



## Exclusion Policy

### Statutory policy for those with legal responsibilities in relation to exclusion

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Owner	Director of Education
Applies to	All Trust schools, all Trust staff, Trust Board, Local School Committees, independent review panel members, independent review panel clerks, and individuals appointed as SEN experts.

Version	Date	Reason
1.0	January 2020	To establish a trust wide policy
1.1	March 2021	To review and ensure legal compliance
1.2	March 2022	To review and include the term 'suspension' within the definition of 'exclusion'
2.0	September 2022	To adopt Browne Jacobson's approved policy.
2.1	September 2023	To include updates to DfE guidance
2.2	September 2024	To include technical updates to reflect the School Attendance (Pupil registration) (England) Regulations 2024 and annual review.
2.3	October 2024	Clarification of role of Local School Committee

In this policy:

'The Trust' means Initio Learning Trust.

'School' means a school (academy) in Initio Learning Trust.

'Trustee' means a Trustee of the Trust and member of the Board of Trustees, which is the legal governing board of the Trust; a Trustee is also a Director of the Trust.

'Local School Committee' and 'LSC' means a local school committee that is a committee of the Board.

'Headteacher' can mean the head of school or executive headteacher of the school.

'CEO' means the chief executive officer of the Trust (or an executive officer to whom they have delegated specific authority to act on their behalf).

'Parent' for the purposes of the Education Acts is broadly drawn. In addition to the child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, all those with parental responsibility should be involved in the exclusions process.

'Academic year' means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

The term 'must' refers to what head teachers/local school committees/academy trusts/local authorities and parents are required to do by law.

The term 'should' refers to recommendations for good practice.

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## **1 Introduction**

1.1 Initio Learning Trust's exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that our schools will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.

1.2 Where the Trust's approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

1.3 The Trust will always have regard to the Statutory Guidance on Suspensions and Exclusions (August 2024) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).

1.4 This policy should be read in conjunction with the behaviour policy and the SEND policy for the school.

## **2 Application of policy**

2.1 This policy applies to all members of the Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

## **3 Types of exclusion**

Suspensions and permanent exclusions are different:

3.1 Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum of 45 days of suspension in an academic year. A suspension does not need to have to be for a continuous period; suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. The law does not allow for a suspension to be extended or converted into a permanent exclusion.

3.2 Permanent exclusions are where, subject to a decision of the local school committee to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude 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, such as staff or pupils, in the school.

3.3 Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of Department for Education guidance and must be formally recorded.

## **4 Roles and responsibilities**

All members of the Trust community are expected to follow this policy. Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

## **4.1 The Headteacher**

All decisions to suspend or permanently exclude a pupil will be taken by the headteacher after considering all the circumstances. Every decision made will be made in line with the principles of administrative law i.e. that it is lawful, reasonable, fair and that it is proportionate to the seriousness of the behaviour with reference to the Trust's behaviour policy and the school's behaviour guidance. The headteacher will ensure that reasonable steps are taken for work to be set and marked for the first five days where the pupil will not be attending alternative provision. The headteacher will also ensure that parents and, if relevant, the pupil's social worker and / or virtual school head are informed without delay and in line with the relevant guidance.

The headteacher should also adopt a reliable method for monitoring the maximum 45 days permitted in a school year out of school due to an exclusion, including suspension received from other schools as well as ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

### **4.1.1 Safeguarding**

The school has a statutory duty to make arrangements for safeguarding and to promote the welfare of their pupils and are required to have regard to any guidance issued by the Secretary of State for Education and must have regard to Keeping Children Safe in Education. Furthermore, schools have a statutory duty to cooperate with safeguarding partners.

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

## **4.2 The LSC**

The LSC is responsible for forming committees to review exclusions and suspensions when it is required to do so following the latest DfE guidance.

## **4.3 Parents**

Parents will be informed without delay of any suspension or exclusion, the reasons for the suspension or exclusion and that there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the headteacher.

## **4.4 Pupils**

All pupils of the schools in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the behaviour policy will apply. These expectations are found in the school's behaviour guidance.

## **5 CCTV, witness evidence and pupil views**

5.1 The Trust uses Close Circuit Television (CCTV) within some of its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any LSC review meeting. Please see the Trust's CCTV policy and privacy notices for more information.

5.2 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any LSC review meeting. All statements will be signed and dated unless the headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

5.3 Before taking a decision to suspend or exclude and where appropriate, the headteacher will take the pupil's views into account, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

## **6 Reintegration strategy meetings following suspension or off-site direction**

6.1 Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start;
- help them understand the impact of their behaviour on themselves and others;
- teach them to how meet the high expectations of behaviour in line with the school culture;
- foster a renewed sense of belonging within the school community; and
- build engagement with learning,

so that further suspensions are not needed. School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

6.2 The school uses various measures to support a pupil's successful reintegration which may include:

- regular contact with a designated staff member in school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the pupil receives academic support upon return to catch up on any lost progress;
- planned pastoral interventions;
- mentoring by a trusted adult or a local mentoring charity;
- the use of a pastoral support plan
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support

6.3 Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the School or being put in mainstream classes because a meeting has not taken place.

## **7 Cancellling a suspension or exclusion**

7.1 A suspension or exclusion can be cancelled by the headteacher as long as the suspension or exclusion has not been considered by the LSC. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.

7.2 Where a suspension or exclusion is cancelled, the relevant parties will be informed by the headteacher in accordance with the Statutory Guidance on Suspensions and Exclusions.

## **8 Suspensions before a permanent exclusion**

8.1 A suspension **cannot** be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light, or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

## **9 Directing off-site and managed moves**

9.1 Before taking any decision to permanently exclude a pupil, the headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

9.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would normally take place with parents to feed in their views about the options.

9.3 For a managed move to take place there needs to be agreement between the School, the parents and the new school that a managed move should occur. The Trust also recommends that the school gains the agreement of the relevant person in the Local Authority such as the Inclusion Lead for the locality. We will share relevant information with the new school and check that they have an integration strategy. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

## **10 Independent review panels (IRPs)**

10.1 The Trust arranges its own IRPs, and requests for an IRP where a permanent exclusion has been upheld should be made to the named person on the decision letter within 15 school days.

10.2 Further details on the role and powers of IRPs can be found in Part Nine of the Statutory Guidance on Exclusions and Suspensions.

## **11 Reconsideration by the LSC**

Where an IRP directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision. This may involve a rehearing with oral evidence given by the School and parents or may be a reconsideration with only the LSC committee members and the clerk present.

## **12 Remote Meetings**

12.1 Any LSC meeting and/or an IRP meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease. Due regard will be given to the statutory guidance when conducting meetings remotely.

12.2 In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and all relevant persons would be able to make representations.

## **13 Complaints**

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move or to electively home educate their child, they should raise their concerns with a staff member or the headteacher in accordance with the Trust's complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the Statutory Guidance on Exclusions and Suspensions will be followed.

## **14 Equality impact**

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

## **15 Monitoring arrangements**

The LSC and trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored by the LSC to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion;
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefitting from it;
- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
  - any previous placements have been evaluated, including support for any applicable SEND;
  - there is a process in place to monitor the pupil's attendance and behaviour at the provision;
  - the correct attendance code is being used;



- the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible;
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils;
- the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves;
- whether the school register and absence codes have been recorded correctly
- how the behaviour policy is applied and specifically its consistency;
- the circumstances in which pupils receive repeat suspensions;
- whether Personal Education Plans for looked after children have been reviewed on a termly basis.