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| <b>POLICY TITLE:</b>   | <b>Exclusions</b>   |
| <b>Policy Number:</b>  | ACS 37  |
| <b>Applies to:</b>   | Schools and Colleges only: England, Scotland, Wales   |
| <b>Version Number:</b>   | 04  |
| <b>Date of Issue:</b>  | 06/07/2023  |
| <b>Date of Review:</b>   | 31/05/2024  |
| <b>Author:</b>   | Charlie Rivers – Head of Quality (Education)  |
| <b>Ratified by:</b>  | Charlie Rivers – Head of Quality (Education)  |
| <b>Responsible signatory:</b>  | Tina Walton – Chief Operating Officer   |
| <b>Outcome:</b>  | This policy aims to ensure that exclusion, where used is fair and well managed, and complies with legal requirements. |
| <b>Cross Reference:</b>  | ACS04 Positive Behaviour Management   |
| <b>EQUALITY AND DIVERSITY STATEMENT</b>  |   |
| Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect. |   |

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, email [AsprisGovernanceHelpdesk@Aspris.com](mailto:AsprisGovernanceHelpdesk@Aspris.com)

## Exclusions

### 1 INTRODUCTION

- 1.1 In order to effectively implement this policy, each Aspris Children's Services facility will have local procedures in place where necessary, which explain how this policy is applied and put into practice at site level.
- 1.2 Template **ACS LP 37** is provided for this purpose and includes a key content checklist.

### 2 DEFINITIONS

- 2.1 **Types of exclusion:** There are 2 kinds of exclusion – fixed period (suspended) and permanent (expelled).
  - 2.1.2 **Fixed period exclusion:** A fixed period exclusion is where a child/young person is temporarily removed from school. **A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year) even if they have changed schools within that time. The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion.**
    - 2.1.2.1 If a child/young person has been excluded for a fixed period, schools must set and mark work for the first 5 school days. This may include the use of Virtual Learning Platforms.
    - 2.1.2.2 If the exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day. This may include the use of Virtual Learning Platforms.
    - 2.1.2.3 **'Internal exclusion'** (where a child is educated in isolation/away from their normal learning groups) is also a **formal fixed term exclusion** which must be treated as such and recorded and monitored in the same way as any other exclusion.
  - 2.1.3 **Permanent exclusion:** Permanent exclusion means that a child/young person is expelled and may no longer attend the school. The local authority must arrange full-time education from the sixth school day.
- 2.2 There is **no** provision for schools/colleges to implement an 'informal exclusion': (ie. When a child/young person is sent off the school premises, and where this is not officially recorded as an exclusion – e.g. where a child is sent home for a 'cooling off' period).
- 2.3 It is **unlawful** for a child/young person to be 'informally excluded' from school, even where the child's parent/s or carer/s agree to the exclusion.

### 3 USE OF EXCLUSIONS

- 3.1 The use of exclusions will always be considered as a last resort, where no other reasonable resolution has proved, or is reasonably likely to prove effective. The decision to exclude must be: lawful; rational; reasonable; fair; and proportionate.
- 3.2 Where a school has concerns about the behaviour, or risk of exclusion, of a child/young person with additional needs, an EHCP or a looked after child (LAC) it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN. Where a child/young person has an EHCP, schools should consider requesting an early annual review or interim / emergency review.

- 3.3 Exclusions may only be authorised by the Headteacher, and must in every case be given approval by the Operations Director, and in the case of permanent exclusion, the Chief Operating Officer (Education).
- 3.4 With regard to exclusion, no individual should receive less favourable treatment as a consequence of his or her disability, gender, gender reassignment, sexual orientation, age, colour, ethnic origin, culture and religious beliefs (protected characteristics).

#### **4 COMMUNICATION & RECORD KEEPING**

- 4.1 Any incident where exclusion may be a consequence must be fully recorded and reported according to policy (Policy AOP04), and a full record maintained in the child/young person's individual records. This means that every exclusion, whether fixed-term or permanent, must be recorded in the Organisations incident reporting system
- 4.2 Where a decision is made to exclude a pupil, the parent(s), carer(s) or person(s) with parental responsibility should be notified immediately, usually by telephone, followed by a letter without delay
- 4.3 Headteachers, in liaison with their Regional Operations Director are responsible for ensuring that all relevant parties (including the Commissioner of the service via the Business Development Team) are fully notified in writing of all exclusions. This must be within 2 working days of the decision being made.
- 4.3.1 Where a child/young person lives in a children's home this will also include written notification of the exclusion to the Registered Manager of the home irrespective of the Provider of the Home.
- 4.3.2 The correspondence must state:
- a) whether the exclusion is permanent;
  - b) where the exclusion is fixed-term, the precise period of the exclusion;
  - c) the reasons for the exclusion;
  - d) the parent's (person(s) with parental responsibility) right to make representations/appeal;
  - e) who to contact about making such representations;
  - f) the arrangements made by the school for the pupil to continue their education during the 1<sup>st</sup> 5 days of the exclusion, including setting and marking of work (with parent(s) having responsibility for ensuring that work sent home is completed by the pupil and returned to school);
  - g) the school days (or school day from) which the pupil will be provided with alternative suitable education.

#### **5 APPEALS, REPRESENTATION & COMPLAINTS**

- 5.1 In accordance with national guidance, appeals may be made in writing against decisions to exclude: The Operations Director (As Chair of Governors) will consider such appeals. There may be operational reasons where it is appropriate for an Operations Director from another part of the division to consider the appeals/representation.
- 5.2 A decision will be made within 15 school days of receiving such an appeal. Appeals can be made for one or more of the following reasons:
- (a) The exclusion is permanent;
  - (b) It is a fixed period exclusion which would bring the child/young person's total number of school days of exclusion to more than 15 in term;
  - (c) It would result in a child/young person missing a public examination

(d) The sanction is felt to be disproportionate for the incident  
The sanction is felt to be discriminatory or unfair

- 5.2 Any complaint in relation to an exclusion, once the representation and appeals process has concluded should be handled according to the Complaints Policy.

## **6 REINTEGRATION**

- 6.1 Following any period of fixed-term exclusion Headteachers are responsible for working with the child/young person and their parents/carers to ensure a planned and carefully managed reintegration. This should be agreed at a reintegration meeting prior to the child/young person returning, is a formal meeting with minutes, and a follow up letter confirming outcomes sent to all relevant parties.

## **7 MONITORING**

- 7.1 Any exclusion must be reported up using Aspris Escalation processes. All exclusions will be considered at the next monthly Quality Review. Exclusions must be a fixed agenda item in weekly report to ODs and on termly Governance meetings. Quality Team to analyse trends at the end of each term
- 7.2 Operations Directors will always include a review and learning points analysis in school visit reports (as part of their monthly visiting schedule) on any occasion where an exclusion has taken place in the period leading up to the visit.

## **8 SAFEGUARDING**

- 8.1 Headteachers have a duty to consider any safeguarding implications where exclusions are being considered. This would include any specific requirements pertaining to that young person pertaining to a safeguarding nature and ensuring that is considered as part of the exclusion arrangements.

## **9 REFERENCES**

- 9.1 Education (Independent School Standards) Regulations: 2014  
Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement DfE Sept 2022  
Welsh Government: Exclusion from schools and pupil referral units (2019 update)  
Included, engaged and involved part 2: A positive approach to preventing and managing school exclusions  
Educational exclusion and inclusion – common themes from the Improving Life Chances Implementation Group  
KCSIE Sept 2022

**Associated Forms: Associated forms of relevant MIS system**