




ST EGWIN'S C.E.
MIDDLE SCHOOL

Exclusions Policy

Dated – January 2023

Review date – January 2024

Approved by:	Mr S Plane 
Last reviewed on:	January 2023
Next review due by:	January 2024



School Vision:

Our Community fosters dignity by valuing every individual and their God-given uniqueness.

We endeavour to act justly, showing love and respect.

We thrive through growing resilience and living together gratefully with joy.

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1. Aims

Our school aims to ensure that:

- High standards of behaviour are established and maintained throughout our school community in line with our vision
- Suspension (an exclusion for a fixed period) and permanent exclusion processes are applied fairly and consistently
- The suspension and exclusion processes are understood by governors, staff, parents and pupils
- Pupils in school are safe
- Self-discipline & proper regard for authority is promoted
- The standards of behaviour & conduct are acceptable
- 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:

[Suspension & Permanent Exclusion from maintained schools, academies & pupil referral units 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](#)
- Section 88 of the Education & Inspections Act [Education and Inspections Act 2006 \(legislation.gov.uk\)](#)
- [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
- Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies

3. The decision to suspend or permanently exclude

Only the headteacher, or acting headteacher, can suspend for the purposes of suspensions, 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) a pupil from school. A permanent exclusion will be taken as a last resort. For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

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.”

St Egwin's C.E. Middle School is committed to following all statutory suspension and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to suspend or 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 suspend a pupil for a fixed period or permanently exclude, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Establish the facts in relation to a suspension or permanent exclusion decision applying the civil standard of proof, i.e., 'on the balance of probabilities'.
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN) or is a Looked after Child (LAC)
- Only permanent exclude in response to a serious breach 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 such as staff or pupils in the school

4. Other Information

- A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

- A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be reasonable; fair; and proportionate.
- A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour
- Alternative provision or managed moves can be considered for a pupil at risk of permanent exclusion.
- During a suspension, pupils still receive their education. Links to Oak National Academy will be provided.
- The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.
- Headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.
 - 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
- Headteachers may cancel an exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified

5. Informing parents, governors & local authority

The headteacher will immediately provide the following information, in writing (using a Local Authority letter template), to the parents of an excluded pupil:

- The reason(s) for the suspension or permanent 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 or permanent 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 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 governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a suspension is made permanent
- 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 suspension or 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 suspension or permanent exclusion) and the reason(s) for it without delay. 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. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff, other staff and other relevant parties, where appropriate.

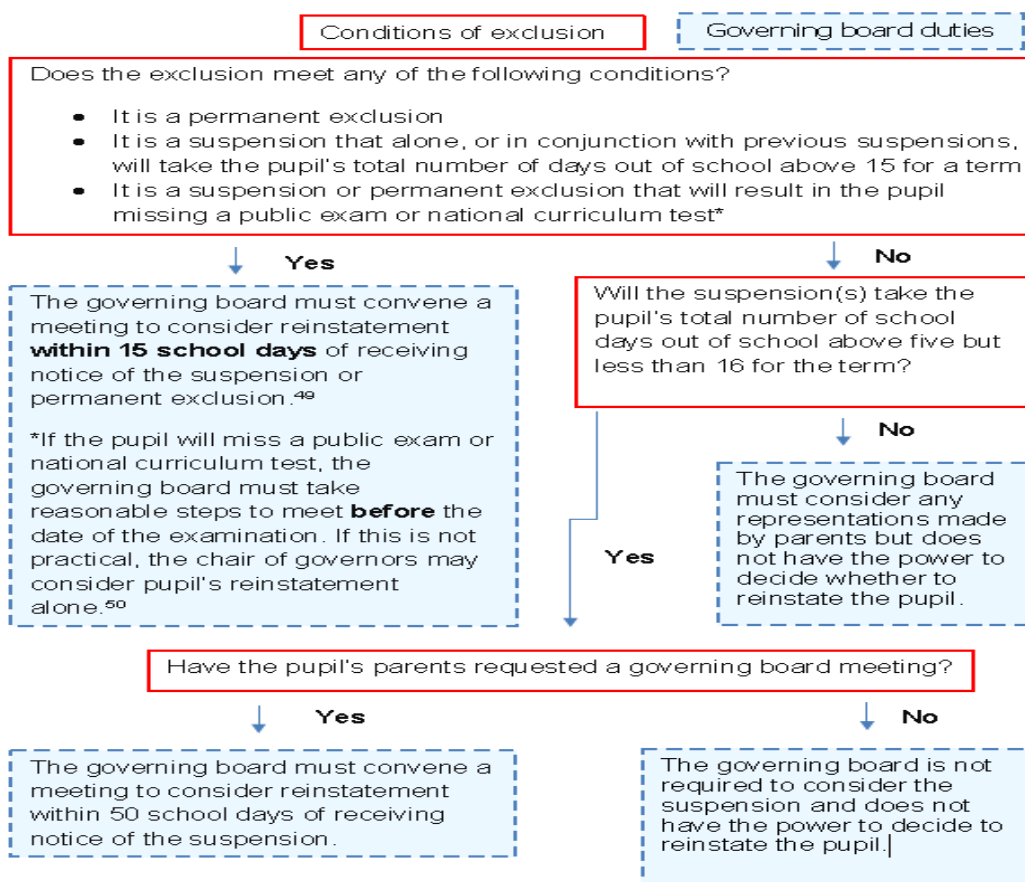
The following measures may be implemented when a pupil returns from a suspension:

- A fresh start with a strategy for reintegration
- Agreeing a behaviour contract or short-term part-time timetable
- A pupil 'mentor/support/report' card, behaviour support plan or pastoral support plan
- Possible external support or multi-agency involvement

7. Governing Board - Considering the reinstatement of a pupil – questions.

Governing boards have a key responsibility in considering whether permanently excluded pupils should be reinstated.

A summary of the governing board's duties to review the headteacher's exclusion decision



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1. Is it a permanent exclusion? If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the permanent exclusion. If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term? If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension. If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test? If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone. If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term? If the answer is yes, go to step 5. If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting? If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension. The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

8. Considering the reinstatement of an excluded pupil - process

If requested to do so by parents/carers, the governing board will consider the reinstatement of an excluded

Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and school community.

The governing board must also consider any representations made by or on behalf of: parents or the pupil if they are over 18 years old; the headteacher; the pupil's social worker if the pupil has one; if the pupil is looked after, the VSH (Virtual Schools Head); and the local authority.

They consider, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil standard of proof, i.e., 'on the balance of

probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

In the light of its consideration, the governing board can either:

- decline to reinstate the pupil;

or

- direct reinstatement of the pupil immediately or on a particular date.

If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

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 governing board panel will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

With a permanent exclusion, the governing board 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

9. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Main details below (for full guidance and details, see pages 49-64 of [Suspension & Permanent Exclusion from maintained schools, academies & pupil referral units in England](#))

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board 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 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 of the LA, 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 the LA, 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 the LA, 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

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.

10. 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.

11. Monitoring arrangements

Governors and the Local Authority are informed of every suspension and permanent exclusion. Liaison with and guidance sought from the Local Authority on matters pertaining to suspension, alternative provision, managed moves and exclusion when necessary.

Links to Worcestershire Children First (Worcestershire County Council) exclusion information:

<https://www.worcestershire.gov.uk/WCFEducationServices/info/29/exclusions-fair-access/79/exclusion-getting-right>

[https://www.worcestershire.gov.uk/info/20062/schools/1808/exclusion from school](https://www.worcestershire.gov.uk/info/20062/schools/1808/exclusion-from-school)