

EXCLUSION POLICY

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1. Aims

Our schools seeks to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by trustees, staff, parents/carers and learners.
- Learners in school are safe and happy.
- Learners do not become NEET (not in education, employment or training).
- All suspensions and permanent exclusions are carried out lawfully.

We understand that good behaviour and discipline is essential for promoting a high-quality education and recognise that exclusion of learners may be necessary in some circumstances. In all cases, excluding learners should only be used as a last resort.

This policy has been created to clearly define the legal responsibilities when responding to learner exclusions, to ensure that they are dealt with fairly, lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a learner's right to an education despite having been suspended/excluded, by ensuring that appropriate arrangements are in place. Furthermore, it aims to support staff in their work with learners to ensure that teaching and learning can continue unhindered.

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the pupil, to:

- Remove a pupil from the school admission register without a formal, permanent exclusion.
- Encourage a parent/carers to remove their child from the school.
- Encourage a sixth-form student not to continue with their course of study.
- Retain a pupil on the school admission register but not allow them to attend the school normally, without a formal permanent exclusion or suspension.
- Move a pupil to alternative provision (AP) where this is not in their best interests.
- Send a pupil home without formally recording a suspension regardless of whether it occurs with the agreement of parents/carers.
- Place a pupil on a part-time timetable for behavioural reasons.
- Remove a pupil from the school roll without following due process.

Accordingly, we will not suspend or permanently exclude a pupil unlawfully by telling or forcing them to leave, encouraging their parent(s)/carer(s) to remove them from the school, or not allowing them to attend school without following the statutory procedure contained in the

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School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to a pupil's poor academic performance.
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting.

If any pupil is suspended or permanently excluded on the above grounds, this will also be considered as 'off-rolling'.

2. Legislation and Statutory Guidance

This policy has regard to the statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to suspend and permanently exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'

The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#) and as modified and amended by [The Education \(Educational Provision for Improving Behaviour\) \(Application to Academies and Pupil Referral Units and Minor Amendments\) Regulations 2026](#).

- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [Inspection information for state-funded schools](#), which defines 'off-rolling'
- [The Education \(Independent School Standards\) Regulations 2014](#)

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school admission register.

Parent/carer – any person who has parental responsibility and any person who has care of the child.

Cancelled exclusion – an exclusion that has been cancelled before the school’s exclusion review panel has met to consider whether the pupil should be reinstated.

4. Operational Delivery

Suspension and exclusion from a NEAS school is very rare and only happens in exceptional circumstances and as a disciplinary measure, not a substitute for another process. In line with the government’s statutory guidance for maintained schools and the SEND Code of Practice 2015, every effort is made to avoid excluding a learner who has an EHCP (which covers every learner in a NEAS School).

Where a NEAS school has concerns about the behaviour, or risk of exclusion, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a learner’s needs. The school will consider requesting an early annual review or interim/emergency review.

The school will liaise with parents/carers and the LA to review the EHCP following incidents where a learner’s behaviour is severe enough that the school is considering exclusion. Exclusion will only then be considered as a last resort if alternatives should prove unsuccessful, where:

- There has been a serious or persistent breach of the behaviour policy.
- Allowing the pupil to remain would seriously harm the education or welfare of others.

The Principal can exclude a pupil from school on disciplinary grounds in respect of behaviour inside or outside of the school. The Principal will seek guidance from the Director of Education (DoE), Chief Operating Officer (COO) and the Chief Executive Officer (CEO) in relation to this prior to the decision being made. Permanent exclusion will only ever be used as a last resort:

- In response to serious or persistent breaches of the school’s Behaviour Policy.
- If allowing the learner to remain in school would seriously harm the education or welfare of others.

Before deciding whether to suspend or permanently exclude a pupil, the Principal following consultation with the CEO, COO and DoE where appropriate, will:

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- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked.
- Allow the pupil to give their version of events considering these in light of their age and understanding, unless it would not be appropriate to do so.
- Take into consideration the pupil's special educational needs (SEN).
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC) or a previously looked-after child).
- Consider whether all alternative solutions have been explored.

Deciding whether to temporarily remove a pupil from the school site for safeguarding reasons

In exceptional circumstances, the Principal, following consultation with the CEO, COO and DoE where appropriate, may decide to temporarily prevent a pupil from attending the school site for safeguarding reasons. This is not an exclusion on disciplinary grounds. This measure will not be used as an alternative to suspension or permanent exclusion and will be regularly reviewed to ensure it remains necessary, proportionate and in the best interests of all pupils.

This measure will only be used when:

- It is necessary to separate pupils to ensure safety.
- There is no reasonable alternative that would allow all pupils to remain on site.

Decisions will be made on a case-by-case basis, led by the designated safeguarding lead (DSL) and informed by multi-agency working where appropriate (e.g. children's social care or the police).

Where this measure is used, the school will:

- Inform parents/carers without delay, including the reasons for the decision.
- Notify the Board of Trustees.
- Provide work for the pupil to complete at home, or work with the LA to ensure suitable education is arranged.
- Support the pupil's reintegration, as soon as it is safe to do so.

Learners attending NEAS schools are particularly vulnerable to the impacts of exclusion. Accordingly, suspension should only be used where it is deemed to be a highly effective sanction, and other options have been explored. Permanent exclusion should only be used as a very last resort, in response to a serious breach, or persistent serious breaches, of the school's behaviour policy and in line with the STEP Policy; and where allowing the learner to remain in school would seriously harm the education or welfare of the learner or others in the school.

5. Exclusion – Procedure

- Exclusions from NEAS schools will reflect the principles contained within the Department for Education's statutory guidance on Exclusions for maintained schools and academies <https://www.gov.uk/government/publications/school-exclusion>.
- A decision to exclude a learner will only be taken in response to serious breaches of the school's behaviour policy or if allowing the learner to remain in light of their behaviour in school would harm the education or welfare of the learner or others in the school.
- The school will provide work for the learner to undertake and/or guidance with regard to activities and occupation of time during the period of suspension / exclusion up to the end of the fifth consecutive day.
- A meeting will be convened at the earliest opportunity with the local authority. The outcome of this meeting will be a strategy plan to be adopted for the learner's return.
- In the case of a learner who is looked after by the Local Authority the Principal will convene an urgent review meeting to agree the next steps.
- A meeting will be held following any suspension to outline the conditions for return, emphasising the need for appropriate behaviour, considering the degree of control the learner has to modify their behaviour, and their understanding of why they were suspended (dependent on the learner's level of understanding).
- Suspensions cannot be extended or 'converted' into permanent exclusions. In exceptional cases, usually where further evidence has become known, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.
- The Principal will notify the commissioning local authority and other relevant agencies where required by commissioning arrangements, EHCP duties or safeguarding responsibilities of all suspensions and permanent exclusions, regardless of the length of a suspension.
- The Principal will inform the allocated social worker of the pupil of any suspension or permanent exclusion.

If the Principal decides to suspend or permanently exclude a pupil, following consultation with CEO, COO and DoE where appropriate, the parents/carers/pupil will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents/carers/pupil will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about the parents'/carers'/pupil's right to make representations about the

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suspension or permanent exclusion to the review panel and, where the pupil is attending alongside parents/carers, how they may be involved in this.

- How any representations should be made.
- Where the school's review procedure provides for a meeting to consider representations regarding the exclusion of a pupil, and that parents/carers/the pupil have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend (and, where appropriate, more than 1, subject to reasonable limits set by the exclusion review panel).
- That parents/carers and the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request.
- If the pupil is of compulsory school age, the Principal will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded.
- For the first 5 school days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies.
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

6. Exclusion Panel Review Meeting

- The Principal should prepare a pack of information detailing information that provides a rationale for the decision to permanently exclude.
- Parents/carers have the right to make representations for the panel to consider. The commissioning local authority may be invited to attend. The Principal must attend.
- The school will normally convene the exclusion review panel within 15 school days of the decision to permanently exclude.
- Where an exclusion would result in a learner missing a public examination or national curriculum test, the exclusion review panel will, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.
- The exclusion review panel must make reasonable endeavour to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant time limits set out above. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.
- If, after a permanent exclusion, the learner returns to school prior to the review panel meeting, the panel will consider whether or not the exclusion was objectively fair and appropriate and what (if any) note should be made to the learner's record with respect to the exclusion.

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- Everything possible will be done to establish an environment in which all parties can present their cases effectively and at their own pace.
- Decisions will be based on all relevant facts including whether the exclusion process was in accordance with policy and procedure and fairly implemented.
- The needs and interests of all other learners and staff in the school will be considered, as well as those of the excluded learner.
- The panel hearing will consider whether there was consistency in terms both of other exclusions (if any) on similar grounds in similar situations and its terms of sanctions imposed on other learners involved in that case (if relevant).
- The Chair will welcome and introduce all parties, explain in which order the parties will be heard, and explain that there will be an opportunity for questions to be raised after each party has spoken.
- The conduct of the proceedings is based on fairness and ensuring that the correct decision is made.
- Notes of the meeting will be taken.
- The person chairing the exclusion review panel will notify the Principal, purchasing authority and parent(s) of the exclusion review panel's decision, with reasons, within 5 days of the meeting. If it is not possible to give a final decision (for example if further investigation is necessary), an interim response will be given within 5 days explaining the delay and timeframe for a final decision.
- The panel's decision is final as an independent school

7. Links to Other Policies

- Behaviour Policy
- Admissions Policy
- STEP Policy