



# Exclusions Guidance for Leaders and Governors

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| Date Published                  | October 2022                                    |
| Next Review                     | October 2024 (or in line with guidance updates) |
| UCC Governor Approval Committee | Full Governing Body                             |
| UCC Staff Role Responsible      | Principal                                       |

## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The 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](#)
- 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](#)
- [School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](#)

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

## 3. The decision to exclude

Only the Principal, or acting Principal, can suspend or permanently 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 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 others

Before deciding whether to exclude a pupil, either permanently or for a suspension, 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 an Education Health Care Plan

## **4. Definition**

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**

### **5.1 The Principal**

#### **Informing parents**

The Principal 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 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 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.

The table below identifies the communications required by the school when a pupil is suspended or excluded.

| Who to report to  | What to report  |
|---|---|
| <b>The parents</b>  | <ul style="list-style-type: none"> <li>• All suspensions and exclusions</li> </ul>  |
| <b>The governing board</b>                                  | <ul style="list-style-type: none"> <li>• All permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)</li> <li>• All suspensions which would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term</li> <li>• Any suspension or permanent exclusion which would result in the pupil missing a public examination or National Curriculum test</li> <li>• All cancelled suspensions and exclusions (also on a termly basis as part of our exclusions data)</li> </ul> |
| <b>The LA</b>   | <ul style="list-style-type: none"> <li>• All suspensions and exclusions, regardless of length</li> <li>• All cancelled suspensions and exclusions</li> <li>• For permanent exclusions: if the pupil lives outside of the school's LA, also inform the pupil's home LA</li> </ul>  |
| <b>The pupil's social worker, if they have one</b>          | <ul style="list-style-type: none"> <li>• All suspensions and exclusions</li> <li>• Any cancelled suspensions and exclusions</li> </ul>  |
| <b>The virtual school head (VSH), if the child is a LAC</b> | <ul style="list-style-type: none"> <li>• All suspensions and exclusions</li> <li>• Any cancelled suspensions and exclusions</li> </ul>  |

### **Setting work during a period of exclusion**

The school will direct pupils to complete their timetabled lessons each day during their suspension. Pupils will be directed to access learning resources on the Oak Academy website and bring any work they have completed into school when they have their reintegration meeting.

### **Suspending or excluding a Looked After Child or a pupil with a social worker**

UCC will balance these competing needs when faced with the possibility of suspending or excluding a pupil under the care of a social worker:

- The child will often have known safeguarding risks at home or in the community, and school is known to be a protective factor; but we have a duty to provide safe and calm environments for all of your pupils and staff.
- To manage these competing interests:
  - We will involve the child's social worker, the UCC DSL/DDSL and the pupil's parents as early as possible in any behaviour issues that could give rise to a suspension or exclusion
  - If the child is a previously LAC, we will engage with their parents via the UCC Designated Teacher (DT - Lisa Oliver and Ali McFarlane)
  - If the child is a LAC, the DT will bring the Virtual School Headteacher into the conversation
  - Together, we will consider the factors affecting the child's behaviour and consider what further assessments and support need to be put in place to prevent a suspension or exclusion

### **In cases involving child-on-child abuse**

A safeguarding investigation may run parallel to any considerations to suspend or exclude a pupil involved in the incident. We will remain focused on our duties to:

- Safeguard and promote the welfare of our pupils
- Provide a suitable education
- Decisions in cases like these ultimately sit with the Principal, but the DSL should take a leading role and lend their professional judgement, supported by other agencies as required

In cases where a child is permanently excluded, the DSL will transfer the pupil's child-protection file to the new school:

- Within 5 days for an in-year transfer, or
- Within the first 5 days of a new term
- This child-protection file will be transferred separately from the main pupil file, securely and with confirmation of receipt.

## **Liaising with the Virtual School Head (VSH)**

In addition to being informed of any suspensions or exclusions of children under their care, the VSH and social worker will be invited to participate in any governing board meetings and independent review panels (IRPs).

Both the VSH and the social worker will understand a pupil's background and be able to provide important information about the child's experiences and welfare. Both will be invited to attend meetings to review suspensions or exclusions, as far as possible.

- **The VSH** can play an advisory role in cases involving LAC or previously LAC, providing information on the child's background and circumstances that may have contributed to the suspension or exclusion
- **The social worker** can serve as the child's advocate, identifying how the child's circumstances have led to the suspension or exclusion while making sure the child's welfare and safeguarding risks and needs are taken into account

## **Reintegration of a pupil following a suspension**

UCC will always require the child to attend a reintegration meeting with their parents and a member of staff (usually Progress Leader or a member of SLT) following a suspension.

The reintegration meeting will cover the following:

- The child's reflection on their conduct that led to the suspension.
- The child and their parent(s) will have the opportunity to express their views
- The school will outline what the behaviour expectations are for the pupil
- The school will liaise with the pupil, their family and any external agencies with regard to the holistic support that might be required to help the child adapt their behaviour
- The pupil might be required to be placed on report, or enter a Behaviour Agreement or Behaviour Contract
- If the child has SEND or health needs, the appropriate agencies will be invited to contribute to the meeting

## **5.2 The governing board**

Responsibilities regarding exclusions is delegated to a UCC Governor Exclusions Panel.

The UCC Governor Exclusions Panel 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.

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 views of the pupil**

UCC will always take the pupil's view of events into account before deciding whether to suspend or exclude.

Pupils need to be given the opportunity to express their views - with the support of advocates (such as a parent or social worker), if needed - unless their age or understanding mean it's not appropriate to do so. This process is built into the reintegration meeting.

Where pupils do get the opportunity to express themselves, they should also be informed of how their views were taken into consideration in reaching a decision.

### **7. Considering the reinstatement of a pupil**

The UCC Governor Exclusions Panel 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 would result in a pupil missing a public examination

If requested to do so by parents the UCC Governor Exclusions Panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion. Governors will also review suspensions if the pupil would be suspended 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 UCC Governor Exclusions Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the UCC Governor Exclusions Panel will consider the exclusion and decide whether or not to reinstate the pupil.

The UCC Governor Exclusions 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 UCC Governor Exclusions Panel 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 UCC Governor Exclusions Panel will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the UCC Governor Exclusions Panel's 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 LA 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

#### **Parties who will be invited to a permanent exclusion reinstatement review meeting**

- Parents (and, where requested, a representative or friend),
- The headteacher
- A representative of the LA (in the case of a maintained school or pupil referral unit)
- The pupil if they are 18 or older,
- The child's social worker if the child has one, and
- The VSH if the child is a LAC

#### **For suspensions of more than 5 but fewer than 15 school days in a term**

If parents make representations, the governing board must consider these and decide within 50 school days of receiving notice of suspensions whether the pupil should be reinstated.

If parents don't make representations, the governing board isn't required to meet and cannot direct reinstatement.

#### **For suspensions of fewer than 5 school days in a term**

The governing board must consider any representations made by parents, but cannot direct reinstatement and isn't required to arrange a meeting with parents



## **8. An independent review**

If parents apply for an independent review, the school 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 UCC Governor Exclusions Panel 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 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 in post within the last 5 years

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

- Are a governing board 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 school, or the governing board, of the excluding school (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the 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 Governance Professional 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.

## **9. 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 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.

## **10. 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 student will always be asked their views and reflections during this meeting.

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

- *Agreeing a behaviour contract*
- *Putting a pupil 'on report'*
- *Internal isolation*
- *Alternative provision*

## **11. Use of Alternative Provision and Managed Moves**

UCC will only work with high-quality alternative provision (AP) to effectively manage behaviour and prevent exclusion. Any move to AP, whether temporary or permanent, will be made with the child in mind, as the best place to support that child's behaviour as well as any SEN or health needs.

Before a pupil is moved to AP, the following will be defined and agreed:

- The nature of the intervention
- The objective
- The timeline for meeting these objectives
- The pupil will continue to receive a broad and balanced curriculum that supports reintegration into mainstream school.

### **Managed moves**

This is when a pupil is transferred to another mainstream school permanently as part of a behaviour management process. Managed moves will be:

- Done strictly in the child's best interest
- Voluntary and agreed by all parties
- Offered as part of a planned intervention
- Preceded by information-sharing between the current school, receiving school and supported by an effective integration strategy
- UCC will be cautious to ensure parents don't feel pressured into accepting a managed move. Doing so is considered off-rolling.

## **12. Monitoring arrangements**

The UCC Education Committee monitors the number of exclusions and suspensions every term and reports back to the Full Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Full Governing Body every year. At every review, the policy will be shared with the governing board.

Specifically, the UCC governors will routinely review and challenge attendance data, including suspensions and exclusions and movements off-site. Included within this analysis. Governors will:

- Analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by pupil moves, and when this has happened
- Consider the cost implications of educating pupils off-site
- Review whether the data reflects that the UCC behaviour policy is being implemented effectively and consistently
- Monitor interventions in place to support pupils at risk, to prevent suspensions and exclusions
- Analyse any variation in the rolling average of permanent exclusions to understand why it's happening and what can be done to prevent it
- Make sure that pupils that are moved off-site are reviewed at regular intervals

## **13. Links with other policies**

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report.

# Agenda for a Student Exclusion Panel Hearing

- 1 Introductions by Chair - names and roles
- 2 Chair explains how the meeting will be conducted and the reasons for the meeting:
  - to review the exclusion;
  - to consider the views of parents;
  - to check that the Principal has had regard to current DfE guidance.

The chair will explain that the parents and the Principal are entitled to be supported by a representative, but this individual is not permitted to pose questions. Their role is to support and advise as appropriate. Comfort breaks and adjournments will be permitted by the chair as appropriate.

- 3 Chair explains possible outcomes of the meeting:  
The Pupil Discipline Committee will decide whether to confirm the exclusion or reinstate the pupil. A letter will be posted to the parents the following day giving reasons for the governors' decision.

- 4 Principal presents his/her case in support of the exclusion. This is followed by questions from the parents, LA representative and governors.

- 5 Parents present their views on the exclusion.

This is followed by questions from the Principal and governors.

- 6 Principal summarises his/her case in support of the exclusion.

- 7 Parents summarise their views on the exclusion.

- 8 Chair checks that everyone has said what they want to say.

- 9 Principal, parents' representative (if present) leave the meeting.

- 10 Governors make their decision (with Governance Professional in attendance).

## APPENDIX B EXCLUSIONS – INFORMATION FOR PARENTS

1 This information sheet tells you what will happen if your son or daughter has been excluded from College. Exclusion is a very serious step to take. No Principal likes having to exclude a student but sometimes this is necessary if the student has been involved in a serious incident.

2 The Principal will decide if the exclusion should be a suspension or permanent exclusion. The Principal makes this decision on the day the student is excluded.

### **Suspension**

The student is given a definite date to return to the same College.

### **Permanent Exclusion**

The student may not return to the original school but is referred to the Home Local Education Authority who will organise the next stage of the process.

3 If your child is excluded, the law says that the Principal must write to you straight away to:

- \* tell you about the exclusion;
- \* tell you all the reasons for the exclusion;
- \* say when your child may return to College (unless the exclusion is permanent).

4 If you are unhappy about the exclusion, you may:

- \* talk to the Principal about it;

or

- \* write to the College's Governing Body expressing your views.

If you want to contact the College's Governing Body, you should write to the Governance Professional. The College can tell you how to get in touch with the Governance Professional to Governors.

5 On some cases there will need to be a meeting of the Disciplinary Committee of the Governing Body. This is necessary if:

- \* you make representations to the Governors; or
- \* you request it; or
- \* the exclusion means that your child will lose an opportunity to take a public exam; or
- \* the exclusion is permanent.

You should be given reasonable notice of the time and date of the meeting.

Mr G Thompson - Chair of Governors

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