

Exclusions and Fixed Term Suspensions

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1. Statement of Intent

- 1.1. Isleworth & Syon School is a school which values achievement and diversity, seeing itself as a place of learning dedicated to academic, creative and sporting success and to the development of the whole person. It endeavours to sustain an ethos of civilised community, which enables industrious and imaginative learning to flourish in an atmosphere of well-being and purposeful activity.
- 1.2. In order to achieve the mission above and to achieve our vision of being “Outstanding in Every Respect”, we place high regard on the need to ensure that every single student can learn, achieve and succeed. Highly effective teaching and learning can only be achieved when the learning environment is orderly, calm and purposeful.
- 1.3. We recognise that the exclusion or suspension of a student may be necessary where there has been a serious breach, or consistent breaches of the school’s Behaviour Policy. Excluding a student may also be required in instances where, allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding students should only be used as a means of last resort.
- 1.4. The school has created this policy to clearly define the legal responsibilities of the headteacher and the academy trust board when responding to student exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.
- 1.5. This policy also aims to secure a student’s right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

2. Aims

Our school aims to ensure that:

- Students in school are safe, happy and able to learn, achieve and succeed in a calm learning environment.
- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by trustees, staff, parent/carers and students.
- Students do not become NEET (not in education, employment or training).

3. Legislation and Statutory Guidance

- 3.1. This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#).
- 3.2. It is based on the following legislation, which outline schools’ powers to exclude students:
 - Section 52 of the Education Act 2002, as amended by the Education Act 2011.
 - The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012.
- 3.3. In addition, the policy is based on:

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- [Part 7, chapter 2 of the Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students.
 - Section 579 of the [Education Act 1996](#), which defines 'school day'.
 - [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#).

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

4. The Decision to Exclude

4.1. Only the headteacher, or acting headteacher, can exclude a student from school. A permanent exclusion will only be used as a last resort.

4.2. Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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 student.”

4.3. We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

4.4. A decision to exclude a student will only be taken:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others.

4.5. Before deciding whether to exclude a student permanently or suspend for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion was provoked.
- Allow and encourage the student to give their version of events.
- Consider if the student has special educational needs or a disability (SEND).

5. Definition

For the purposes of 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.

6. Roles and Responsibilities

6.1. THE HEADTEACHER

6.1.1. Informing Parent/Carers

The headteacher will immediately provide the following information, in writing, to the parent/carers of an excluded student:

- The reason(s) for the exclusion.
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parent/carers' right to make representations about the exclusion to the academy trust board and how the student may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the academy trust board to meet to consider the reinstatement of a student, and that parent/carers 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 parent/carers 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,

that parent/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parent/carers 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 parent/carers 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 student 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 parent/carers' consent.

6.1.2. Informing the Academy Trust Board and the Local Authority

The headteacher will notify the academy trust board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student. This will be done as a matter of urgency.
- Suspensions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- Suspensions which would result in the student missing a public examination.

For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the academy trust board and LA once a term.

6.2. THE ACADEMY TRUST BOARD

6.2.1. Responsibilities regarding exclusions are delegated to a Discipline Committee of the Academy Trust Board which will be convened as required. This committee can be smaller than three trustees.

6.2.2. The Discipline Committee of the Academy Trust Board has a duty to consider the reinstatement of an excluded student (see section 7).

6.2.3. Within 14 days of receipt of a request, the governing board will provide the secretary of with information about any exclusions in the last 12 months.

6.2.4. For a fixed-period exclusion of more than 5 school days, the Academy Trust Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

6.2.5. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

6.3. THE LOCAL AUTHORITY (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.

7. Considering the Reinstatement of a Student

7.1. The Discipline Committee of the Academy Trust Board will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent.
- It is a fixed-term suspension which would bring the student's total number of school days of exclusion to more than 15 in a term.
- It would result in a student missing a public examination or national curriculum test.

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- 7.2.** If requested to do so by parent/carers, the Discipline Committee of the Academy Trust Board will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.
- 7.3.** Where an exclusion would result in a student missing a public examination, the Discipline Committee of the Academy Trust Board will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Discipline Committee will consider the exclusion and decide whether or not to reinstate the student.
- 7.4.** The Discipline Committee of the Academy Trust Board can either:
- Decline to reinstate the student, or
 - Direct the reinstatement of the student immediately, or on a particular date.
- 7.5.** In reaching a decision, the Discipline Committee of the Academy Trust Board will consider whether the 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 exclude.
- 7.6.** Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.
- 7.7.** The Discipline Committee of the Academy Trust Board will notify, in writing, the headteacher, parent/carers and the LA of its decision, along with reasons for its decision, without delay.
- 7.8.** Where an exclusion is permanent, the Discipline Committee of the Academy Trust Board decision will also include the following:
- The fact that it is permanent.
 - Notice of parent/carers' 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 student's SEN are considered to be relevant to the exclusion.
 - That, regardless of whether the excluded student has recognised SEN, parent/carers 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 parent/carers for this appointment.
 - That parent/carers must make clear if they wish for an SEN expert to be appointed in any application for a review.
 - That parent/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parent/carers may also bring a friend to the review
 - That if parent/carers 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 six months of the date on which the discrimination is alleged to have taken place.

8. An Independent Review

- 8.1.** If parent/carers apply for an independent review, the Academy Trust will arrange for an independent panel to review the decision of the board not to reinstate a permanently excluded student.
- 8.2.** Applications for an independent review must be made within 15 school days of notice being given to the parent/carers by the Discipline Committee of the Academy Trust Board of its decision to not reinstate a student.
- 8.3.** 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 trustees' 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/trustees who have served as a governor/trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time.

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- Headteachers or individuals who have been a headteacher within the last 5 years.

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

- Are a member/trustee of the Academy Trust 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 Academy Trust 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 Academy Trust, school, parent/carers or student, 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).

8.5. A clerk will be appointed to the panel.

8.6. The independent panel will decide one of the following:

- Uphold the Academy Trust Board's decision.
- Recommend that the Academy Trust Board reconsiders reinstatement.
- Quash the Academy Trust Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

8.7. 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

9.1. A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parent/carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parent/carers have stated in writing that they will not be applying for an independent review panel.

9.2. Where an application for an independent review has been made, the Academy Trust Board will wait until that review has concluded before removing a student's name from the register.

9.3. Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

9.4. Where excluded students are not attending alternative provision, code E (absent) will be used.

10. Returning from a Fixed-Term Suspension

10.1. Following a fixed-term suspension, a re-integration meeting will be held involving the student, parent/carers, a member of senior staff and other staff, where appropriate.

10.2. The following measures may be implemented when a student returns from a fixed-term suspension:

- Agreeing a behaviour contract.
- Putting a student 'on report'.
- Internal isolation.
- A phased return to lessons.
- A phased return to break/lunchtime activities.
- A phased return to extra-curricular opportunities.

11. Monitoring Arrangements

11.1. The Deputy Headteacher (Pastoral) monitors the number of exclusions/suspensions every term and reports back to the headteacher and the Academy Trust Board. They also liaise with the local authority to ensure suitable full-time education for excluded/suspended students.

11.2. This policy will be reviewed every three years or as guidance changes. At every review, the policy will be approved by the Academy Trust Board and shared on the school website.

12. Links with Other Policies

This exclusions policy is linked to the:

- Behaviour policy
 - SEND policy and information report.
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13. Appendix 1: Independent Review Panel Training

13.1. The Academy Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

13.2. Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of headteachers, academy trust boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.