



Exclusion Policy

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'Learning together, to be the best we can be'

1. Context

1.1. This policy outlines the approach of Nexus Multi Academy Trust to exclusions within the statutory framework. It outlines only where the Trust applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

2. Principles

2.1. Suspension and exclusion are only used by the Trust and its constituent academies in cases deemed as serious breaches of an academy Behaviour Policy. A pupil may be at risk of suspension or exclusion from their academy for:

- Verbal abuse, threatening behaviour or physical assault against a pupil or adult;
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy;
- Bullying;
- Racist abuse;
- Abuse against sexual orientation or gender reassignment;
- Abuse relating to disability.

2.2. A Suspension from an academy within the Trust can only be authorised by the Headteacher, one of the Deputy Headteachers acting on their behalf, or the Headteacher's line manager. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

2.3. In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting with the Chief Executive Officer of the intention to impose this sanction.

2.4. The Trust seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within each of our academies.

3. Notification of a suspension or permanent exclusion

- 3.1. Parents will be notified as soon as possible of the decision to suspend a pupil and the reason for the suspension. This will be done on the day of the suspension being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension will be sent to parents within 24 hours.
- 3.2. In the case of a permanent exclusion parents will be notified by the Headteacher in a face-to-face meeting wherever possible, unless in exceptional circumstances. A written confirmation of the reason(s) for the exclusion will be sent to parents within 24 hours.
- 3.3. A pupil who has been suspended or permanently excluded will have the reason for this explained to them by a member of staff so that they understand the nature of their misbehaviour.
- 3.4. The school will also work to put in place a restorative programme for the pupil on their return. This will include input from staff at the school, parents, if appropriate, and any other appropriate agency. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following suspension a pupil will be able to return to school and that further input will promote in them a more positive attitude and a subsequent improvement in behaviour.
- 3.5. The relevant Local Authority, Trust's Chief Executive Officer and relevant school staff will be notified of all suspensions the same day of the production of the suspension letter.

4. Pupils Returning from a suspension

- 4.1. All pupils returning from a suspension are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspensions can be avoided and behaviour

modified to acceptable standards in partnership between pupil, parent and the school.

5. Permanent Exclusions

5.1. A school will only permanently exclude a child as a last resort, after trying to support the child or young person to improve their behaviour through other means. However, there are exceptional circumstances in which a Headteacher may decide to permanently exclude a pupil because of ongoing issues or for a 'one-off' incident

5.2. If a child has been permanently excluded:

- Trust governance is required to review the Headteacher's decision (see appendix a) within 15 school days;
- if the Trust governors confirm the exclusion, parents can appeal to an independent appeal panel organised by the Trust Board;
- the school must explain in a letter how to lodge an appeal;
- the local authority must provide full-time education from the sixth day of a permanent exclusion.

6. Appeals

6.1. All correspondence regarding a permanent exclusion from the school will inform parents of their right to appeal against the decision. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Trust Board at clerkingservices@nexusmat.org

7. Relationship to other Trust policies

7.1. The Exclusion Policy should be read in tandem with the Behaviour Policy as well as other relevant Trust policies. It also has a close inter-relationship with the school's Anti-Bullying Policy and Attendance Policy.

Appendix A – Appeal Panel Meeting

1. Panel to Consider Permanent Exclusions

This document is intended to provide the Governors and Clerk with guidance for running an Appeal Meeting to consider permanent exclusion.

It is important that the panel understand that they 'own' the meeting and not the Headteacher. How the meeting is arranged and conducted, is a vital part of working with the parents/carers of the pupil involved to support the pupil. The meeting should be mutually convenient to all parties including the parents/carer, the date and time of the meeting should be agreed with the parents/carers in the first instance,

2. Membership of the panel

This can be between 3 and 5 governors, but must not be less than 3. An odd number of governors are strongly recommended. Governors should, as far as possible, have no prior knowledge of the matter. To discuss the matter in advance will compromise the ability of governors to reach a fair decision, based on natural justice, and could make the process invalid, and flawed

Governors must not sit on the panel if any of the following apply:

- know the pupil and/or his/her family;
- witnessed the incident that led to the exclusion;
- have a child in the same class as the pupil involved, or have a child who was a witness to the incident and has told them about it;
- have a spouse/partner who was involved in the incident;
- for any other reason they may not be able to be impartial;
- is a member of the school staff;
- has discussed the exclusion incident with the Headteacher;

3. Chairing the meeting

Any governor may chair the meeting, or a representative of the MAT.

4. Clerking the meeting

The meeting will be clerked with a record kept of the discussion in line with the agenda.

The Agenda, details of who will be present at the meeting should be sent to all parties at least 5 school days prior to the meeting (this includes parents/carers).

Appendix A – Appeal Panel Meeting

5. Order of the meeting

5.1. Noting attendance

The Clerk should take minutes and a list of the names of everyone who is present at the meeting

The clerk should also note if the parents/carers do not attend, stating when and how they were invited to attend, and how and whether or not they had indicated that they would be present.

Governors also need to detail the pupil's views and how they were obtained if they or their parent/carer does not attend. Parent/carers may be delayed for whatever reason and it is at the chair's discretion whether the start of the meeting will be briefly postponed, but being mindful of natural justice it would be appropriate to allow parents/carers sufficient time to attend.

5.2. Apologies

The clerk should note any apologies offered.

5.3. Chair's welcome, introductions and opening remarks

The Chair of the panel should welcome everyone, and either perform introductions or ask people to introduce themselves. They should state the purpose of the meeting and outline its format.

The purpose of the meeting:

- to establish whether, based on the facts known at the time, the Headteacher took the right action in excluding the pupil;
- to consider whether the exclusion was appropriate;
- to ensure the exclusion was reasonable, fair and appropriate taking into account the head teacher's legal duties;
- to consider the interests and circumstances of the excluded pupil, including circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working in the school;
- to establish that the Headteachers decision warrants a permanent exclusion and is:
 - in response to serious 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 in the school

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Based on the evidence presented to them the panel have two basic options:

- to reinstate the pupil, immediately or on a future date; or
- to decline to reinstate.

In order to help them reach their judgement the meeting should take the following pattern.

5.4. Verbal statement from the Headteacher

This will be in support of any written evidence previously circulated. The Headteacher must be able to make their case on the day – it is not sufficient to rely on information previously sent out. They may invite other staff members to attend to offer supporting evidence, being careful not to be over represented. Panel members and parents/carers may make comments/ask questions after the Headteacher has presented their case.

Written evidence should be circulated in advance it should be sent to all the parties involved at least 5 days prior to the meeting, this includes the parents/carers

Witness statements should be signed and dated unless there is good reason not to.

There should also be the excluded pupil's views, taking into account their age and understanding. It is acceptable to provide a list of the pupil's transgressions in a report from the Headteacher giving evidence why he/she feels the exclusion is justified. This should include sufficient detail to allow the panel to have a full picture of the situation i.e. Pastoral Support Plan, Individual Education Plan, Risk Assessment, details of intervention strategies and outcomes, whether a Family Support Plan has been offered or provided, and details of special education needs/disability and how these have been supported.

5.5. Questions to the Headteacher

Panel members may ask questions to clarify points after Headteacher has presented their case as well as parents/carers.

5.6. Verbal statement from the parent/carers (or pupil if appropriate)

Appendix A – Appeal Panel Meeting

This should support any written evidence that they asked to be circulated in advance. The parent/carer/pupil may ask that their friend or representative speak on their behalf

5.7. Questions to parents/carers

Panel members may make ask questions as well as the Headteacher. If pupil is in attendance, they may also be questioned

5.8. Final clarification

The Chair of the panel should ensure that all parties, especially the parents/carers/pupil, have had an opportunity to say what they wish to and that all points are clear. Panel members should be confident that they have all the information they need to be able to reach a correct decision.

5.9. Reaching a Decision

At this point everyone other than the panel and clerk should withdraw from the meeting, to allow the panel to discuss the case/s under consideration and form a judgement.

Where parents make it clear they do not wish their child reinstated, the panel must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

In this case a note should be attached to the child's school record, to clarify if the panel did not support the Headteacher's action.

Where the panel judged that exclusion was not the correct course of action, it may reinstate the pupil. In these cases, some of the following might apply:

- the Headteacher did not provide relevant or sufficient evidence to support his/her case for an exclusion, or;
- the panel judged that insufficient strategies had been put in place to support the pupil prior to the incident that resulted in the exclusion (i.e. it could have been avoided if the school had given better support), or;
- the parent/carer has made an acceptable representation against the exclusion, e.g. provided evidence of mitigating circumstances, provided evidence to support their child's views with regard to their case;
- the child had not been given a voice at the meeting and their views captured by the school;

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- strategies could include the use of a Pastoral Support Plan; a risk assessment of the potential hazard the pupil presents or faces; or in the case of Looked After Children, whether their Personal Education Plan has been reviewed;
- based on the balance of probabilities they felt the Headteacher’s decision was not lawful, reasonable and procedurally fair.

There are times when pupils with Education, Health and Care Plans are exhibiting behaviour that might lead to their exclusion, or have been excluded. In these cases the school should have requested a review of this to establish that the child has the appropriate level of support in the school, or is even the appropriate school for the pupil to attend, this may not always happen as a one off offence of physical violence etc., An external review may also be requested where pupils and their behaviour has deteriorated.

Where a child with an Education, Health and Care Plan is excluded from school the panel should always ask what the school has done to support the pupil before exclusion is imposed and satisfy itself that the school has done all it can. Schools should call a review if they feel the pupil’s behaviour has deteriorated or the pupil is struggling to cope. Parents/carers of a pupil with an Education, Health and Care Plan must be informed of their right to appeal to First Tier Tribunal with regard to any exclusion.

If parents believe that the exclusion has occurred as a result of discrimination they may make a claim under the Equality Act 2010, so the panel need to consider whether the school has made reasonable adjustments with regard to the disability.

6. Record Keeping

The clerk will take Minutes of:

- the evidence and questions by all parties
- the main points of the discussion by panel members;
- the decision reached, and:
- the supporting reasons.
- how the pupils views were captured

The panel may include comments or make recommendations but cannot put conditions on exclusion or the outcome.

7. Communicating the outcome

A formal letter detailing the decision, and setting out the reasons why the panel have reached their conclusion, should be sent to the parent/ carer without delay, either hand delivered or posted by first class mail.

Appendix A – Appeal Panel Meeting

8. Further action

In the case of an exclusion, the parents/carers must be informed in the letter from the panel of how they can make an application to an Independent Review Panel.

Where parents make an application against an exclusion to an Independent Review Panel after the panel meeting, they can only:

- uphold the decision;
- recommend that the panel reconsider their decision; or
- quash the decision and direct the panel to reconsider the exclusion again.

The Independent Review Panel cannot direct reinstatement, only the panel and the First Tier Tribunal can reinstate.

Where sent back to panel and recommended to reconsider, or where the decision is quashed and direction is given to the panel to reconsider: this has to take place 10 school days from the date of receipt of the outcome of the Independent Review Panel.

It is then the decision of the panel to review the decision not to reinstate and write to the parent and Headteacher of their decision without delay.

Minutes of the meeting should be held on record in line with the Nexus MAT record retentions schedule.

One copy of all paperwork needs to be kept as a parent can go the First Tier Tribunal re disability discrimination before and after an Independent Review. Claims can be up to 6 months after the review.

Appendix B – Model suspension letter

Insert school address

Date

Insert address of parents /carers

Dear INSERT NAME

RE: Suspension – INSERT PUPIL INITIALS AND D.O.B

I am writing to inform you of my decision to suspend (*insert pupils name*) for a fixed period of (*insert number 0.5 – 5*) school days. This means that they will not be allowed in school for this period. The suspension begins today, (*insert date*) and ends on (*insert date and time*).

The suspension expires on (*insert time and date*), and we expect your child to be back in school on (*insert day, date and time*), accompanied by parents for a restorative reintegration meeting.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend your child has not been taken lightly. (*Insert pupil name*) has been suspended for this fixed period because of (*delete or add as appropriate*):

- A physical and/or verbal assault of pupil/adult.
- Damage to school property
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions

You have a duty to ensure that your child is not present in a public place during school hours for the period of the suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the Multi Academy Trust. If you wish to make representations please contact clerkingservices@nexusmt.org, or call 01709 257277, as soon as possible. Whilst the Trust governors have no power to direct reinstatement, they can consider any representations you make and may place a copy of their findings on your child's school record.

Appendix B – Model suspension letter

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

You may wish to contact *INSERT LOCAL AUTHORITY DETAILS HERE WHERE APPLICABLE*, who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk

Yours sincerely
Headteacher

Appendix C – Model PEx letter

Insert school address

Date

Insert address of parents /carers

Dear **[Parent's Name]**

I regret to inform you of my proposal to permanently exclude **(pupil name)** with effect from **(date)**. This means that your child will not be allowed in this school unless they are reinstated by the governors.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude your child has not been taken lightly. **(Child's name)** has been excluded because **[reasons for the exclusion — including any other relevant previous actions the school has taken to support the child]**.

You have a duty to ensure that your child is not present in a public place during school hours for the first 5 school days of this exclusion, unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for your child's education to continue will be made. For the first five school days of the exclusion we will set work for **(child's name)** and would ask you to ensure this work is completed and returned promptly to school. From the sixth school day of the exclusion onwards — i.e. *from insert date* – the local authority are responsible for providing suitable full-time education.

As this is a permanent exclusion the governors must meet to consider it within 15 school days. At the meeting you may make representations and ask them to reinstate your child in school. Your child can also attend the meeting if you wish. The governors have the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you may make application against their decision to an Independent Review Panel.

The latest date by which the governors must meet is *(insert date)*. If you wish to make representations to the governors and/or wish to be accompanied by your child/young person, a friend or representative please contact the Trust's clerking services on 01709 257277 (ext 204) or via email at ClerkingServices@NexusMAT.org as soon as possible.

Appendix C – Model PEx letter

You will, whether you choose to make representations or not, be notified by the governors of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform clerking services if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (<http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm>). Making a claim would not affect your right to make representations to the local governing body.

Exclusion guidance can be obtained from the Department for Education website at <http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion> You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on <http://www.childrenslegalcentre.com>

Advice on the exclusions process can also be obtained from the Family Information Service via: Freephone: 0800 138 4568. This operates Monday to Friday 9am to 5pm, outside of these hours there is an answer phone service.

You may also wish to contact **[Name]** at **[LA name]** on/at **[contact details – address, phone number, email]**, who can provide advice on what options are available to you.

Yours sincerely

Headteacher