



# EXCLUSION POLICY

*for adoption by all CDAT schools*

This policy is informed by the Christian values which are the basis for all of CDAT's work and any actions taken under this policy will reflect this.

*'Blessed are those who act justly, who always do what is right'*

*Psalm 106:3*

<b>Approved by</b>	<b>Date</b>	<b>Review Schedule</b>	<b>Date of next review</b>
Trust Board	September 2024	Annually	September 2025

## 1. Introduction

Chester Diocesan Academies Trust (CDAT) recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, 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. In taking the decision to exclude a pupil, and in any subsequent appeal process, both CDAT and the school concerned will take full account of the statutory guidance regarding exclusions:

[https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions\\_and\\_permanent\\_exclusions\\_guidance.pdf](https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf)

Such exclusions will only be resorted to when the school 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 when 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. CDAT supports its schools in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, 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.

### Definitions used in the Policy:

Use of term 'parent' within this policy: in addition to the child's birth parents, references to parents in this policy include any person who has parental responsibility (which includes 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.

References in this policy to 'fixed period exclusion' are intended to differentiate between permanent exclusions and exclusions that have a set length – these have previously been referred to as 'fixed period' or 'fixed term' exclusions. Recent guidance calls them 'suspensions'. **Within this policy, the terms 'fixed period exclusion', 'fixed term exclusion' and 'suspension' may be regarded as interchangeable.**

## 2. Principles

Following the Christian values that underpin the work of CDAT:

- 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. We are particularly aware that pupils with SEND (and particularly those with EHCPs) tend to be vulnerable to exclusion: the exclusion of a pupil with SEND will always be a measure taken after other resolutions have been unsuccessful.
- 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 school 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 that will include a meeting with the parent and child prior to their return to their class. This meeting will include agreement by 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 exclusion and will arrange alternative provision from the sixth day.
- Where parents dispute the decision of the Local Governance Council (LGC) not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

### 3. Responsibility for the Policy and Procedure

#### Role of CDAT

CDAT will:

- Produce a model exclusions policy to be used in all CDAT schools;
- Receive regular reports from LGCs on exclusions at each school;
- Be informed immediately of any permanent exclusions, and be made aware of any fixed period exclusions;
- Arrange an independent review panel if requested.

#### Role of the LGC

The LGC will:

- delegate powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- ensure that the trust are informed, at least on a termly basis, of the number of exclusions in the term, and any patterns identified in terms of excluded groups or reasons for exclusion;
- ensure that they consider school data regarding exclusions to ensure that levels of exclusion at the school - whether permanent or fixed-term - are not disproportionately impacting on any group(s) of pupils or are significantly different to other similar schools
- review any decision to exclude as required

#### Role of the Headteacher

When making the decision to exclude a pupil the Headteacher will:

- Undertake a thorough investigation into the alleged incident by looking at all the evidence that is available;
- Keep a written record of all the stages of the investigation plus signed witness statements;
- Listen to the pupil's version of what happened;
- Check whether the alleged incident was provoked by racial or sexual harassment and consider any possible breach of the school's equal opportunities policy;
- If s/he thinks it is necessary, the Headteacher will consult with other relevant people other than those who might be later involved in reviewing this incident;
- Consider alternatives other than exclusion such as:
  - Internal exclusion by removal to another class
  - Restorative justice
  - Mediation
  - A managed move
- Decide on the length of the exclusion, Fixed or Permanent
- Inform parents immediately.
- Report exclusions to:
  - The LGC
  - CDAT
  - The Local Authority
- Ensure that, in the case of LAC pupils or pupils with social worker involvement, that the LA's Virtual School Headteacher is informed of the exclusion.
- Ensure that, in the case of SEND pupils, that CDAT's SEND lead and the LA SEND team have been made aware of the school's concerns (in cases of escalating/persistent disruptive behaviour) and/or are consulted prior to any final decision being made in the case of possible permanent exclusion.

It is the immediate responsibility of the Headteacher to ensure that latest DfE guidelines around exclusion are followed:

[https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_september\\_23.pdf](https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension_and_permanent_exclusion_guidance_september_23.pdf)

Headteachers may also find the DfE guidance for parents helpful, and may wish to bring this to parents' attention at the same time as informing parents of the decision to exclude:

<https://www.gov.uk/school-behaviour-exclusions/exclusions>

#### 4. The power to exclude

- Only the Headteacher (or member of the senior leadership team if acting in that role in the absence of the Headteacher) of the 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. This will count as a half-day fixed-term exclusion (suspension)
- The behaviour of pupils outside school can be considered as grounds for exclusion
- The Headteacher may withdraw an exclusion that has not been reviewed by the LGC.
- The school will take account of their legal duty of care when sending a pupil home following an exclusion.
- The school will use 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 'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', even with the agreement of parents. 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 harm 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 a pupil has SEND, permanent exclusion will only be considered as a last resort when other avenues of support/resolution have been exhausted.

#### 5. Informing parties about an exclusion

Whenever a pupil is excluded the school will notify 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 period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the exclusion to the LGC 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; this provision may include remote-education use, such as accessing Oak National Academy materials

The Headteacher will, without delay, notify the LGC, the local authority and the VSH and/or social worker (if required) about any exclusions/suspensions, whether permanent or for a fixed period.

The school, through the Headteacher/LGC, will inform CDAT of exclusions:

- immediately, for any permanent exclusions or where the excluded child is a looked-after child (LAC) or is an SEND pupil with an EHCP;
- on a half-termly/termly basis, as part of a summary return, for any other exclusions

## 6. The Local Governance Committee's duty to consider an exclusion

The LGC, under delegated powers from CDAT will consider parents' representations about an exclusion.

The LGC will 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.

If requested to do so by the parents, the LGC will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded from school for more than five school days, but not more than 15, in a single term.

The following parties will be invited to a meeting of the LGC and allowed to make representations:

- parents;
- the Headteacher.

In addition, where an excluded pupil is a looked-after pupil (LAC) or is a pupil with a linked social worker, the social worker and VSH (Virtual School Headteacher) should be invited to the meeting.

When establishing the facts in relation to an exclusion decision the LGC will apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the LGC will either:

- uphold an exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

## 7. The Local Governance Committee's duty to notify parents of the outcome

The LGC will notify parents, the Headteacher, and CDAT of their decision, and the reasons for their decision, in writing and without delay. Where appropriate, the VSH and/or social worker will also be informed of the decision reached.

In the case of a permanent exclusion the governing body's notification will also include:

- The fact that it is permanent;
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel and the following information:
  - the date by which an application for a review must be made
  - CDAT's business address where an application for a review (and any written evidence) should be submitted;
  - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
  - that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require CDAT to appoint an SEN expert to attend the review;
  - details of the role of the SEN expert and that there would be no cost to parents for this appointment;
  - that parents must make clear if they wish for a SEN expert to be appointed in any application for a review; and

- that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.

## 8. CDAT's duty to arrange an independent review panel

If applied for by parents within the legal time frame, CDAT will arrange for an independent review panel hearing to review the decision of the LGC not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the LGC of their decision to uphold a permanent exclusion 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 exclusion

Any application made outside of the legal time frame will be rejected by CDAT.

## 9. Off-rolling

Headteachers are required to pay due consideration to the definition of 'off-rolling' contained within the School Inspection Handbook, and to ensure that no actions taken by the school could possibly be construed as 'off-rolling'. In particular, schools must not use 'informal exclusions' to deal with behavioural matters, as this would fall under one definition of 'off rolling' - being where a school **“retains a pupil on the school roll but does not allow them to attend school normally, without a formal permanent exclusion or suspension”**.

In circumstances where a headteacher feels that a break in a pupils' normal schooling pattern would be appropriate, this must be done either through a formal exclusion or suspension or through an agreed, short-term reduced timetable arrangement.