



# Exclusions Policy

Church schools serving their communities through excellence,  
exploration and encouragement within the love of God.

The diocese of Lincoln is called to faithful worship, confident discipleship and joyful service and our church schools bear witness to our belief that every child is made in the image of God and loved by Him. They were founded for the good of their local communities so that children can be educated through the values and stories of Christianity.

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*Excellence*

*Exploration*

*Encouragement*

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## 1. Legislation

This policy is compliant with the following legislation:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils (England) Regulations 2007

## 2. Definitions Used in the Policy

### Use of the term 'parent' within the policy

In addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (including 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.

### Use of the word 'term' within the policy

Where the school year consists of 3 terms, a reference to a 'term' in this policy means one of those terms. Where the school's academic year consists of more than 3 terms, a reference to a 'term' means the period falling between:

31 December to Easter Monday

Easter Monday to 31 July

31 July to 31 December

## 3. Context

The Lincoln Anglican Academy Trust (hereafter referred to as the Trust, or LAAT) recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasion, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty-five days in any one academic year, or, in some circumstances, permanently.

Such exclusions will only be resorted to when the academy can demonstrate with adequate evidence that all reasonable steps have been taken (including education off-site) and/or that the presence of the learner is likely to be severely detrimental to his/herself, other learners or staff. There may also be occasions where a short-term exclusion is appropriate because of unacceptable behaviour.

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The LAAT supports its schools in using exclusion as a sanction where it is warranted. However, permanent exclusions should only be issued as a last resort in response to a serious breach, or persistent breaches, of the Academy'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.

#### 4. Principles

The school will not discriminate against pupils on the basis of protected characteristics, such as disability or race, and will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where there are concerns about a pupil's behaviour, the first steps will be to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. The Academy will give consideration to a multi-agency assessment that goes beyond the pupil's educational needs.

All pupils who return to school following a fixed period exclusion will be subject to a re-integration process which will include a meeting with the parent and child prior to their return to class. This meeting will include an agreement with the pupil on managing their future behaviour.

The school will take reasonable steps to set and mark work for pupils during the first five school days of their exclusion and will arrange alternative provision from the sixth day.

#### 5. The Power to Exclude

Only the Executive Headteacher, Headteacher or Head of School can exclude a pupil, and this must be on disciplinary grounds.

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period.

The behaviour of pupils outside school can be considered as grounds for exclusion.

The Executive Headteacher, Headteacher or Head of School may withdraw an exclusion that has not been reviewed by the Local Board.

The school will take account of their legal duty of care when sending a pupil home following an exclusion.

The school will apply the civil standard of proof, i.e. 'on the balance of probabilities' when making judgements in relation to exclusions.

The school will not make use of 'unofficial' or 'informal' exclusions, such as sending pupils home to 'cool off'. Any exclusion of a pupil, even for short periods of time, will be formally recorded. A decision to exclude a pupil permanently 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 jeopardise the education or welfare of the pupil or others in the school. The school will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

Where the pupil facing exclusion is from a group(s) with disproportionately high rates of exclusion, has an Education, Health and Care plan or is a looked after child, due regard will be given to the relevant sections (paragraphs 21 - 25 inclusive) in the Statutory Guidance ([Exclusion from Maintained Schools, Academies and Pupil referral Units in England, September 2017](#)) prior to any exclusion being issued.

## 6. Informing Parties about an Exclusion

Whenever a pupil is excluded, the school will notify the parents of the period of the exclusion and the reasons for it as soon as is immediately practical. In addition, the school will provide parents with the following information in writing:

- The reasons for the exclusion
- The period of a fixed term exclusion or, for a permanent exclusion, the fact that it is permanent
- Parents' right to make representations about the exclusion to the Local Board, and how the pupil may be involved in this
- The start date for any provision of full-time education that has been arranged for the pupil during the exclusion.

In addition, the school will draw attention to relevant sources of free and impartial information including:

- A link to DfE statutory guidance on exclusions: 'Exclusions from Maintained Schools, Academies and Pupil Referral Units in England (September 2017)'
- A link to the Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com) 08088 020 008

The Executive Headteacher or Headteacher will, without delay, notify the Local Board, Academy Trust and Local Authority of:

- A permanent exclusion (including where a fixed period exclusion is followed by a decision to permanently exclude the pupil)
- Exclusions which would result in the pupil being excluded for more than five school days (or ten lunchtimes) in a term; and

- Any exclusion which would result in the pupil missing a public examination or national curriculum test

For all other exclusions, the school leadership will notify the Local Authority, Local Board and Academy Trust once per term.

For a permanent exclusion, if the pupil lives outside the Local Authority in which the school is located, the school will also advise the pupil's 'home authority' of the exclusion, and the reason(s) for it, without delay.

## 7. The Local Board's Duty to Consider an Exclusion

The Local Board, under delegated powers from the Trust, will consider parents' representations about an exclusion. Where there is a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Local Board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

The Local Board must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent
- It is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- It would result in a pupil missing a public examination or national curriculum test.

On receiving notification of such an exclusion, the Local Board will arrange a meeting to consider the exclusion. Those invited to this meeting will include:

- Parents (and, where requested, a representative or friend)
- The Headteacher or Executive Headteacher
- Three members of the Local Board

The Local Board will make reasonable endeavours to arrange this meeting for a date and time convenient to all parties, but in compliance with the relevant statutory time limits.

Where a pupil is excluded for more than 5 but fewer than 15 school days in one term, the Local Board must consider, within 50 school days of receiving notice of the exclusion, whether the excluded pupil should be reinstated, if the parents make representations. In the absence of any representations from the parents, the Local Board is not required to meet and cannot direct the reinstatement of the pupil.

In reaching a decision on whether or not to reinstate a pupil, the Local Board will consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the legal duties of the school leadership.

## **8. The Trust's Duty to Arrange an Independent Review Panel**

Parents should put in writing to the Clerk to the Local Board if they wish to appeal against the Local Board's decision (contact details available from the school). Notification of an appeal must be forwarded to the Trust's Governance Officer, without delay.

If applied for by the parents within the legal timeframe, the Trust will arrange for an Independent Review Panel (IRP) hearing to review the decision of the Local Board not to reinstate a permanently excluded pupil.

The legal timeframe for an IRP application is:

- Within 15 school days of notice being given to the parents by the Local Board of their decision to uphold a permanent exclusion; or
- 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 the exclusion.

Any application made outside of the legal timeframe will be rejected by the Trust.

## **9. Review**

This policy will be reviewed every 3 years, or following any changes in legislation.

## APPENDIX A

### EXCLUSION OF PUPILS

#### PROCEDURE FOR THE HEARING BY THE LOCAL BOARD

1. Introduction by Chair
2. Presentation of Case by Headteacher (or Executive Headteacher, if applicable)
3. Questions by the parent and/or representative and members of the Local Board on matters of fact
4. Statement by the parent or representative
5. Questions by the Local Board Members or Headteacher on matters of fact
6. Statement by representative of other agencies involved (if appropriate)
7. Questions by the parent and/or representative and Headteacher and members of the Local Board on matters of fact
8. Opportunity for the Headteacher to make final statement
9. Opportunity for parent to make final statement
10. Withdrawal by the Headteacher and Parent and/or representative while the Local Board Members consider the matter
11. Consideration of the matter by the Local Board Members in the presence of the Clerk. In the event that further information is needed from any of the persons who have left the meeting then all such persons should return to the meeting when such information is being obtained. An opportunity should be given to each party to question or comment upon this additional information.

All parties will be informed in writing of the Local Board's decision and findings without delay.