



Thinking Schools Academy Trust
“Transforming Life Chances”
Exclusion From School Policy



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1. Introduction

The Thinking Schools Academy Trust endeavours to ensure that exclusion procedures at TSAT academies conform with statutory guidance set forth by the Department for Education (DFE) in 2012 and updated in September 2017. Other relevant legislation and guidance:

- Education Act 2002
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996; and
- 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) (Amendment) Regulations 2014
- Exclusion form Maintained Schools, Academies and Pupil Referral Units in England- Statutory guidance for those with Legal responsibilities in relation to Exclusion (September 2017)
- SEND code of practice:0-25 years (updated 1 May 2015)
- Equality Act 2010

2. Aims

All parties involved in exclusions, including Head teachers, parents, governing bodies and Independent review Panels, must have regard to the statutory guidance. At 62 pages long however, the guidance can be inaccessible and overwhelming to many. This policy aims to set forth rights and responsibilities around exclusion with clarity and brevity to ensure that all exclusion proceedings at The Thinking Schools Academy Trust are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties and within the statutorily designated timelines.

3. Exclusion from school

Exclusion from school means that the pupil is not allowed into school for disciplinary reasons.

There are two types of exclusion:

- Fixed period exclusion, which can range from half a day to a maximum of 45 school days in a school year (a child can also be excluded for lunchtimes)
- Permanent

3.1. Fixed period exclusion

This means that a pupil is not allowed in school for a specified number of days because they have breached the school's behaviour policy.

Pupils who misbehave at lunchtime may be excluded for lunchtime only. Each lunchtime exclusion counts as half a day.

The pupil is not allowed on the school site for a definite period; however this does not have to be a continuous period. This might apply if a pupil attends college or other off-site provision for part of the week.

An individual pupil may not be given more than 45 days fixed term exclusions in any one academic school year.

When a pupil has a fixed term exclusion, the school must set and mark work for the first five days of the exclusion and from the sixth day must provide a full-time education provision.

Exclusion of 5 or fewer school days

The Governing body must consider any representation made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Exclusion for 6 to 15 days

If any exclusion is for more than five school days, parents/carers can request a meeting of the school to review the exclusion. The Governors must agree to this request and must meet within 50 school days to consider whether the excluded pupil should be reinstated.

Exclusion for more than 15 school days

For fixed term exclusions that singly or cumulatively total more than 15 days in one term, and for permanent exclusions, the panel must hold a formal hearing within 15 school days, whether or not the parent(s) make representations. The panel will consider whether to reinstate the pupil or not.

Members of the panel should be impartial, unprejudiced, have taken no previous part in the specific case and have no personal or school interest in its result.

3.2. Permanent exclusion

A pupil is permanently excluded for a serious breach or persistent breaches of the school's behaviour policy and if their being in school would harm the education or welfare of themselves or others. Permanent exclusion should only be used as a last resort and it means that the pupil would no longer be allowed to attend the school.

When a pupil is permanently excluded, the school must provide work for the first five days of the exclusion and the LA is responsible for the education from the sixth school day.

3.3. Who can exclude?

Only the Head teacher/Principal has the power to exclude a pupil, or in their absence the acting Head teacher/Principal.

3.4. Reasons for exclusion

- All exclusions must be for disciplinary reasons only
- All exclusions must be lawful, reasonable and fair
- Permanent exclusion should only be used as a last resort

3.5. The decision to exclude

When a pupil is excluded from school, parents/carers must be notified immediately, ideally by telephone followed up by a letter. With written consent from parents, this can be sent via email.

The school must explain

- The reason(s) for the exclusion
- If it is a fixed term exclusion the length of time the exclusion is for
- The parents/carers right to make representation to the Governors
- The arrangements made for setting and marking work during the exclusion and for full-time provision if the exclusion is for more than five school days

Under the Equality Act 2010, academies must not discriminate against, harass or victimise pupils because of their; gender, race, disability, social background, religion or belief, or sexual orientation; because of pregnancy/maternity; or because of gender reassignment. For children with a disability, this includes a duty to make reasonable adjustments to policies and practice. Statutory duties in relation to Special Educational Needs must be adhered to when administering the exclusion process. This includes having regard to SEND code of practice (2015)

3.6. Standard of proof

The Head teacher's decision to exclude must be taken on the "balance of probabilities". This means that it is more likely than not that the pupil did what they are accused of. This is not the same as the "beyond reasonable doubt" standard required in a criminal case.

3.7. When exclusion is not allowed

It is unlawful to exclude or to lengthen an exclusion for a non-disciplinary reason, for example, if a child has special educational needs and the school says it cannot meet those needs. 'Informal' or 'unofficial' exclusions such as sending a pupil home to 'cool off' are unlawful, regardless of whether they occur with the agreement of parents or carers.

3.8. Behaviour outside school

Pupils can be excluded for behaviour outside school and will be in line with the school's behaviour policy. This will include behaviour on school trips, when in uniform or on the way to and from school and behaviour which may bring the school into disrepute.

4. Independent Review Panel (IRP)

If the Governing body decide not to reinstate a permanently excluded pupil, parents must be told of their right to seek an independent review of the decision reached by the governors and the deadline for seeking such a review. They also have the right to request the attendance of a SEND expert at the IRP. The parents have 15 school days from the date of receipt of the review panel's decision to seek an IRP.

The Independent Review Panel cannot direct a governing body to re-instate a pupil. It may:

- Uphold the exclusion
- Recommend that the original panel reconsider its decision; or
- Quash the original panel's decision and direct the panel to reconsider its decision.

In the latter case, the IRP will then be expected to order that the school must make a payment to the Local Authority of £4000 if it does not offer to reinstate the pupil.

This policy will be reviewed bi annually or earlier if required.