SOLENT
Academies Trust

Together we inspire lifelong learning, perseverance, kindness, and growth, transforming the lives of our children and families

Exclusion policy

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1. Aims

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

- Ensure that the exclusions process is applied fairly and consistently across our academies.
- Help governors, staff, parents, and pupils understand the exclusions process.
- Ensure that pupils in school are safe.
- Prevent pupils from becoming NEET (not in education, employment, or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully.

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where an academy makes the decision, in the interests of the academy and not the pupil, too:

- Remove a pupil from the academy roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the academy roll, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a pupil on the academy roll but does not allow them to attend the academy normally, without a formal permanent exclusion or suspension.

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the academy feels unable to support, or
- Due to a pupil's poor academic performance, or
    - Because the pupil has not met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling.'

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from August 2024.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil 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 sets out 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
- The Equality Act 2010
- Children and Families Act 2014
- The Ofsted School inspection: toolkit, operating guides and information

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

3. Definitions

Suspension – when a pupil is removed from the academy for a fixed period. This was previously referred to as a 'fixed-term exclusion.'

Permanent exclusion – when a pupil is removed from the academy permanently and taken off the academy roll. This is sometimes referred to as an 'exclusion.'

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility

4. Authority to Suspend/Exclude

Only the Executive Principal or Principal can suspend or exclude a pupil from the academy.

All suspensions should be discussed with the Chief Executive Officer or Director of School Improvement.

Any decision to permanently exclude a pupil must be discussed with the Chief Executive Officer and Chair of the Academy Committee, before a decision is made by the Executive Principal or Principal and approved by the Chief Executive Officer. A permanent exclusion will only ever be taken as a last resort.

We are committed to following all statutory suspension or exclusion 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 academy's positive behaviour policy, and
- If allowing the pupil to remain in the academy would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, 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 pupil to give their version of events.
- Consider carefully the pupil's special educational needs and disabilities (SEND)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as alternative provision or off-site direction.

5. Roles and responsibilities

5.1 The Executive Principal/Principal

Informing parents/carers or pupils (if over 18)

If the Executive Principal or Principal decides to suspend or exclude, the parents or pupil (if over 18) will be informed in person, or by telephone and in writing, of the period of suspension or exclusion and the reason for it without delay.

The parents or pupil (if over 18) will be told:

- 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' or pupil's right to make representations about the suspension or permanent exclusion to the Academy Committee where the pupil is attending alongside parents, and how they may be involved in this, and how any such representations should be made.
- Where there is a legal requirement for the Academy Committee to meet to consider the reinstatement of a pupil, and that parents or the pupil (if over 18) have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.
- The parents or the pupil (if over 18) have the right to request that the meeting be held remotely, and how and to whom they should make this request.

If the pupil is of compulsory school age, the Executive Principal/Principal will also notify parents by the end of the afternoon session on the first day their child is suspended or permanently excluded that: -

- for the first 5 school days of a suspension or permanent exclusion, or until the start date of any alternative provision where this is earlier, the parents 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 if possible:

- 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 suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Academy Committee and local authority

The Executive Principal or Principal will immediately notify our Trust CEO, Academy Committee Chair, and the local authority (LA) of:

- A permanent exclusion, including when suspension is followed by a decision to permanently exclude a pupil.
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion would result in the pupil missing a National Curriculum test or public examination.

For a permanent exclusion, if the pupil lives outside the LA in which the academy is located, the Executive Principal or Principal will also inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the Executive Principal or Principal will seek approval from the CEO and notify the academy governing body in its termly reporting.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the Executive Principal or Principal will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the Executive Principal or Principal will inform **the VSH** as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Executive Principal/Principal has approval from the CEO to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil.
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to rescind a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the Academy Committee about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Rescinding suspensions and permanent exclusions

The Executive Principal or Principal may rescind a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the Academy Committee. Where there is a rescission:

- The parents (or the pupil if they are 18 or older), Academy Committee and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay

- The notification must provide the reason for the rescission
- The Academy Committee's duty to hold a meeting and consider reinstatement ceases
- Parents (or the pupil if they are 18 or older) will be offered the opportunity to meet with the Executive Principal or Principal to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the rescission, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be rescinded if the pupil has already been excluded for more than 45 school days in an academy year or if they will have been so by the time the rescission takes effect.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Executive Principal/Principal will take steps to ensure that a reasonable education offer is provided. If the pupil has a special educational need or disability, the Executive Principal or Principal will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the academy will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the academy will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

5.2 Responsibilities of the Board of Trustees and Academy Committee

Considering suspensions and permanent exclusions

Suspensions

Responsibilities regarding the review of suspensions are delegated to the Academy Committee.

The Academy Committee have a duty to consider parents'/the pupil's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

Permanent exclusions

Responsibilities regarding the review of permanent exclusions are delegated to the Board of Trustees.

The Board of Trustees have a duty to consider parents'/the pupil's (if they are 18 or older) representations about a permanent exclusion. It has a duty to consider the reinstatement of a permanently excluded pupil in certain circumstances.

Within 14 days of receiving a request, the Academy Committee will provide the Secretary of State and the Local Authority with information about any suspensions or exclusions within the last 12 months.

For 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.

Monitoring and analysing suspensions and exclusions data

The Academy Committee will review, challenge, and evaluate the data on the academy's use of suspension, exclusion, or off-site direction to alternative provision.

The Academy Committee will consider:

- How effectively and consistently the academy's positive behaviour policy is being implemented.
- The academy register and absence codes
- Instances where pupils receive repeat suspensions.
- Interventions in place to support pupils at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- The characteristics of suspended and permanently excluded pupils, and why this is taking place.
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- The cost implications of directing pupils off-site.

5.3 The Local Authority

For permanent exclusions, the local authority (LA) is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

For pupils who are looked after or have social workers, the LA and the academy will work together to arrange suitable full-time education to begin from the first day of the exclusion.

6. Considering the reinstatement of a pupil

The Board of Trustees will consider the reinstatement of a pupil within 15 school days of receiving notice (summarised in Appendix 2) if:

- The exclusion is permanent.

The Academy Committee will consider the reinstatement of a pupil within 15 school days of receiving notice (summarised in Appendix 2) if:

- It is a suspension 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 or National Curriculum test.

Where a pupil would be suspended for more than five but not more than 15 school days in a term, if the parents make representations the Academy Committee must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the Academy Committee is not required to meet and cannot direct the reinstatement of the pupil.

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Academy Committee must consider any representations made by parents/the pupil (if they are 18 or older). However, there is no requirement to arrange a meeting with parents/the pupil and they cannot direct the Executive Principal or Principal to reinstate the pupil.

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

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

The following parties will be invited to a meeting of the committee or board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or older (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend).
- The Executive Principal or Principal
- The pupil's social worker if they have one.
- The Virtual School Headteacher if the pupil is looked after.
- A representative of the local authority.

The Academy Committee, or Board of Trustees in the case of a permanent exclusion, can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Academy Committee, or Board of Trustees in the case of a permanent exclusion, will consider: -

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair.
- Whether the Executive Principal or Principal followed their legal duties.
- The welfare and safeguarding of the pupil and their peers.
- Any evidence that was presented to the academy committee.

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 suspend or exclude.

Minutes will be taken of the meeting, and a record kept of evidence considered. The outcome will also be recorded on the pupil's educational record.

The Academy Committee, or Board of Trustees in the case of a permanent exclusion, will notify, in writing, the Executive Principal/Principal, the CEO, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Board of Trustees decision will also include the following:

- The fact that it is permanent.
- Notice of parents'/the pupil's (if they are 18 or older) 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 (15 school days from the date on which notice in writing of the Board of Trustees' decision is given to parents)
- 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 permanent exclusion.
- Parents/carers have a right to require the academy trust to appoint a 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/carers/the pupil (if they are 18 or older) believe that the permanent 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/the pupil (if they are 18 or older) apply for an independent review, within the legal timeframe the academy trust will arrange for an independent panel to review the decision of the Board of Trustees 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/carers by the Board of Trustees of its decision not to reinstate a pupil.

or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/pupils. See section 9 for more details on remote access to meetings.

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 governor's category, and 2 members will come from the Principal 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 academy trust, or Academy Committee of the excluding academy.

- Are the Executive Principal/Principal of the excluding academy or have held this position in the last 5 years.
- Are an employee of the academy trust, or the Academy Committee, of the excluding academy (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the academy trust, academy, trust board or academy 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 panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the academy.

Considering the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting, and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks, and/or welfare may be relevant to the pupil's permanent exclusion.

Where a Virtual School Headteacher is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do one of the following:

- Uphold the Board of Trustees' decision.
- Recommend that the Board of Trustees reconsiders reinstatement.
- Quash the Board of Trustees' decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the academy cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the academy committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Board of Trustees and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Board of Trustees to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the academy committee reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it.
- Where relevant, details of any financial readjustment or payment to be made if the Board of Trustees does not subsequently decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the Board of Trustees to place on the pupil's educational record.

8. Academy registers

A pupil's name will be removed from the academy admissions register if:

- 15 school days have passed since the parents/pupil (if they are 18 or older) 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/carers/pupil 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, within 15 school days, the academy committee 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.

Making a return to the LA

Where a pupil's name is to be removed from the academy admissions register because of a permanent exclusion, the academy will make a return to the LA. The return will include:

- The pupil's full name.
- The full name and address of any parent with whom the pupil normally resides.
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency.
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion).
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school.
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a suspension

Following a suspension, 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 an updated personalised support plan, with appropriate adjustments where needed.
- Updating the pupil risk assessment and sharing this with all who need to read it.

A pupil cannot be prevented from returning to school if a parent is unable or unwilling to attend a reintegration meeting.

10. Remote access to meetings

Parents, or pupils, if they are 18 or older, can request that an academy committee meeting, or an independent review panel be held remotely. If the parents/pupil do not express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which means it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The academy committee and the academy trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see, and be seen.
- All the participants will be able participate fully.
- The remote meeting can be held fairly and transparently.

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently.

11. Monitoring arrangements

The Executive Principal/Principal must monitor the number of exclusions every term and reports back to the CEO and Governors/ Trustees through the termly report. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

The Trust will work with its academies to consider this data, and to analyse whether there are patterns across the Trust, recognizing that numbers in any one academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the CEO. At every review, the policy will be approved by the Standards Board.

12. Links with other policies

This exclusions policy is linked to our:

- Positive Relationships & Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training

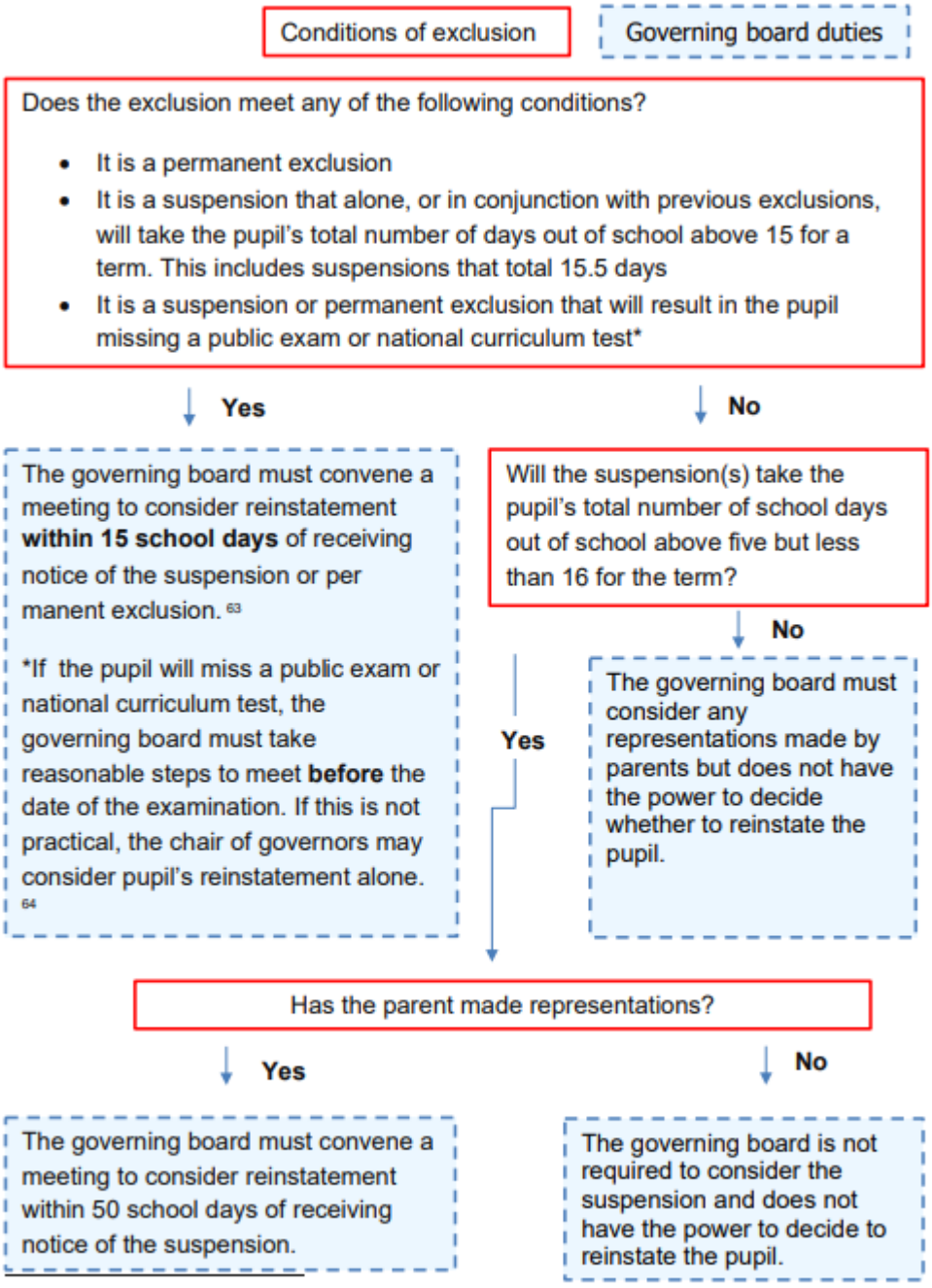
The academy trust must ensure that all members of an independent review panel and clerks have received training within 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent 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 the Executive Principals/Principal, 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 – Summary of Academy Committee's duties to consider reinstatement

A summary of the governing board's duties to consider reinstatement[62]



[62] Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[63] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[64] The ability for a chair to review in the case of public exams refers only to maintained schools.