteer
- Current or former school Council Members who have served as a Council Member for at least 12 consecutive months in the last 6 years, provided they have not been teachers or Principals during this time
- Principals or individuals who have been a Principal 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 New Generation Schools Trust, or School Council of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the New Generation Schools Trust or the School Council of the excluding school

- Have, or at any time have had, any connection with the New Generation Schools Trust, school, Governing Body, 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

7.2 Clerk to the Independent Review Panel

Once notified of a request for a Review Panel by the parents the Clerk will arrange for the Panel to meet within 15 school days, taking reasonable steps to find out when the parents and other parties are available to ensure that all parties are able to attend. The Clerk serves as an independent source of advice on procedures for all parties.

The Clerk will make all written evidence available to all parties five working days before the hearing. Taking account of the circumstances of each case, the Clerk will notify all parties of the deadline for submission of written representations.

The following people are entitled to attend the Review Panel:

- The parents, who may be represented or accompanied by a legal or other representative (if more than one friend or representative wishes to attend, the Clerk should seek the Panel's agreement in advance, having regard to reasonable limit on numbers attending the hearing).
- The pupil should normally be allowed to attend the hearing and speak on their own behalf (if he or she wishes to do so, and the parent agrees). If the pupil does attend, the Panel should be sensitive to their needs and ensure that their view is properly heard. (If the pupil is under 18, they cannot present their own case).
- The Principal.
- A Council Member, who may be represented by a legal or other representative.
- A representative of the LA.
- SEN expert.

Witnesses may be called if they have witnessed the incident or behaviour or investigated the incident and interviewed the pupil, but they cannot be compelled to attend.

The Clerk must give all parties details of those attending and their role, and notify them of the order of the hearing

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 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 School Council 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

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. The purpose of the reintegration

meeting is to support the pupil's reintegration and promote the improvement of his or her behaviour.

A fixed-term exclusion must not be extended if such a meeting cannot be arranged in time or the parents do not attend.

10. Links with other policies

This exclusions policy is linked to:

- Behaviour policy
- SEN policy and information report
- Safeguarding policy

Appendix 1: Exclusion Procedure Table

Type	Notify parent/carer	Notify LA & Council Members	Council Members to meet	Decisions open to Council Members	Notification of outcome of meeting
Permanent	Immediately by phone, followed by a letter within one school day	Within one school day	By the 15 th school day after receiving notice of the exclusion	Uphold the exclusion or direct reinstatement immediately or by a particular date	In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference
Exclusion resulting in a pupil missing a public examination	Immediately by phone, followed by a letter within one school day	Within one school day	Council Members should try to meet before the date of the exam and by the 15 th school day after receiving notice of the exclusion.	Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular date.	In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference
Fixed term: more than 15 days in a term	Immediately by phone, followed by a letter within one school day	Within one school day	By the 15 th school day after receiving notice of the exclusion	Uphold the exclusion or direct reinstatement immediately or by a particular date (not applicable if exclusion has been served- can only annotate school record)	In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil's file for future reference
Fixed term: more than 5 days but not more than 15 days in a term	Immediately by phone, followed by a letter within one school day	Within one school day	Only if the parent/carer requests a meeting should the Council Members then meet to consider	Uphold the exclusion or direct reinstatement (where practical) immediately or by a particular	In writing without delay of the hearing. Relevant paperwork should be recorded in the pupil's file for

			representations between the 6 th and 50 th school day after receiving notice of the exclusion.	date (not applicable if exclusion has been served- can only annotate school record)	future reference
Fixed term: 5 days or fewer in a term	Immediately by phone, followed by a letter within one school day	As soon as possible.	If the parent submits representations, the Council Members must consider them. Council Members can agree to a meeting if the parent/carer wants to meet but no meeting is required.	Council Members cannot direct reinstatement.	Although no time limit applies, Council Members should respond promptly to any representations from the parent. Relevant paperwork and response should be recorded in the pupil's file for future reference.
Fixed term: pending investigation	Immediately by phone, followed by a letter within one school day	As above	As above	As above	As above
Lunchtime	Immediately by phone, followed by a letter within one school day				