

	<p style="text-align: center;">The TILIAN PARTNERSHIP <i>Inspire to achieve</i></p>	<p>Policy Document Agreed: Jul 24 Review: Annual Date: Jul 25</p>
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Exclusion Policy

It is ‘the government’s ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and are in a calm, safe, and supportive environment that brings out the best in every pupil.’

The policy uses the latest DFE guidance ‘[Suspension and Permanent Exclusion](#)..’ Sept 2023 which is linked to further government guidance on ‘[Behavior in schools](#)’ (DFE Feb 2024). A [guide for parents](#) is also available.

What is exclusion?

‘This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating calm, safe, and supportive environments where both pupils and staff can work in safety and are respected. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.’

Exclusion is a disciplinary measure, which the Headteacher of a school can use to deal with incidents of serious misbehaviour.

The Headteacher will only use exclusions after all other behaviour strategies (as detailed in the behaviour policy) have been tried and when there has been, or is a risk of, serious harm (physical or mental) to the pupil or other pupils (this includes preventing others from learning effectively).

A pupil’s behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school’s wider legal duties); reasonable; fair; and proportionate.

Process

By law, only the Headteacher can exclude a pupil. If the Headteacher is not on site they may be contacted to approve the decision. In the absence of the headteacher the most senior teacher on site should contact the CEO for permission to exclude.

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’ it is more likely than not that a fact is true.

Headteachers should also take the pupil’s views into account, considering these in light of their age and

understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made

An exclusion letter should be sent to the parent/carer within one school day of the decision to exclude. This letter must include:

- the precise period of the exclusion
- the reason(s) for the exclusion
- the parents' right to state their case to the governors and how to go about this
- the arrangements made by the school for the pupil to continue their education during the first 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);

If the child has Special Educational Needs the school will take this into account.

Types of exclusion

There are two types of exclusion:

Fixed-term exclusion (known as suspension)

This is when the Headteacher writes to tell a parent that they must keep their child at home for a fixed number of school days.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

A pupil must only be excluded on disciplinary grounds ie where the child has breached the behaviour policy of the school. The decision to exclude must be:

- lawful;
- rational;
- reasonable;
- fair;
- proportionate.

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

- If their child is excluded for longer than a day, the school should provide them with work that must be marked
- The school will call the parent on the day an exclusion is given and follow up with a letter that explains the period of exclusion, the reasons for it and who to contact if they would like to give their views
- Children can be excluded only if they have seriously broken school rules or if their presence at school would harm other children or disrupt learning.

If a child has been excluded for a period of more than 5 school days but not more than 15 in a single term, the parents can request that the governing body consider the reinstatement of the child. In these circumstances the governing body must consider the reinstatement within 50 school days of receiving

notice of the exclusion. This may not affect the actual exclusion, as the child is likely to have completed their exclusion prior to the governing body considering reinstatement. However, if the governing body did decide to overturn the exclusion and direct reinstatement, a record to this effect could be added to the child's school records.

Where an exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing body to consider exclusion before the date of the examination or test. If this is not possible, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.

For exclusions which bring the total fixed term exclusions to 15 days or more within a school term, the governing body **must** consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion.

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than 5 in a term, the governing body must consider any representations made by parents. However, it cannot direct reinstatement and is not required to arrange a meeting with parents

Permanent exclusion

Permanent exclusion must be

- lawful;
- rational;
- reasonable;
- fair;
- Proportionate.

A decision to exclude a pupil permanently should 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 in the school”

***Paragraph 16 of Exclusion from maintained schools, academies and pupil referral units in England
Sep 2017***

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.

The Governing Body **must** consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if the exclusion is permanent.

If the governing body confirms the exclusion, parents can appeal to an Independent Review Panel. The school will explain in a letter how to make an appeal.

Suffolk Children & Young People Service (CYP) have made a commitment to provide all children with a full time education. After a permanent exclusion the area inclusion co-ordinator should discuss a child's options with parents.

Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

- The headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year