



## Exclusion Policy

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### Aims

Three Bridges Education aims to ensure that:

- The exclusion process is applied fairly and consistently.
- The exclusion process is understood by learners, parents/ carers, staff, and the Directors.
- Learners are feeling safe and happy.
- Learners do not become NEET (not in education, employment, or training), where possible.

## Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and learner referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude learners:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Learner Exclusions and Reviews) (England) Regulations 2012.

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 learners.
- Section 579 of the [Education Act 1996](#), which defines 'school day'.
- The [Education \(Provision of Full-Time Education for Excluded Learners\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Learners\) \(England\) \(Amendment\) Regulations 2014](#).

## The Decision to Exclude

Only the principal or acting principal can exclude a learner from the school. A permanent exclusion will be taken as a last resort.

We at Three Bridges Education are aware that off-rolling is unlawful. Ofsted defines off-rolling as: "...the practice of removing a learner 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 learner."

Three Bridges Education is committed to following all statutory exclusions procedures to ensure that every learner receives an education in a safe and caring environment. A decision to exclude a learner will be taken only:

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

Before deciding whether to exclude a learner, either permanently or for a fixed period, the principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Allow the learner to give their version of events.
- Consider the learners special educational needs (SEN) as described in the learners Education Health and Care Plan (EHCP) and how these needs are effectively being met at school.

The principal will seek advice and guidance from the Directors.

## Definition of 'School Day'

For the purposes of exclusions, 'school day' is defined as any day on which there is a learning session at the school. Therefore, inset or staff training days do not count as a school day.

## **Roles and Responsibilities**

### ***The Principal***

The principal will immediately provide the following information, in writing, to the parents/ carers of an excluded learner:

- 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 the parents'/ carers right to make representations about the exclusion to the Directors and how these should be made, including how the learner may be involved in this.
- Details regarding the Directors meeting to consider the reinstatement of a learner, and that parents/ carers have a right to attend a meeting, be represented at a meeting (at their own expense) and/ or to bring a friend.

The principal will also notify parents/ 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, parents/ carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/ 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 parents/ 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 or details on how to access online learning.
- Any information required by the learner to identify the person they should report to on the first day and how to do this e.g., email, phone, in person.

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 an 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.

### **Informing the Directors and the Local Authority**

The principal will immediately notify the Directors and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a learner.
- Exclusions which would result in the learner being excluded for more than 5 school days in a term.
- Exclusions which would result in the learner missing a public examination.

For a permanent exclusion, if the learner lives outside the LA in which the school is located, the principal will also inform the learner's 'home authority' of the exclusion and the reason(s) for it. For all other exclusions, the principal will notify the LA once a term. The principal will inform the Directors of all types of exclusions.

### ***Directors***

The Directors have a duty to consider the reinstatement of an excluded learner. Within 14 days of receipt of a request, Directors will provide the secretary of state with information about any exclusions in the last 12 months.

### **The Local Authority (LA)**

The LA is responsible for arranging suitable education for a learner following a permanent exclusion.

### **Considering the Reinstatement of a Learner**

The Directors will consider the reinstatement of an excluded learner 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 learner's total number of school days of exclusion to more than 15 in a term.
- It would result in a learner missing a public examination or national curriculum test.

If requested to do so by parents/ carers, the Directors will consider the reinstatement of an excluded learner within 50 school days of receiving notice of the exclusion if the learner would be excluded from school for more than 5 school days, but less than 15, in a single term. Where an exclusion would result in a learner missing a public examination, the Directors will consider the reinstatement of the learner before the date of the examination. If this is not practicable, the Directors will consider the exclusion and decide whether to reinstate the learner.

The Directors can either:

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

In reaching a decision the Directors will consider whether the exclusion was lawful, reasonable, and procedurally fair and whether the principal followed their legal duties. They will decide whether 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 learner's educational record.

The Directors will notify, in writing, the principal, parents/ carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent the Directors decision will also include the following:

- The fact that it is permanent.
- Notice of parents/ 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 learner's SEN are relevant to the exclusion.
- That, regardless of whether the excluded learner has recognised SEN, parents/carers 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/carers for this appointment.
- That parents/ carers must make clear if they wish for an SEN expert to be appointed in any application for a review.

- That parents/ carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/ carers 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.*

### **An Independent Review**

Parents/ carers can apply for an independent review. The LA will arrange for an independent panel to review the decision of the Directors not to reinstate a permanently excluded learner.

Applications for an independent review must be made within 15 school days of notice being given to the parents/ carers of its decision not to reinstate a learner.

### **Register of Attendance**

A learner's name will be removed from the schools register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the learner and no application has been made for an independent review panel, or
- The parents/ carers 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 Directors will wait until that review has concluded before removing a learner's name from the register. Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded learners are not attending alternative provision, code E (absent) will be used.

### **Returning from a Fixed-Term Exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the learner, parents/ carers, head teacher, teacher, and other staff, as appropriate e.g., HLTA. A review of the behaviour plan will take place, involving adjustments, support needs and the environment.

### **Monitoring Arrangements**

The principal monitors the number of exclusions every term and reports back to the Directors. The principal also liaises with the local authority to support a suitable transition for excluded learners. This policy will be reviewed every year by the principal and approved by the Directors.

### **Supporting Documentation**

Please also refer to:

- Behaviour Policy
- SEN Policy and Information Report