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Exclusions Policy  
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## Exclusions Policy

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## 1. Introduction

All schools in RKST seek to encourage positive attitudes and good behaviour and to modify poor or inappropriate behaviour. This policy should be read in conjunction with each school's Behaviour Policy. Good discipline in schools is essential to ensure that all pupils can benefit from the many opportunities provided by a good education.

Where a Headteacher deems it necessary to exclude a child from school, statutory guidelines will be followed at all times.

## 2. Aims

Red Kite Schools Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by trustees, governors, staff, parents and pupils
- Pupils in school are safe and happy

## 3. 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](#)

This policy complies with our funding agreement and articles of association.

Headteachers should also refer to and make use of guidance from Buckinghamshire Local Authority Exclusions Guidance which can be found on Schoolsweb at: <https://schoolsweb.buckscc.gov.uk/behaviour-wellbeing/exclusions-and-reintegration/>

## 4. The decision to exclude

Only the Headteacher can exclude a pupil from school.

There are two main types of external exclusion: fixed term and permanent. A decision to permanently exclude a pupil will be taken only as a last resort and:

- In response to serious 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 in the school.

**All Heads in the Trust are aware:**

- a. that exclusion is a formal sanction and that it is unlawful to:
- exclude a child for a non-disciplinary reason
  - informally or unofficially exclude a child from school by, for example, sending him/her home early to 'cool off', even if the parents agree to this.

**Any exclusion of a pupil, even for a short period of time, must be formally recorded.**

- b. that off-rolling a pupil 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.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will ensure that the incident is fully and fairly investigated and will then:

- 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)

The length of a fixed term exclusion will be decided on by the Headteacher who will take into account:

- the age of the student
- the disciplinary record
- the nature of the offence
- any exam obligations

In any exclusion, the standard of proof to be applied is the balance of probabilities, ie if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may exclude the pupil.

The maximum number of days a child can be excluded for in one school year is 45 days.

## **5. Roles and responsibilities**

### **5.1 The Headteacher**

#### **Informing parents**

When a decision has been taken to exclude a child, the Headteacher will:

- contact parents/carers immediately to inform them of the decision, the reasons for it and the length of a fixed term exclusion. If the exclusion is permanent, parents must be informed of this
- confirm the decision, details and expectations in writing within 24 hours
- notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any fixed period exclusion (a fixed penalty notice of £50 can be imposed)
- undertake to set and mark work for that pupil for the first five days of the exclusion



- provide full-time education (off-site or in a shared provision) from the sixth day of any period of fixed-term exclusion of six days or longer
- notify parents of their right to make representations about the exclusion to the LGB and how the pupil may be involved in this

### **Informing the Executive Headteacher, Local Governing Body and the Local Authority**

The Headteacher will **immediately** notify the Executive Headteacher, the Chair of the LGB and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which will result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which will 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 inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

The Headteacher should also inform the Executive Headteacher, the LGB and the LA of any fixed term exclusions at least once a term.

## **5.2 The Local Governing Body**

Responsibility regarding exclusions is delegated by Trustees to the LGB. Any panel set up to consider exclusions will consist of at least 3 members and may be drawn from the LGB and/or Trustees. The panel must consider the reinstatement of an excluded pupil within 15 school days of notification of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which will 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 exam or national curriculum test. In this circumstance the exclusions panel must meet as soon as possible, before the date of the test or exam as far as reasonably practical. If this is not possible the Chair of Governors will consider the exclusion and decide whether or not to reinstate the pupil.

For fixed-term exclusions of five days or less:

- governors must consider any representation from parents but are not required to meet with them
- governors have no power to re-instate or overturn a decision, but can place findings in the students record

For exclusions of 6-15 days in one term:

- governors must consider any representations from parents within 50 school days but only if parents request a meeting; governors can uphold an exclusion or reinstate the student (earlier or immediately). They cannot do so if there are no representations from parents

In the case of a permanent exclusion, the LGB will follow the statutory guidance on exclusions current at the time of the exclusion and convene to consider the reinstatement of the pupil within 15 school days. The panel will comprise 3 or more members who have undergone appropriate training, drawn from the LGB and/or Trustees, and should be independently clerked.



When considering reinstatement of an excluded pupil the panel 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 panel must consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed his/her legal duties. 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 Chair of the panel will notify, in writing, the Headteacher, the Executive Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the panel's letter of decision will also include the following:

- The fact that it is permanent
- Notice of parents' rights 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 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 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

### **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 for pupils of statutory school age.

## **6. An independent review panel**

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil. Red Kite Schools Trust buys into the services of Buckinghamshire LA for this purpose.

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

The independent panel will decide one of the following:



- Uphold the panel's decision
- Recommend that the governing body reconsiders reinstatement
- Quash the governing body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

Where a panel directs or recommends that the LGB reconsider whether a pupil should be reinstated, the LGB must reconvene to do so within 10 school days of being given notice of the panel's decision. It must follow the statutory guidance laid down in the statutory guidance on school exclusions current at the time of the exclusion.

## **7. 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 LGB will wait until that review has concluded before removing a pupil's name from the register.

## **8. 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 is to assist the return of the pupil to school and to promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents working with the school to promote good behaviour
- discuss how behaviour problems can be addressed
- explore any wider issues which may have an impact on the child's behaviour
- reach agreement on any measures to be put into place to support the pupil and to try to prevent future poor behaviour, eg agreeing a behaviour contract, putting a pupil 'on report'

## **9. Monitoring arrangements**

Exclusions are reported to the LGB by the Headteacher on a termly basis. This information is also reported to Trustees termly.

This policy will be reviewed every 3 years. At every review, the policy will be shared with the Trustees, Headteachers and LGBs.

## **10. Links with other policies**

This exclusions policy is linked to each school's own

- Behaviour policy
- SEN policy and information report