



The  
**Rise**  
**Partnership**  
**Trust**

Love • Learn • Laugh

## **Exclusion Policy**

July 2021

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## 1. Aims

The Rise Partnership Trust aims to ensure that in all RPT schools:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by trustees, Local Academy Board(LAB) members, staff, parents and, as where appropriate, pupils
- Pupils in our schools are safe and happy and our Trust wide Vision ‘Love, Laugh, Learn’ underpins all we do
- No pupil ever 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](#)
- Exclusion from maintained schools, academies and pupil referral units in England Statutory guidance for those with legal responsibilities in relation to exclusion September 2017
- Non-statutory guidance for head teachers of maintained schools on the place of multi-agency assessments in a school’s behaviour policy is provided by Behaviour and Discipline in Schools – A Guide for Head teachers and School Staff (2015)
- 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.

## 3. The decision to exclude

Only the Head Teacher, or acting Head Teacher, can exclude a pupil from a RPT school. A permanent exclusion will **ONLY** be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to very serious or persistent significant breaches of a RPT school’s behaviour policy, **and**
  - If allowing the pupil to remain in school would very seriously/significantly harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Head Teacher will:

- Consider the pupil special educational needs
- Consider if **all** necessary and appropriate steps have been taken to support the pupil
- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked/avoidable
- Allow the pupil to give their version of events if possible

**Statutory guidance on factors that a head teacher will take into account before taking the decision to exclude:**

A decision to exclude a pupil permanently will only be taken:

- 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 in the school.

However, where practical, the head teacher should give the pupil an opportunity to present their case before taking the decision to exclude (if appropriate).

Whilst an exclusion may still be an appropriate course of action, the head teacher should take account of any contributing factors that are identified after an incident of extreme challenging behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues, has experienced significant trauma etc.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have.

The head teacher should also consider the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEN but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the head teacher should consider whether exclusion is providing an effective sanction.

#### **4. Definition**

For the purposes of exclusions, a 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.

### **Roles and responsibilities**

#### **5. The Head Teacher**

#### **Informing parents**

The Head Teacher 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 fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the trust board and how the pupil may be involved in this
- Where there is a legal requirement for the trust 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 Head Teacher 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 trust board and local authority**

The Head Teacher will immediately notify the trust board and the placing local authority (LA) of:

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

For all other exclusions, the Head Teacher will notify the LAB/CEO and LA once a term.

#### **5.1 The trust board**

Responsibilities regarding exclusions are delegated to Audit, Risk and Compliance Committee.

The Audit, Risk and Compliance Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the trust board will provide the secretary of state with information about any exclusion/s in the last 12 months.

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

*RPT secondary schools only:*

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.

## 5.2 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 reinstatement of a pupil

RPT 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 is a fixed-term exclusion which would 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 examination

If requested to do so by parents, RPT will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where exclusion would result in a pupil missing a public examination, RPT will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, RPT will consider the exclusion and decide whether or not to reinstate the pupil.

RPT can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, RPT 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.

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.

RPT will notify, in writing, the Head Teacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where exclusion is permanent, RPT'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 SENs are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SENs, parents have a right to require RPT 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

## **7. An independent review**

If parents apply for an independent review, RPT 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 RPT 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 (LAB) 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 (LAB) 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/director of RPT, or the RPT Audit, Risk and Compliance Committee
- Are the Head Teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the RPT, or the LAB governing board, of the excluding school (unless they are employed as a Head Teacher at another school)
- Have, or at any time have had, any connection with RPT, the school, the Audit, Risk and Compliance Committee, 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 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 trust board reconsiders reinstatement
- Quash the trust 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.

## **8. 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.

## **9. 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 following measures may be implemented when a pupil returns from a fixed-term exclusion:

- *Agreeing a behaviour plan*
- *Inclusion timetable to reintegrate the pupils over a period of days*
- *Additional support*

## **10. Monitoring arrangements**

RPT CEO monitors the number of exclusions every term and reports back to RPT board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by RPT's CEO every two years. At every review, the policy will be shared with the RPT board.

## 11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report
- Section 29A of the Education Act 2002. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision:  
<https://www.gov.uk/government/publications/alternative-provision>.
- Non-statutory guidance for head teachers of maintained schools on the place of multi-agency assessments in a school's behaviour policy is provided by Behaviour and Discipline in Schools – A Guide for Head teachers and School Staff (2015)  
<https://www.gov.uk/government/publications/behaviour-anddiscipline-in-schools>.

## **Appendix 1: independent review panel training**

RPT 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.

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, governing 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

## Appendix 2: Model letter

### Model fixed term exclusion letter 1 (0 – 5 days)

**From the head teacher notifying the parent, of a fixed period exclusion of 5 school days or fewer in total in one term and where a public examination is not missed**

Dear **[parent/carer's name]**

I am writing to inform you of my decision to exclude **[child's name]** for a fixed period of **[period of exclusion]**. This means that **[child's name]** will not be allowed in school for this period. The exclusion **[begins/began]** on **[date]** and ends on **[date]**.

I realise that this exclusion may well be upsetting for you and your family but the decision to exclude **[child's name]** has not been taken lightly. **[Child's name]** has been excluded for this fixed period because **[reason for exclusion]**.

We will set work for **[name of child]** to be completed during the period of exclusion as specified in the previous paragraph. We will liaise with you to ensure that work set by the school is completed.

#### **[Paragraph for use if pupil is a Looked After Child]**

As **[pupil name]** is a Looked After Child, I have informed XXXXXX who will endeavour to arrange alternative provision from the first day following this exclusion **(if appropriate)**.

You have the right to make representations to Our local academy board (LAB). If you wish to make representations please contact **[name of contact]** on/at **[contact details: address, telephone number, email]**, as soon as possible. Whilst the LAB has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

If you think this exclusion has occurred as a result of discrimination then you may also make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Education Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the LAB.

You also have the right to see a copy of **[name of child]**'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[name of child]**'s school record. I will be happy to supply you with a copy if you request it.

You may find it useful to contact Coram Children's Legal Centre, which is an independent national advice centre that offers information and support on state education, including on exclusion from school. They can be contacted on 0300 330 5485 or at [www.childlawadvice.org.uk](http://www.childlawadvice.org.uk).

A copy of the Government's guidance, '*Exclusion from maintained schools, Academies and Pupil Referral Units in England*', can be downloaded from the Department for Education's website at:

<https://www.gov.uk/government/publications/school-exclusion>

You may also wish to contact **Brent's Exclusions Officer**, who can provide advice on the process of exclusion. They can be contacted by emailing: [pupil.referrals@brent.gov.uk](mailto:pupil.referrals@brent.gov.uk)

**[The following paragraph may be used if the head teacher chooses to hold a reintegration interview]**

You **[and your child or pupil's name]** are requested to attend a reintegration interview with me **[alternatively specify the name of another member of staff]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school as soon as possible to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

**[Name of child]**'s exclusion expires on **[date]** and we expect **[name of child]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**[Name]**

Head teacher