



BEHAV-06-EXCLUSION

1 INTRODUCTION

- 1.1 Heart of England School (the Trust) is committed to being fully accessible and inclusive. The organisational focus on respect for equity and diversity central to our vision of creating futures. Our core values underpin a safe and caring educational environment where all are able to achieve their personal best.
- 1.2 The Trust's core purpose is learning, and our high expectations are clarified in the behaviour policy. Parents/Carers agree to support these values and expectations in the home/school agreement.

2 ROLE OF TRUST BOARD AND COMMITTEES

- 2.1 All schools are required to have a published policy for Exclusions that meets statutory guidance. The trustees should:
- Provide clear advice and guidance to the Principal regarding the Exclusion Policy,
 - Consider representations by parents/carers regarding exclusion, subject to the caveat:
 - If the total number of days of suspension for a student in a single term is less than six days the Trust Board **MUST** consider the representations, but does not have to meet with the parents/carers and cannot direct reinstatement¹,
 - Pay particular attention to the requirements of the Policy which places responsibility on the Trust Board and the Principal for all processes associated with the appeals process,
 - Have oversight of the cancelled suspensions/permanent exclusions.

3 ROLE OF PRINCIPAL AND SENIOR LEADERSHIP TEAM

- 3.1 The Principal, or Acting Principal (referred to as Principal from this point forward in the policy), is the only person who can suspend or permanently exclude a student on disciplinary grounds.
- 3.2 The Principal must establish the facts in relation to a suspension or permanent exclusion, the Principal must apply the civil standard of proof (i.e., "on the balance of probabilities" it is more likely than not that a fact is true, rather than the criminal standard of "beyond reasonable doubt.")

¹ Paragraph 104 of the [Guidance](#)



- 3.3 The Principal must take account of their legal duty of care when sending a student home following an exclusion:
- The Principal or nominated representative must, without delay, notify, as appropriate, parents/carers/social worker (SW)/local authority (LA) and the Trust Board of the period of the suspension/permanent exclusion and the reason(s) for it,
 - They must also, as soon as possible, after the decision, provide parents/carers with the following written information, which can be emailed, collected, or posted:
 - The reason(s) for the suspension/permanent exclusion,
 - The period, start date and return date for a period of suspension,
 - If appropriate, a statement that the exclusion is permanent and that the student is not expected to return to school,
 - The rights of the parents/carers to make representations about the suspension/permanent exclusions to the Trust Board and how the student may be involved in this,
- 3.4 The Principal should also ascertain the student's views, considering these in the light of their age and understanding, before deciding whether to exclude, unless it would not be appropriate to do so. They should inform the student about how their views have been factored into any decision made.
- 3.5 The Principal must ensure that, if relevant, the student is supported in expressing their view, through suitable advocates.
- 3.6 The Principal must take into account any contributing factors identified after an incident and consider paragraph 45 of the [Behaviour in Schools guidance](#).
- 3.7 If the student is of compulsory school age, there will be days during which the student is not allowed to be present in a public place during school hours.
- This is the first 5 days of a suspension/permanent exclusion, or when a full-time alternative provision is provided if this is less than 5 days. The Principal must inform the parents/carers of this requirement,
This information must be received, at the latest, by the end of the afternoon session on the first day of the suspension/permanent exclusion.
- 3.8 The parents/carers must be informed about the relevant sources of free and impartial information, this includes, but is not limited to:
- The local SENDIAS service,
 - Coram's Child Law Advice, via <https://childlawadvice.org.uk/information-pages/school-exclusion/>, 0300 330 5485 (Monday-Friday, 08:00-18:00),
 - ACE education, via <http://www.ace-ed.org.uk/>; they also run a limited service on 0300 011 5142 (Monday-Wednesday, 10:00-13:00, term time only),
 - Independent Provider of Special Education Advice (IPSEA), via <https://www.ipsea.org.uk/>, which offers free and independent information, advice and support.



- 3.9 The Principal may cancel a suspension/permanent exclusion that has not been reviewed by the Trust Board (also known as withdrawing/rescinding). In these circumstances:
- The student must be allowed back into school,
 - The parents/carers/SW must be notified,
 - The parents must be offered the opportunity to meet with the Principal to discuss the circumstances,
 - The Trust Board and the LA must be notified,
 - The number of cancelled suspensions/permanent exclusions must be reported, at least termly, to the Trust Board, with the justification for the cancellation.

4 RATIONALE

- 4.1 “Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education.” Department for Education - Exclusion Guidelines.
- 4.2 In this policy the Trust Board aims to discharge appropriately its statutory duties as set out in the Department for Education Statutory “Guidance for those with legal responsibility for exclusion.”

5 INTRODUCTION

- 5.1 Exclusion is a sanction only used by the Principal and is decided on after full consideration of the facts and probabilities, and in line with the principles of administrative law. In reaching a decision each case will be considered on its own merit taking into account the complexity of individual context and relevant mitigation.
- 5.2 Exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Trust’s Behaviour Policy (BEHAV-01-Behaviour):
- Indecent behaviour,
 - Serious Misbehaviour (as stated in the BEHAV-01-Behaviour policy).
 - Threat of use, possession, or use of any items on the prohibited items list (as stated in the BEHAV-01-Behaviour policy).
- 5.3 This is not an exhaustive list and there may be other situations for which exclusion is judged an appropriate sanction:
- Exclusions can be either fixed term (suspension) or permanent,
 - All exclusions will be issued in line with the Department for Education’s guide for those with legal responsibilities in relation to exclusion.

6 SCHOOL DISCIPLINE (PUPIL EXCLUSIONS AND REVIEWS) (ENGLAND) REGULATIONS 2012

- 6.1 Whenever a student is excluded from the Trust on disciplinary grounds it will happen in accordance with the [regulations](#).
- 6.2 If a parent/carer feels that the appropriate procedures have not been followed, they should use the Complaints policy.
- 6.3 All decisions are made on a case-by-case basis, with consideration of safeguarding concerns and investigations and the Trust’s statutory duty to promote the welfare of its students in accordance with Keeping Children Safe in Education 2023.



7 PERMANENT EXCLUSION

7.1 The decision to exclude a student permanently could be taken in the following circumstances:

- In response to a serious breach, or persistent breaches, of the Trust's Behaviour Policy, and
- Where allowing the student to remain on the premises would seriously harm the education or welfare of the student or others in the Trust.

8 EQUALITY ACT 2010

8.1 All decisions will follow the guidance on the Equality Act 2010 published by the 'Equality and Human Rights Commission in Section 5.4 entitled '[What equality law means for you as an educational provider](#)'.

9 ALTERNATIVES TO EXCLUSION

9.1 The Trust will work closely with other local secondary schools to undertake managed moves where such a course of action is deemed appropriate and agreed by the parent/carer and schools concerned.

9.2 The threat of a permanent exclusion will not be used as the means to persuade parents/carers to move their son/daughter to another school.

10 BEHAVIOUR OUTSIDE OF THE SCHOOL

10.1 The behaviour of students whilst off-site can be considered as grounds for exclusion.

10.2 This will be a matter of judgement for the Principal (or Vice Principal acting in this role) in accordance with the Trust's behaviour policy.

11 EXCLUSIONS RELATED TO PROHIBITED ITEMS

11.1 When making a decision on whether or not to exclude for a prohibited items offence the Principal will have regard to the law and will also seek advice from the Police and other relevant agencies should the context be appropriate. Bringing prohibited items onto the school site, - or possession of them, are likely to lead to permanent exclusion.

12 WITHDRAWAL/CANCELLING/RESCINDING AN EXCLUSION

12.1 The Principal may cancel any exclusion that has already begun. They may also cancel ones that have not yet commenced. This can happen only when the Trust Board has not yet met to consider reinstatement.

12.2 It is not possible to cancel a permanent exclusion if the student has already been excluded for more than 45 days in an academic year, or if that total has been reached by the time the cancellation is effective.

12.3 Following the cancellation of the exclusion, the following must happen:

- The Principal must notify the following people the reason for the cancellation:
 - The parents/carers,
 - The Trust Board,
 - The Local Authority (if applicable),
 - The student's social worker (if applicable),
 - The Virtual School Head (VSH) (if applicable).
- The planned Trust Board meeting to consider reinstatement, should be cancelled.
- Parents/carers of students under 18 should be offered the opportunity to meet with the Principal and discuss the circumstances that led to the cancellation. Students aged 18 and over should be offered the same opportunity.
- The meeting must be scheduled without delay.
- The student must be allowed back into for normal lessons without delay,
- Any days out of education as a result of the exclusion will continue to count towards the maximum 45 days permitted in any academic year.

13 REMOTE MEETINGS

13.1 For expulsion, meetings of Trust Boards or IRPs can be held via remote access providing that:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales,
- the Trust Board, or arranging authority for IRPs, is satisfied that:
 - all the participants agree to the use of remote access,
 - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used,
 - all the participants will be able to put across their point of view or fulfil their function,
 - the meeting can be held fairly and transparently via remote access.

13.2 The Trust Board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place. Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions.



13.3 When determining if it's practicable to meet in person, the Trust Board or arranging authority should assess:

- the facts of the case,
- the circumstances in which a meeting in person could be expected to take place,
- the needs of the intended participants, as far as this is possible,

14 THE LATEST PUBLIC HEALTH GUIDANCE. ARRANGING A REMOTE ACCESS MEETING

14.1 The Trust Board or arranging authority should explain the technology they propose to use to make sure that the participants, particularly students and their families, know that they do not have to agree to a meeting to be held via remote access.

14.2 They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

14.3 Where a parent or student has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

14.4 Trust Boards, arranging authorities and panel members must:

- comply with relevant equalities legislation,
- recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language.

14.5 The Trust Board or arranging authority should take reasonable steps to facilitate a parent/carer, or student's access to the technology required.

14.6 If a Trustee, panel member or other participant requires support to access or use remote access technology, the Trust Board or arranging authority should facilitate this to ensure the meeting can be held promptly.

15 FAIRNESS AND TRANSPARENCY

15.1 The Trust Board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.

15.2 If a Trust Board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and students to take account of their wishes.

15.3 In rare cases, a Trust Board or arranging authority may conclude that a remote meeting would not be fair and transparent, even if the participants have given their consent for a remote access meeting. In such cases, the Trust Board or arranging authority should explain to the parent and the student why they have taken this decision.



16 RUNNING THE MEETING

- 16.1 If a meeting is held via remote access, the Chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.
- 16.2 If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the Trust Board or IRP should adjourn the meeting.
- 16.3 The use of remote access does not alter other procedural requirements that may apply to Trust Boards, arranging authorities or IRPs. For example:
- if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal,
 - parents may be joined by a friend or representative, as normal.
- 16.4 Though Trust Boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.
- 16.5 As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access.
- 16.6 All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).
- 16.7 To help meetings run smoothly and ensure they are accessible for participants:
- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting,
 - indicate a named person who participants can contact; with any questions they may have beforehand,
 - ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak,
 - how any 'chat' functions should be used,
 - whether there will be any breaks in proceedings,
 - how participants can access advocacy services during the meeting,
 - consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting.



17 APPLICATIONS FOR AN INDEPENDENT REVIEW

17.1 The legal time frame for an application is:

- Within 15 school days of notice being given to the parents/carers by the Trust Board of its decision not to reinstate a permanently excluded pupil
- Where an application has not been made within this timeframe, within 15 school days of the final determination of a claim of discrimination under the equality Act 2010 in relation to permanent exclusion.

17.2 The Trust must wait for the extended period of 15 school days to pass without an application having been made before deleting the name of an expelled student from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

18 MEETINGS TO CONSIDER EXPULSIONS AND SUSPENSIONS RESULTING IN THE STUDENT MISSING MORE THAN 15 SCHOOL DAYS IN A TERM

18.1 If a student is permanently excluded or suspended which results in them having been suspended for 16 or more school days in a term, the sub-committee should meet to discuss reinstatement within 15 school days.

19 MEETINGS TO CONSIDER SUSPENSIONS RESULTING IN THE STUDENT MISSING BETWEEN 6 AND 15 SCHOOL DAYS IN A TERM

19.1 If a student is suspended which results in them having been suspended for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or student, if aged 18 or above) chooses to make representations about the suspension, the Trust Board should meet to discuss reinstatement within 50 school days.



20 AUTHOR

20.1 The author of this policy is the Principal. They should be contacted for any points of clarification or suggested future amendments.

21 VERSION CONTROL

Policy Number	BEHAV-06
Policy Name	Exclusion
Version Number	03
Publication Method	External A copy must be made available in U:\Staff Information\Policies\ BEHAViour Policies
Approved by	Full Trust Board
Date of Approval	November 2023
Key changes since previous version	1. Point 5.2 now refers directly to BEHAV-01-Behaviour instead of maintaining two separate lists. 2. Point 11 Changed to reflect that permanent exclusions are related to Prohibited Items, not just drugs related. 4. Point 17.1, bullet points 2 & 3, merged to resolve mistake.
Next Review Date	October 2024