


## Exclusion Policy

Monitoring Responsibility	Chief Education Officer
Next Review Date	January 2024
Approval Body	Curriculum and Standards
Date Ratified	17 <sup>th</sup> January 2023
Chair of Committee Signature	

## Contents

1.	Introduction .....	3
2.	Equal Opportunities .....	3
3.	Power to exclude .....	4
4.	Grounds for exclusion .....	4
5.	Types of Exclusion .....	5
5.1	Permanent Exclusion.....	5
5.2	Suspension .....	5
6.	Making the decision to exclude .....	6
6.1	Alternative Behaviour Management Strategies.....	6
6.2	Learners with a social worker, Children in Care and those who were previously Looked After .....	7
6.3	Learners with Special Educational needs or a disability (SEND) .....	7
6.4	Ethnicity .....	8
6.5	Investigating the circumstances.....	8
6.6	Confidentiality .....	9
6.7	Recording and notifying of the decision to exclude .....	9
6.8	Cancelling Exclusions.....	11
6.9	Reviewing Suspensions and Permanent Exclusions.....	11
7.	Notification of the Learner Disciplinary committee's decision.....	13
8.	During the exclusion .....	13
9.	Removing permanently excluded learners from the academy registers.....	14
10.	The Academy Trust's Duty to Arrange an Independent Review .....	15
11.	Appendix 1 : Suspension/Exclusion Process and Administration Duties .....	17
12.	Appendix 2: Summary of the Board of Trustees duties to review the Headteacher's exclusion decision. .	18

## 1. Introduction

Voyage Education Partnership (Voyage) has the highest concern for the safety and wellbeing of its community, and we work hard to ensure that our ethos and environment supports student learning and success.

Exclusion is a sanction used only as a last resort, and we aim to reduce the need for its use as is possible. This policy outlines the use of exclusions and is supported by, and should be read in conjunction with, the Behaviour Policy in use by each academy.

This policy has due regard to the related statutory legislation and guidance including, but not limited to, the following:

- Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. (DFE 2022)
- Behaviour In Schools. Advice for Headteachers and School Staff (DFE 2022)

Within Voyage, individual suspensions and permanent exclusions are reviewed by the Learner Discipline Committee and monitored by the Trust Board (as per the Voyage Terms of Reference Appendix 8)

## 2. Equal Opportunities

All learners should be equally valued in school. The Equality and Human Rights Commission (EHRC) states that “avoiding discrimination and promoting equality supports the agenda of improving attainment and progression for all pupils. Good education and skills are crucial for opening up opportunities and increasing the change of a successful life.” In addition, in England, equality and diversity are specified factors that must be considered in Ofsted inspections.

Schools also have wider duties to prevent discrimination, to promote equality and to foster good relations for “an equal society protects and promotes equal, real freedom and substantive opportunity to live in the ways people value and would choose, so that everyone can flourish. An equal society recognises people’s different needs, situations and goals and removes the barriers that limit what people can do and can be.” (EHRC, 2014).

### 3. Power to exclude

The headteacher, acting headteacher or designated leader in charge of the academy in the absence of the Headteacher, is the only member of staff within an academy who can suspend or permanently exclude a learner,

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

The behaviour of a learner outside of an academy can be considered grounds for a suspension or permanent exclusion.

When establishing the facts in relation to a suspension or permanent exclusion decision, the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

The headteacher must take into account of their legal duty of care when sending a learner home for an exclusion.

The headteacher must also take the learner's views into account and should provide support to the learner to express their views, including through advocates such as parents and/or a social worker. The Learner Discipline Committee (LDC) is responsible for reviewing the decision to suspend or permanently exclude a learner where this is requested by the parents/carers or at specific statutory points. For more information on the committee's role in exclusions, see section 7.

In making decisions on exclusions, the headteacher and LDC must have regard to the statutory guidance issued by the Department for Education on Suspensions and Exclusions.

For each case of suspension or permanent exclusion, the Headteacher will follow the Suspension/Exclusion Process and Administration Duties Flowchart in Appendix 1. The Trust will regularly monitor and review cases of suspensions and exclusions in line with the Trust Exclusion Policy and associated process in Appendix 1.

### 4. Grounds for exclusion

Any suspension or permanent exclusion, will be issued as a result of a breach or breaches of the Academy Behaviour Policy In accordance with DfE (Department for Education) statutory guidance, a permanent exclusion may only be imposed in response to a 'serious breach or persistent breaches' of the behaviour policy and 'where allowing the learner to remain in school would seriously harm the education and/or welfare of the learners or others' in the school community.

In line with the Academy behaviour policy and the National Standard List of Reasons for Exclusion, the following actions/behaviours may result in suspension or permanent exclusion.

- verbal abuse or threatening behaviour to staff and others
- verbal abuse or threatening behaviour to learners
- physical assault on staff
- physical assault on learners

- damage to property
- drug and alcohol related behaviours
- theft
- sexual misconduct
- Use or threat of use of a threatening weapon or prohibited item
- Inappropriate use of social media or online technology
- Racist abuse
- Abuse against a disability
- Abuse against sexual orientation and gender identity
- Wilful and repeated transgression of protective measures in place to protect public health
- Persistent bullying
- Persistent or general disruptive behaviour

## 5. Types of Exclusion

### 5.1 Permanent Exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by an academy only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option.

The decision to permanently exclude a learner will only be taken:

- In response to a serious breach or persistent breaches of the Behaviour Policy; and
- Where allowing the learner to remain in the academy would seriously harm the education or welfare of the learner or others such as staff or pupils in the academy.

All permanent exclusions will be reviewed by the Learner Discipline Committee (LDC) to ensure that the headteacher's decision was lawful, reasonable, and fair.

A suspension cannot be converted to a permanent exclusion, regardless of the number of days it may be for.

### 5.2 Suspension

Suspensions can be for any length of time from 0.5 days up to the maximum of 45 days in an academic year. The length of a suspension will be set out by the academy at the start of the suspension period.

A suspension cannot be converted into a permanent exclusion.

A suspension may result from a serious breach or persistent breaches of the Behaviour Policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction

than other sanctions available to the academy under the behaviour policy but does not warrant permanent exclusion.

Suspensions can be issued for parts of the academy day. For example, if a learner's behaviour at lunchtime is disruptive, they may be suspended from the academy premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day in determining whether a learner disciplinary committee meeting is triggered.

## 6. Making the decision to exclude

Exclusion of any sort, for any period of time, is taken very seriously, and the decision to exclude is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

### 6.1 Alternative Behaviour Management Strategies

Before making the decision to exclude the academy will consider a range of alternative strategies as set out in the [DfE 'Behaviour in Schools' statutory guidance](#).

#### **Off-Site Direction**

This can be used as an approach to improve behaviour. Learners can be directed off the academy site to attend another mainstream school or alternative provision (AP).

During off-site direction at another school, learners must be dual registered.

Off-site direction into AP should be managed in line with the Trust Alternative Provision policy.

Where the decision is made to direct a learner off site, the parents (and the LA (Local Authority) if the learner has an EHCP (Education, Health, and Care Plan)) must be notified as soon as practicable after the decision is made and no later than two school days before the relevant day.

Parents, and where a learner has an EHCP, the LA can request in writing, that a review meeting is held.

The placement should remain under constant review and reintegration should be planned as soon as possible. All placements must be carefully planned with clear outcomes to be achieved.

## Managed move

A managed move is a voluntary process initiated with the intention of giving a learner a fresh start at a new school. A managed move must be agreed with all parties.

If a learner has an EHCP then the relevant statutory duties apply, and the LA is responsible for amending the plan.

A managed move should be offered as part of a planned intervention and the original school must be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments were done or explored prior to a managed move.

Information sharing must precede any managed move, including assessment data, risk assessments, and effective behaviour management strategies. There must also be an effective integration strategy.

### 6.2 Learners with a social worker, Children in Care and those who were previously Looked After

For the majority of learners with a social worker, and where there are known safeguarding risks at home or in the community, for these learners, school is an important protective factor. When they are not in school they miss this protection and opportunities it can provide. Headteachers must balance this with the need to ensure a calm and safe environment for all pupils and staff.

Where a learner has a social worker because they are subject to a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the DSL (Designated Safeguarding Lead) and the learner's parents to involve them as soon as possible.

Where a child in care (CIC) is likely to be subject to a suspension or permanent exclusion, the designated teacher (DT) should contact the LA VSH as soon as possible. The VSH will then consider with the academy what additional assessment and support needs to be put in place.

Where a learner is classed as 'Previously Looked After' the DT should seek additional support and contact the VSH for advice.

### 6.3 Learners with Special Educational needs or a disability (SEND)

#### Pupils with SEN (Special Educational Needs)

Our full SEN provision is outlined in the Voyage **special educational needs policy and the academy SEN Information Reports**. We work hard to include learners who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. Each academy

within Voyage will try every practical alternative to exclusion, but there may be some cases where it cannot be avoided.

When learners have an EHCP, academies will contact the LA about behavioural concerns at the earliest opportunity to enable multi agency assessments to be completed. If there is any risk of suspension or permanent exclusion academies will contact the LA as soon as possible, as it may be necessary for an early annual review to be held and the suitability of the placement to be considered.

### **Pupils with a disability**

If a learner with a disability is under consideration for exclusion or suspension, the headteacher will ensure that all other possible options have been tried. To justify excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the academy may be material and substantial justification, but only if reasonable adjustments have been made for the learner's disability.

## **6.4 Ethnicity**

Voyage does not discriminate against any person and our ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the Trust following the process outlined in our **complaints procedure**. Where the issue arises in relation to an exclusion, the complaint will deal with any concerns raised by parents through the consideration of parental representations within the exclusion framework.

## **6.5 Investigating the circumstances**

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to suspend or exclude is made.

Before the decision is made, the headteacher will:

- ensure that the academy has undertaken a thorough investigation
- consider all the evidence available
- encourage the pupil to give his or her version of events
- consider the behaviour policy and all other relevant academy policies and procedures including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the learner discipline committee who may later have a role in reviewing the decision)



- keep a written record of discussions, interviews, and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

## 6.6 Confidentiality

Dealings with all cases of exclusion and suspension and the surrounding circumstances will be dealt with confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

## 6.7 Recording and notifying of the decision to exclude

Once the decision has been made to suspend or exclude the headteacher must ensure that the following actions are taken

### **Informing the parents**

Parents must be notified without delay the period of the suspension or that it is a permanent exclusion and the reasons for it.

They must then, in writing (using the templates provided) and without delay, provide parents with the following:

- The reason(s) for the suspension, or permanent exclusion;
- The period of a suspension, or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the suspension or permanent exclusion to the Academy Council Learner Disciplinary Committee and how the learner may be involved in this;
- How any representations can be made; and
- Where there is a legal requirement for the LDC to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting and to bring a friend.

Where a learner is of compulsory school age the headteacher must also notify the parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

If alternative provision is being arranged, the head teacher must also provide additional details of the provision (no later than 48 hours prior to the start of the placement), start dates, timings of the day, the address and who the learner should report to on the first day.

### **Informing social workers and Virtual School Heads about an Exclusion**

Whenever a headteacher suspends or permanently excludes a learner with a social worker, the social worker must be informed without delay. If the learner is a CIC, then the headteacher must also notify the VSH.

The headteacher must also in writing notify them of the following in writing:

- The reason(s) for the suspension, or permanent exclusion;
- The period of a suspension, or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the suspension or permanent exclusion to the Learner Discipline Committee and how the learner may be involved in this;
- How any representations can be made; and
- Where there is a legal requirement for the Learner Discipline Committee to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting and to bring a friend.
- of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

If alternative provision is being arranged, the head teacher must also provide additional details of the provision (no later than 48 hours prior to the start of the placement), start dates, timings of the day, the address and who the learner should report to on the first day.

The social worker and the VSH must also be notified when the academy council disciplinary committee meeting is to be held. The VSH and/or the social worker can attend the meeting.

### **Informing the Trust and the Academy Council**

The Headteacher must notify the Trust immediately by emailing [clerk@voyage-education.org](mailto:clerk@voyage-education.org) of any:

- permanent exclusion (including where a suspension is followed by a separate decision to permanently exclude the learner);
- suspension that would result in the learner being suspended for a total of more than 5 academy days (or 10 lunchtimes) in that term;
- suspension or permanent exclusion which would result in the learner missing a public examination or national curriculum test.

**This email must be sent with 'High Importance' and, in the case of a permanent exclusion, state 'Permanent Exclusion,' 'PX,' or 'PEX' as part of the subject line.**

All suspensions and exclusions will be reported half termly to the Chief Education Officer.

### **Informing the Local Authority**

The Local Authority must be informed without delay (using the appropriate form) of all school exclusions and suspensions regardless of length.

## 6.8 Cancelling Exclusions

The Headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the Learner Disciplinary Committee, in line with the [DFE Suspension and Exclusion Guidance DFE 2022](#).

Where an exclusion is cancelled then:

- Parents/carers, the Clerk to the Trustees, Chief Education Officer, and the LA must be notified without delay and, if relevant, the social worker and VSH.
- Parents must be offered an opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled.
- The headteacher will report to the Trust once per term on the number of exclusions which have been cancelled. This will include the circumstances and reasons for the cancellation.
- The pupil should be allowed back into school.
- The exclusion will be removed from the learner's record.

## 6.9 Reviewing Suspensions and Permanent Exclusions

The Learner Discipline committee has been delegated the responsibility for suspensions and permanent exclusions (Voyage Terms of Reference Appendix 8) and as such has a duty to consider representations about suspensions or permanent exclusion.

The Learner Discipline Committee **must** consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 days of receiving notice of a suspension or permanent exclusion from the headteacher in the following trigger points are hit:

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

### **Suspensions up to 5 days in a term**

The LDC must consider any representations made by parents, but it cannot direct reinstatement and is not required to hold a meeting with parents.

### **Suspensions of more than 5 days but less than 16**

If the parents make representations, the LDC must consider and decide within 15 school days of receiving the notice of suspension, whether the learner should be reinstated.

## **Suspensions which would result in a learner missing a public examination or national curriculum test**

The committee must consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not possible for the committee to meet, then the chair of said committee may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the learner.

There is no automatic right for a suspended or permanently excluded learner to take their examination or test on academy premises. The committee should use its discretion in this matter and consider whether the learner can be allowed onto the premises for the sole purpose of accessing the test or whether this could be facilitated in another way.

### **Review Meetings**

Review meetings must be held in within statutory timescales and must be held in line with the details found in the DfE (Department for Education) guidance 'Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, Including Pupil Movement.' P34-35)

The following people must be invited to the meeting and allowed to make representation and share information:

- Parents (and where requested, a representative or friend)
- The pupil if they are 18 years or over
- The headteacher
- The learner's social worker if they have one
- The VSH if the child is CIC

When preparing for a review meeting the committee must have due regard for the statutory guidance on the arrangements and preparation for this meeting.

The committee has the power to reinstate a learner following a suspension or permanent exclusion in meetings where:

- The learner has been suspended for more than 5 but less than 16 days, only where a parent has made representation.
- The learner has been suspended for more than 15 days in a term;
- The learner has been permanently excluded

The LDC can decide:

- Decline to reinstate the learner.
- Direct reinstatement to the pupil immediately or on a particular date.

Clear minutes must be taken by the clerk.

A note of the outcome should be placed on the learner's permanent record, copies of the relevant papers should be kept with the educational record.

Appendix 2 outlines a summary of the duties of the LDC when reviewing a case of suspension or exclusion. The clerk can be contacted by emailing [clerk@voyage-education.org](mailto:clerk@voyage-education.org)

## **7. Notification of the Learner Disciplinary committee's decision**

Following the meeting of the committee to consider reinstatement of a learner, the committee must notify the parents, the headteacher, the social worker (where there is one) and the VSH (where the learner is CIC). They must inform them of their decision and the reasons for it without delay.

In the case of permanent exclusion, where the committee decides not to reinstate the learner, the notification must also state that it is permanent and provide notice of the parents' right for the decision to be reviewed by the Independent Review Panel (IRP) and how this can be requested. (Using the agreed letter format)

This must be sent First Class mail or hand delivered to the home address.

## **8. During the exclusion**

Although the headteacher has made the decision to exclude a learner, the academy maintains responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of exclusion, the academy will set and mark work that the learner should complete at home under parental supervision. Where the learner has a social worker or is looked after, the academy will work with the local authority to arrange provision from the first day of any suspension or permanent exclusion.

From the sixth day onwards of a suspension, the academy, with support from the Trust, will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider
- a local FE (Further Education) college.

If the child has an EHC Plan, the alternative provision will meet those needs.

## 9. Removing permanently excluded learners from the academy registers

The headteacher will remove pupils from the academy register if:

- 15 academy days have passed since the parents were notified of the learner disciplinary committee's decision not to reinstate the pupil and no application for an independent review panel has been received.
- The parents have stated in writing that they will not be applying for an independent review panel following a permanent exclusion.

The academy cannot back date the deletion of the learner's name to the date the learner's exclusion began.

If an application for an IRP has been made within 15 academy days, the headteacher will wait until the review has been determined, or abandoned, and until the LDC has completed any reconsideration that the panel recommended or directed it to carry out, before removing the learner from the academy register.

If a learner's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- At least one telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which the pupil's name is to be removed from the register.
- Any details of a new school, if one has been identified and the learner is attending or has a start date when they intend to start attending the school.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the learner's name was removed.

If a learner's name has been removed from the register and a discrimination claim is made, the learner may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a learner's name remains on the admissions register, the appropriate code will be used to mark the learner's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

## 10. The Academy Trust's Duty to Arrange an Independent Review

If applied for within the legal time frame, the Trust will arrange for an IRP hearing to review the decision of the Learner Discipline Committee not to reinstate a permanently excluded learner.

The time frame for an application is:

- Within 15 school days of notice being given to the parents by the learner disciplinary committee of its decision not to reinstate a permanently excluded learner; or
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.

Any application made outside this time frame will not be accepted by the Trust.

Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the committee considered reinstating the learner.

The Trust will take reasonable steps to identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend.

The Trust will ensure that the venue for the hearing is reasonably accessible to all parties and will have a suitable area for the parties to wait separately from the panel before the review.

The Trust will appoint a 3- or 5-member panel who represent the following categories:

- A lay member to chair the panel who has not worked in any school in a paid capacity;
- Current or former school governors (including directors/Trustees of academy Trusts) who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been headteacher or teachers during this time.
- Headteachers or individuals who have been headteachers in the last 5 years.

The Trust will ensure that no member of the review panel is:

- A Trustee of the Trust
- The Headteacher of the academy or anyone who has held this position in the last 5 years
- An employee of the Trust or a member of the academy council
- Anyone who has, or had, any connection with the Trust, academy or academy council, parents or pupil or the incident leading to the permanent exclusion

The Trust will also ensure that all members of the panel have received appropriate training within the last 2 years.

Where a clerk is appointed to provide advice to the panel on procedures, law and statutory guidance on exclusions, the Trust will ensure that this person did not serve as the clerk during the learner Disciplinary Committee hearing.

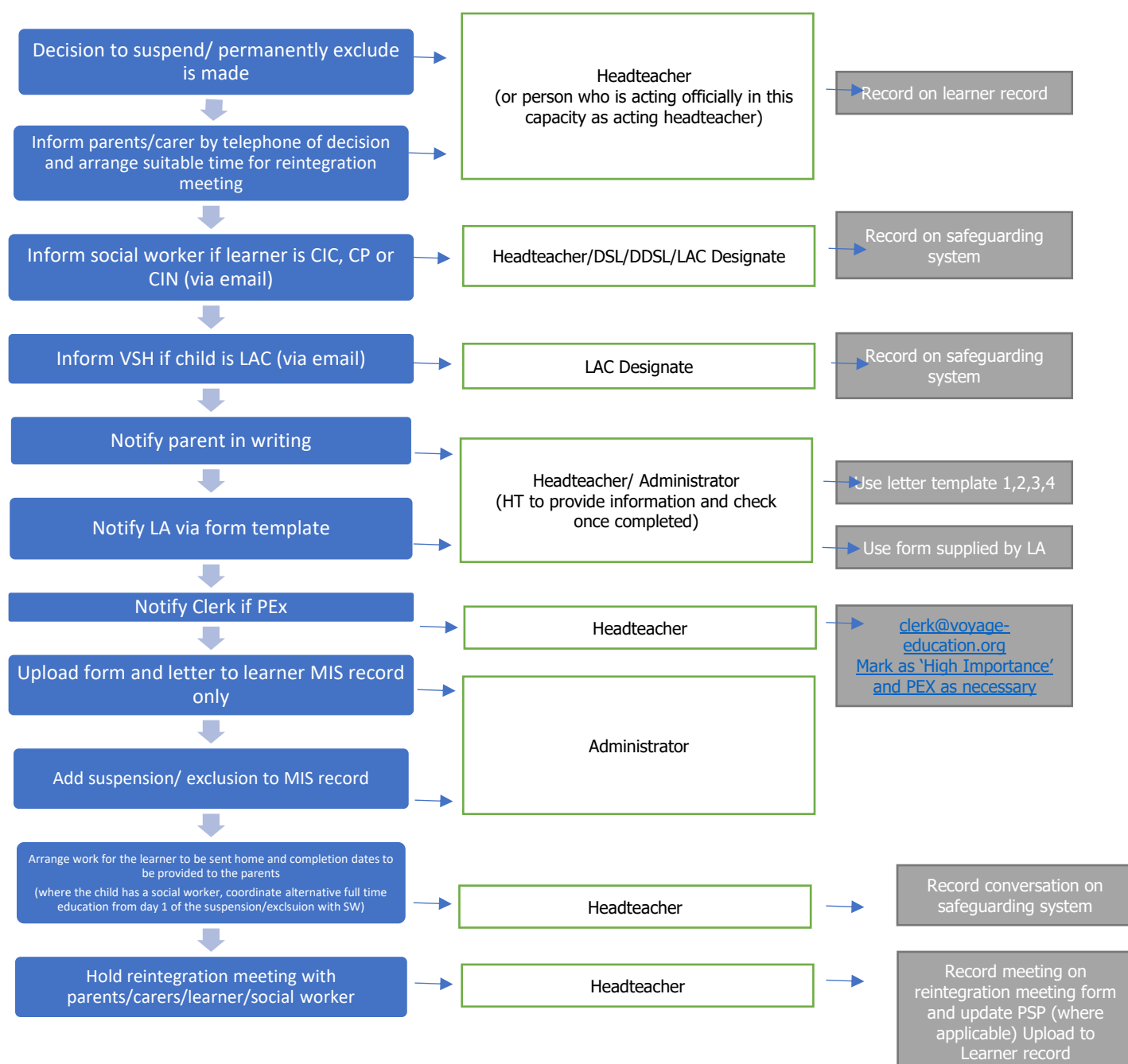
The Trust will ensure the clerk, where appointed will follow the statutory guidance on their role as set out in the DfE guidance 2022.

If requested by the parents in the application for an IRP, the Trust will appoint an independent SEN expert to attend the review.

- Following the review, the panel can decide to: Uphold the decision of the Learner Disciplinary committee
- Recommend that the LDC reconsiders reinstatement; or
- Quash the Learners Disciplinary Committee's decision and direct that the committee reconsiders reinstatement.

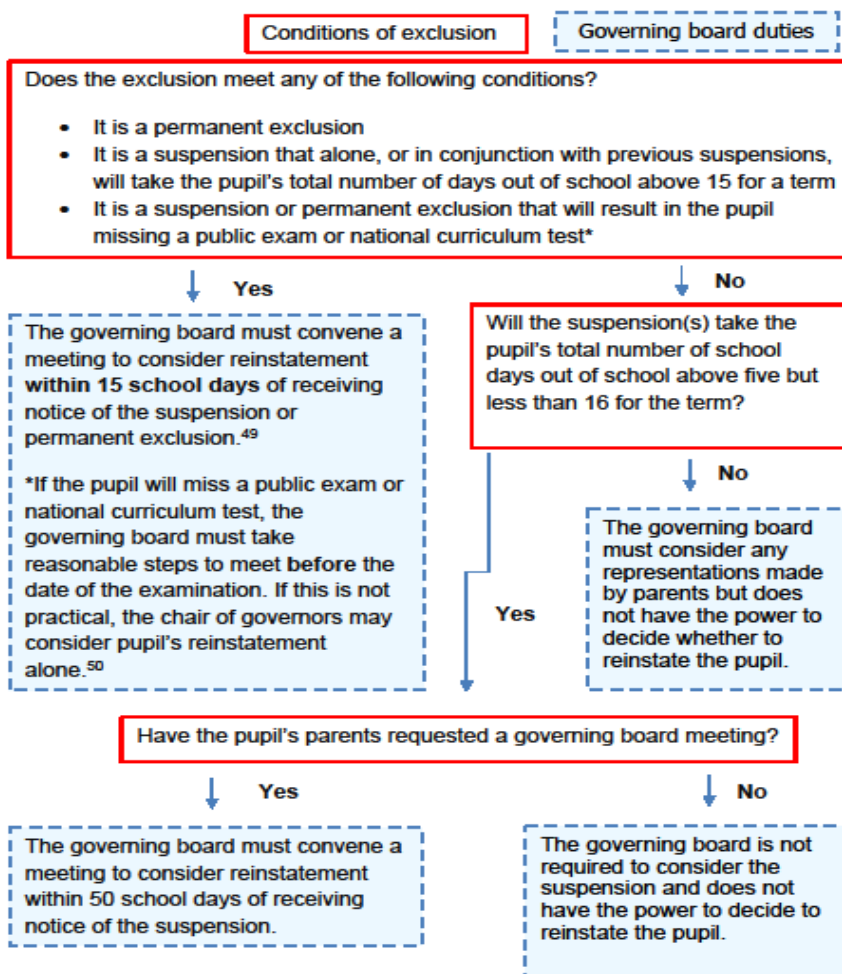


## 11. Appendix 1 : Suspension/Exclusion Process and Administration Duties



## 12. Appendix 2: Summary of the Board of Trustees duties to review the Headteacher's exclusion decision.

### A summary of the governing board's duties to review the headteacher's exclusion decision



<sup>49</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>50</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.

For the purpose of above, taken from DFE 'Suspensions and Permanent Exclusions' 2022,

The Board of Trustees for Voyage Education Partnership hold the statutory duties to review the Headteachers decision to suspend or exclude.

The Board of Trustees have designated these duties to the Learner Disciplinary Committee, Terms of Reference Appendix 8.