Our vision is to provide an
Inspiring Educational Experience
for all students which is beyond their expectations and therefore forms
the foundation of a happy and fulfilled life.

EXCLUSIONS POLICY

Aims
WMAT aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Trustees, Governors, staff, parents and students
- Students in the WMAT schools are safe and happy
- Students do not become NEET (not in education, employment or training)

Legislation and statutory guidance
This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

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’

This policy complies with our funding agreement and articles of association.

The Decision to Exclude
Only the Headteacher/Principal, CEO or acting Headteacher, can exclude a student from a WMAT school. A permanent exclusion will be taken as a last resort.

A decision to exclude a student will be taken only:

- In response to a serious breach or persistent breaches of the school’s behaviour policy, and
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher/Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)
Definition

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.

Roles and responsibilities

The Headteacher/Principal

Informing the Parents

The Headteacher/Principal will immediately provide the following information, in writing, to the parents of an excluded student:

- 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 Local Governing Body and how the student may be involved in this
- How many representations should be made
- Where there is a legal requirement for the Local Governing Body to meet to consider the exclusion, that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher/Principal will also notify parents without delay and, at least, by the end of the afternoon session on the day their child is excluded that for the first five (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 CEO, Local Governing Body and Local Authority

The Headteacher/Principal will immediately notify the Local Governing Body, WMAT CEO and Local Authority of:

- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher/Principal will also immediately inform the student’s ‘home authority’ of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher/Principal will notify the CEO, Local Governing Body and Local Authority once per term.
The Local Governing Body

Responsibilities regarding exclusions is delegated to the Governors Disciplinary Committee comprising of at least three (3) Governors.

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

The Local Authority

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Considering the reinstatement of a student

The Governors Disciplinary Committee will consider the reinstatement of an excluded student within fifteen (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 student missing a public examination

If requested to do so by parents, the Governors Disciplinary Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the Governors Disciplinary Committee will consider the reinstatement of the student before the date of the examination.

The Governors Disciplinary Committee can either:

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

In reaching a decision, the Governors Disciplinary Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher/Principal 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 minutes will be made available to all parties on request. The outcome will also be recorded on the student’s educational record.

The Governors Disciplinary Committee will notify, in writing, the Headteacher/Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governors Disciplinary Committee’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 student’s SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the school 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 an SEN 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 the Equality Act 2010 routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.
- Where the Governors Disciplinary Committee declines to reinstate the student, parents will also be advised of the relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This will include:
  - A link to the DfE’s statutory guidance on exclusions;
  - A link to guidance on making a claim of discrimination to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court
  - A link to sources of impartial advice for parents such as the Corma Children’s Legal Centre or ACE Education

**Independent Review**

If parents apply for an independent review, in the case of a permanent exclusion, the school will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within fifteen (15) school days of notice being given to the parents by the Governors Disciplinary Committee of its decision to not reinstate a student.

A panel of 3 members will be constituted as per DfE guidelines. The panel will consist of:

- 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/trustee or volunteer
- A current or former school governor/trustee who has served as a governor/trustee for at least 12 consecutive months in the last five years, provided that they have not been teachers or Head Teachers during that time
- A Head Teacher or individual who has been a Head Teacher within the last five years.

Panel members can not include the following if they:

- Are a member/trustee of the academy trust or governing body of the excluding school
- Are the Headteacher/Principal of the excluding school
- Are an employee of the academy trust or the governing body of the excluded schools (unless they are employed as the Headteacher/Principal at another school)
- Have or at any time had any connection with the academy trust, governing body, parent or students, or the incident leading to the exclusion
- Have not had the required training within the last two years

A clerk will be appointed to the panel. This will not be the same clerk who was appointed for the review of the decision to exclude.

The independent panel will decide one of the following:

- Uphold the Local Governing Body decision
- Recommend that the Local Governing Body reconsider reinstatement
- Quash the Local Governing Body decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel’s decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.
School registers

A student’s name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel’s decision to not reinstate the student 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 Local Governing Body will wait until that review has concluded before removing a student’s name from the register.

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

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

Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- A reintegration plan will be implemented on all occasions
- Inclusion

Monitoring Arrangements

The Monitoring Officer in each school monitors the number of exclusions every term and reports back to the Headteacher/Principal. They also liaise with the local authority to ensure suitable full-time education for excluded students. This information will be included in the Headteacher/Principal report to the CEO and Board of Trustees.

This policy will be reviewed by the Board of Trustees on an annual basis.

Links with other policies

This exclusions policy is linked to the:

- Behaviour policy
- School SEND policies and reports

Approved: Spring 2018
Review Date: Spring 2020
APPENDIX 1

Independent Review Panel Training

WMAT must ensure that all members of an independent review panel 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/Principals, Local Governing Bodies 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
Appendix 2

- Will the exclusion result in the pupil missing a public exam or national curriculum test?
  - Yes: The governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion. However, the governing board must take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil’s reinstatement alone.
  - No: Is the exclusion permanent?
    - Yes: The governing board must convene a meeting to consider reinstatement within 15 days of receiving notice of the exclusion.
    - No: Will the exclusion take the pupil’s total days of exclusion above 15 for a term?
      - Yes: The governing board must convene a meeting to consider reinstatement within 50 days of receiving notice of the exclusion.
      - No: Will the exclusion take the pupil’s total days of exclusion above five for the term?
        - Yes: Have the pupil’s parents requested a governing board meeting?
          - Yes: The governing board is not required to consider the exclusion and does not have the power to decide to reinstate a pupil.
          - No: The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.
        - No: The governing board may delegate its functions to consider an exclusion to a designated committee. References to days mean ‘school days’.