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1. 23.07.19	ALET Trust board	New Policy
2. 25.5.23	ALET Trust board	Reviewed and amended in the light of changed DfE guidance

Exclusion Policy

Our mission is “to deliver excellence in education and to transform lives through learning”, bringing to life our core values of empowerment, enterprise, connectedness and transformation. We work hard to ignite confidence, expand opportunities, energise the community and generate prosperity.

These values are further supported by [our learning philosophy](#), rooted in the dynamics between the brain, motivation and our emotions.

Policy Statement

This policy sets out expectations regarding Exclusions

Principles

We believe that excluding learners is done only as a last resort to ensure that the safety of our community and the quality of education is safeguarded. Furthermore:

- every learner is important, and we accept that some may have needs that require reasonable adaptation to the teaching and learning environment and resources.
- the greatest impact in learning happens when learners know why, how etc therefore we seek to provide learning through practical experience etc.
- as an organisation we seek opportunities to embed learning and make knowledge and skills relevant to the learning.

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1. Aims

Our schools aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

2. Legislation and statutory requirements

This policy is based on statutory guidance from the Department for Education: [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 outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

3. The Decision to exclude

Only the statutory headteacher/principal, or acting headteacher/principal, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Our Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to 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.

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher/principal will:

- Consider all the relevant facts and evidence, including whether there were any mitigating factors which lead to the incident(s) leading to the exclusion

- Allow the pupil to give their version of events
- Consider if the pupil has 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))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

4. Definitions

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Leadership Group Member - the local member of the ALET leadership group is normally given the title of Head of School or Executive Principal. This person may have a different title depending on the context of the school. Please refer to the school directly for clarification. The Executive Principal is the statutory headteacher of the school. They are referred to below as headteacher.

SEND – Special Educational Needs and Disabilities, often referred to as SEN

LA – Local Authority

5. Roles and Responsibilities

5.1 The Leadership Group member

Informing parents

The leadership group member will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The leadership group member will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

The leadership group member will immediately notify the chair of governors, clerk (Clerk@alet.org.uk) and the local authority (LA) of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

For all other exclusions, the leadership group member will notify the Clerk (clerk@alet.org.uk) and Local Authority once a term.

5.2 The governing board

Responsibilities regarding exclusions is delegated to Governors Discipline Committee, consisting of at least 3 governors.

The Governors Discipline Committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the school will liaise with the Local Authority to arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The Local Authority

The school will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the school will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the school will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have

influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- o The parents, governing board and LA will be notified without delay
- o Where relevant, any social worker and VSH will notified without delay
- o Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- o As referred to above, the school will report to the governing board once per term on the number of cancellations
- o The pupil will be allowed back in school

5.4 The Trust Board

The Trust board and their policy committee are responsible for monitoring this policy's effectiveness and holding the trust leadership group to account for its implementation.

5.5 ALET's Leadership Group

The leadership group are responsible for ensuring this policy is adhered to and applied consistently.

5.6 Staff

Staff are responsible for:

All teaching staff have a requirement to deliver high quality learning through high quality teaching.

All teaching staff to adapt practices as required in accordance with awarding bodies and DfE guidance.

5.7 Parents /Carers

Parents/Carers are expected to:

Actively support the learner to meet the requirements of the ALET Behaviour Policy.

1. Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the leadership group will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the leadership group will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathway

6. Considering the reinstatement of a pupil

The Governors Discipline Committee of the Trust Board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, Governors Discipline Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, Governors Discipline Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, Governors Discipline Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Governors Discipline Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- o Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- o The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- o The headteacher
- o The pupil's social worker, if they have one
- o The VSH, if the pupil is looked after

The Governors Discipline Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Governors Discipline Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, Governors Discipline Committee of the Trust Board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the leadership group member followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governors Discipline Committee of the Trust Board will notify, in writing, the leadership group member, parents and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governors Discipline Committee of the Trust board's decision will also include the following:

- 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 date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the ALET Trust to appoint an SEND expert to attend the review

- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the ALET Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by Governors Discipline Committee of the Trust's Board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of Activate Learning Education Trust board or governing board of the excluding school
- Are the leadership group member of the excluding school, or have held this position in the last 5 years
- Are an employee of the Activate Learning Education Trust board or local governing committee, of the excluding school (unless they are employed as a leadership group member at another school)
- Have, or at any time have had, any connection with the Activate Learning Education Trust its school, governing committees, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- o The panel's decision and the reasons for it
- o Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- o Any information that the panel has directed the governing board to place on the pupil's educational record

8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the Governors Discipline Committee decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Governors Discipline Committee will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- o The pupil's full name
- o The full name and address of any parent with whom the pupil normally resides
- o At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- o The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- o Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school

- o Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a suspension

10.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

The following measures may be implemented when a pupil returns from suspension

- Agreeing a behaviour contract
- Putting a pupil onto a monitoring report, a target report or similar
- Internal reflection room / inclusion room arrangements

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

11. Monitoring arrangements

The Leadership group member, monitors the number of exclusions every term and makes this available to the local governing committee, all school data is collated and held by the CEO who reports Trust wide exclusion data to the Trust board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

The school will collect data on the following:

- o Attendance, permanent exclusions and suspensions
- o Use of pupil referral units, off-site directions and managed moves

The data will be analysed from a variety of perspectives including:

- o At school level
- o By age group
- o By time of day/week/term
- o By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Head of Governance and Compliance every 2 years in line with Policy Register. At every review, the policy will be shared with the Trust board.

11. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- Anti-bullying Strategy
- SEN policy and information report
- Child Protection and Safeguarding Policy
- Governor Allowances Policy
- Teaching and Learning Policy

Appendix 1: Independent review panel training

The Activate Learning Education Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act