



EXCLUSIONS POLICY

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Important coronavirus (COVID-19) update

This policy has been updated in line with the current guidance from the UK government. We have included an amendment to this policy in Appendix D, which provides information about the changes to the exclusion process during the pandemic. Please have due regard for the stipulations within this amendment.

The DfE coronavirus helpline is 0800 046 8687, open Monday to Friday from 8:00am to 6:00pm and weekends 10:00am to 4:00pm. You can also email the helpline on DfE.coronavirushelpline@education.gov.uk.

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Statement of Intent

At Ambitions Academies Trust, we understand that having high expectations for good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the Trust recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the Behaviour Policy.

Excluding a pupil may also be required in instances where allowing the pupil to remain in one of the Trust's academies would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Principal, the Academy Committee (the academy's governing board) and the Local Authority when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

1. Legal Framework

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour Policy
- Anti-Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Child Protection and Safeguarding Policy
- Care & Control Policy

2. Grounds for Exclusion

The Trust's academies will only exclude a pupil for the following reasons and following the completion of Appendix D - 'Reviewing a decision to exclude a pupil':

- Where other possible disciplinary sanctions, as detailed in the academy's Behaviour Policy, have failed to be successful.
- Where the pupil has persistently over a period of time breached the Behaviour Policy.
- Where the pupil's behaviour seriously breaches (even as a one-off incident) the Behaviour Policy. One-off incidents could include: serious actual or threatened violence against another pupil or a member of staff; sexual abuse or assault; supplying an illegal drug; carrying an offensive weapon (offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him"; arson
- Where the pupil to remain in the academy would seriously harm the education or welfare of pupils or others in the academy.

The following behaviour may underline the academy's decision to exclude a pupil:

- Persistent disruptive behaviour
- Physical assault against an adult
- Physical assault against a pupil
- Verbal abuse or threatening behaviour against an adult
- Verbal abuse or threatening behaviour against a pupil
- Damage
- Bullying
- Other

'Other' (although this list is not exhaustive) includes: arson, illegal drugs (possession, intent to supply and supply), theft, indecent behaviour, sexual abuse or assault and carrying an offensive weapon. Pupils can be excluded on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently excluded following a fixed-period exclusion, where further evidence is presented.

In all cases, the Principal will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

3. The Principal's Power to Exclude

Only the Principal has the power to exclude a pupil from their academy.

The Principal will consult with the CEO of Ambitions Academies Trust before a pupil is excluded from their academy permanently.

All exclusions will only be issued on disciplinary grounds

The Principal is able to exclude pupils from the academy where their behaviour is disruptive during lunchtime. All lunchtime exclusions will be counted as half a school day.

The Principal is able to consider a pupil's disruptive behaviour outside of the academy premises as grounds for exclusion, in accordance with the Behaviour Policy.

Any decision made to exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the academy's wider legal duties, including the European Convention on Human Rights (ECHR).

All exclusions will be formally recorded on the pupil information system.

All exclusions will be reported to the Ambitions Academies Trust Central Team using the Exclusions Record Sheet. Please see Appendix D.

When sending a pupil home following any exclusion, the Principal will ensure that they exercise their duty of care at all times and will always inform the parents/carers. Additionally, where a pupil has a social worker, they will also be informed.

The Principal will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Principal may withdraw any exclusion that has not already been reviewed by an Exclusion Review Panel convened by the Academy Committee.

At all times, the Principal will take into account their legal duties under the Equality Act 2010 and the 'Special Educational Needs and Disability Code of Practice: 0 to 25 Years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

The Principal will not issue any 'informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.

The Principal will not use the threat of exclusion as a means of instructing parents/carers to remove their child from the premises.

4. Factors to Consider when Excluding a Pupil

When considering the exclusion of a pupil, the Principal will:

- Allow the pupil the opportunity to present their case either in person, by telephone taking into consideration the age and ability of the pupil to do so.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Whether the pupil is due to sit a public examination.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The Principal will consider what extra support may be available for vulnerable pupil groups whose exclusion rates are higher, to reduce their risk of exclusion, including the following:

- Looked after Children
- Pupils eligible for Free School Meals
- Pupils with Special Educational Needs
- Certain ethnic groups

The Principal will consider avoiding permanently excluding pupils who are 'looked after' or pupils with an Education Health Care Plan (EHCP) and seek to work proactively with the Local Authority to find alternative solutions.

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Principal who will consider whether an assessment to determine if the behavioural issues might be as a result of educational, mental health or other needs and vulnerabilities.

Where Special Educational Needs and Disabilities (SEND) or Social, Emotional and Mental Health (SEMH) issues are identified, an individual Pastoral Support Plan (PSP) will be created using the graduated response outlined in the Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then exclusion will be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been fully considered by the Principal investigating the incident.

5. Duty to Inform Parents/Carers

Following the Principal's decision to exclude a pupil, the parents/carers are immediately informed, in person or by telephone, of the period of the exclusion and the reasons for this.

The Principal will inform the parents/carers in writing (electronically if written permission has been received from the parents/carers for notices to be sent this way) of the following:

- The reason(s) for the exclusion
- The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
- Their right to raise any representations about the exclusion to the Academy Committee (governing board), including how the pupil will be involved in this and how the representations will be made
- Their right to attend a meeting where there is a legal requirement for the Academy Committee (governing board) to consider the exclusion, and the fact that they are able to bring an accompanying individual.
- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to the academy.
- Relevant sources of free, impartial information.

Where the pupil is of compulsory school age, the Principal will inform the parents/carers by the end of the afternoon session that:

- For the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parent/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.

Where the Principal has arranged alternative provision, they will also inform the parents/carers of the following:

- The start and end date for any provision of full-time education
- The address at which the provision will take place
- Any information necessary for the pupil to identify the person they should report to on the starting date

Where the Principal is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.

If the alternative provision is due to begin before the sixth day of the exclusion, the Principal is able to give less than 48 hours of notice, with parental consent.

If the Principal has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents/carers without delay and issue a new exclusion notice to parents/carers.

6. Duty to Inform the Academy Committee (Governing Board) and the Local Authority

The Principal will inform the Academy Committee Chair, the Trust's Central Team and the LA, without delay, of the following:

- Any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
- Any exclusions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
- Any exclusions which would result in the pupil being absent from an examination or national curriculum test

For any exclusions, other than those above, the Principal will notify the Academy Committee, the Trust's Central Team and LA once per term.

All notifications to the Academy Committee, Trust's Central Team and the LA will include the reasons for the exclusion and the duration of any fixed-period exclusion.

If the pupil who is excluded lives outside the LA in which the academy is located, the Principal will notify the pupil's 'home authority'.

7. Arranging Education for Excluded Pupils

For any fixed-period exclusions of more than five school days, the Principal will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion. The Academy Committee Chair will be informed of the alternative education arrangements.

Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.

For permanent exclusions, full-time education will also be provided, by the Local Authority, for the pupil from the sixth day of exclusion.

The Principal will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The Principal is aware that it is beneficial to excluded pupils to begin their alternative education arrangements before the sixth day of exclusion. The Principal will always attempt to arrange alternative provision before the sixth day of exclusion.

Where it is not possible to arrange alternative provision during the first five days of exclusion, the academy will ensure that they take reasonable steps to set and mark work for the excluded pupil.

If a pupil with SEND has been excluded, the Principal will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents/carers, who are able to request preferences.
- When identifying alternative provision, any EHC plan is reviewed/the pupil's needs are reassessed, also in consultation with the pupil's parents/carers.

8. Considering Exclusions

The Academy Committees at Ambitions Academies Trust, supported by their Clerk, will convene an Exclusion Review Panel (which may be made up of Academy Committee members from across the Trust as appropriate and required) to consider any representations made by parents/carers in regard to exclusions.

Parents/carers and, where requested, a friend or representative, the Principal and a member of the Local Authority will be invited to attend any consideration of exclusions and will be able to make representations.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

The Exclusion Review Panel will consider the reinstatement of an excluded pupil, where:

- The exclusion is permanent.

- The exclusion is fixed-period, and would bring the pupil's total number of excluded school days to more than 15 in any given term.
- The exclusion would result in the pupil missing a public examination.

In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents/carers, the Exclusion Review Panel will consider exclusions within 50 school days of receiving notification.

In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the Exclusion Review Panel is not required to meet and cannot direct the reinstatement of the pupil.

Where exclusion would result in a pupil missing a public examination, the Exclusion Review Panel will consider the exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

In light of the above, the Exclusion Review Panel will also consider whether it would be appropriate to allow the excluded pupil to enter the premises to take the examination.

When considering the reinstatement of an excluded pupil, the Exclusion Review Panel will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents/carers to be accompanied by a person of their choice at the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

9. Reaching a Decision

After considering the exclusion, the Exclusion Review Panel will either:

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

If reinstatement would make no practical difference, e.g. if the pupil has already returned to the academy following a fixed-period exclusion or the parents/carers make clear they do not want their child reinstated, the Exclusion Review Panel will still consider whether the pupil should be officially reinstated, and whether the Principal's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The Exclusion Review Panel will apply the civil standard of proof when responding to the facts relating to an exclusion, it is more likely than not that the facts are true.

To reach a decision, the Exclusion Review Panel will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.

- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the Principal's legal duties and any evidence that was presented to the Panel in relation to the decision to exclude.
- Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

10. Notification of Considered Exclusions

The Exclusion Review Panel will notify the parents/carers of the excluded pupil, the Principal, the CEO and the LA of their decision following the consideration of an exclusion, in writing and without delay. In the case of a permanent exclusion, where the Exclusion Review Panel decides not to reinstate the pupil, they will notify the parents/carers:

- That it is permanent, and their right for it to be reviewed by an Independent Review Panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the Panel to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The Exclusion Review Panel will also notify parents/carers that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the Exclusion Review Panel will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

11. Removing Permanently Excluded Pupils from the Academy Register

The Principal will remove pupils from the academy register if:

- 15 school days have passed since the parents/carers were notified of the Exclusion Review Panel's decision not to reinstate the pupil and no application for an independent panel review has been received.
- The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, and until the Academy Committee (governing board) has completed any reconsideration that the Exclusion Review Panel recommended or directed it to carry out, before removing the pupil from the academy register.

If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.

- The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

12. Independent Review Panel

Ambitions Academies Trust will review the Exclusion Review Panel's decision not to reinstate a permanently excluded pupil, if the parents/carers submit their application for this within the required time frame.

Ambitions Academies Trust will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school governor who has served for at least 12 consecutive months in the last five years.
- A Principal or individual who has been a Principal within the last five years.

Parents/carers are required to submit their applications within:

- 15 school days of the Exclusion Panel's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the Exclusion Review Panel's initial consideration of the exclusion.

Ambitions Academies Trust will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from Maintained Schools, Academies and Pupil Referral Units in England' 2017.

13. Appointing a SEND Expert

If requested by parents/carers in their application for an independent review panel, Ambitions Academies Trust will appoint a SEND expert to attend the panel and cover the associated costs of this appointment. The SEND expert is an impartial and independent specialist adviser.

Ambitions Academies Trust will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the academy recognises that their child has SEND.

Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the Trust, academy, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on academies in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; SENCOs; and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, the Trust will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on academies in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Trust, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Trust will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the Trust to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the Trust will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

If the pupil attends one of the special academies within Ambitions Academies Trust, the SEND expert would be recruited from another school within the Trust with the relevant expertise

14. Reconsidering Reinstatement Following a Review

Where the independent review panel instructs the Academy Committee's Exclusion Review Panel to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The Trust is aware that if, following an instruction to reconsider, the Academy Committee does not offer to reinstate the pupil, then the academy will be required to make a payment of £4,000 directly to the LA area in which the academy is located.

Where the independent review panel recommends that the Academy Committee's Exclusion Review Panel should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The Trust is aware that if, following a recommendation to reconsider, the Academy Committee does not offer to reinstate the pupil, it will not be subject to a financial adjustment.

If, following reconsideration, the Academy Committee's Exclusion Review Panel offers to reinstate the pupil but the parents/carers decline, no payment is required.

Following reconsideration, the Exclusion Review Panel will notify the parents/carers, the Principal and the LA of their reconsidered decision and the reasons for this.

15. Criminal Investigations

The Principal will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

The Principal will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the Exclusion Review Panel is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

16. Monitoring and Review

This policy will be reviewed annually by the Sector Directors and Principals in conjunction with the Trust Board and Academy Committees.

Appendix A – Roles & Responsibilities

The Principal is responsible for:

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion process, as outlined in the Special Educational Needs and Disability (SEND) Policy.
- Considering any mitigating or aggravating factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a pupil has received multiple exclusions or is approaching the legal limit for exclusions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the Academy Committee (governing board), where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion.
- Making the decision to exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Liaising with the Sector Director for exclusions longer than 5 days to arrange 6th day provision.
- Consulting with the CEO prior to a permanent exclusion being issued.
- Ensuring that the case worker for a LAC or EHCP pupil is informed.
- Notifying a pupil's parents without delay where the decision is taken to exclude the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Organising suitable work for excluded pupils where alternative provision cannot be arranged.
- Work with the Academy's Admin Lead to ensure that the Academy Committee Chair, Trust's Central Team and, where appropriate, the LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- Notifying the Academy Committee once per term of any exclusions not already notified. This will be included at Academy Committee Meetings.
- Notifying the Trustees once per term of all exclusions. This will be an agenda item for the Educational Outcomes & Strategy Committee.

The Trust is responsible for:

- Providing information, within 14 days of a request, to the Secretary of State and LA about any exclusions within the last 12 months.
- Ensuring suitable full-time education for any pupil of compulsory school age excluded on a fixed-term basis.
- Arranging for an Independent Review Panel hearing to review the decision of the Exclusion Review Panel not to reinstate a permanently excluded pupil where required.

The Exclusion Review Panel is responsible for

- Considering parents' representations about exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the academy premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded pupil, including the circumstances in which they were excluded, and have due regard to the interests of others at the academy.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the Principal, CEO and LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of where to apply for an Independent Review Panel.
- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by an Independent Review Panel.

The Clerk to the Exclusion Review Panel is responsible for:

- Making reasonable efforts to inform the appropriate individuals that they are entitled to:
 - Make written representations to the panel.
 - Attend the hearing and make oral representations to the panel.
 - Be represented.
- Making reasonable efforts to circulate copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel.

The Advisor to the Exclusion Review Panel is responsible for

- Providing independent support and guidance to the Panel to ensure compliance with the Trust's policies and the DfE's Statutory Guidance (Exclusion from Maintained Schools, Academies and Pupil Referral Units in England – September 2017).

The SEND Expert is responsible for:

- The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.
- The focus of the SEND expert's advice will be on whether the Trust's and academy's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.
- Where the academy does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the academy acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.
- The SEND expert will not criticise an academy's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

The Local Authority (LA) is responsible for:

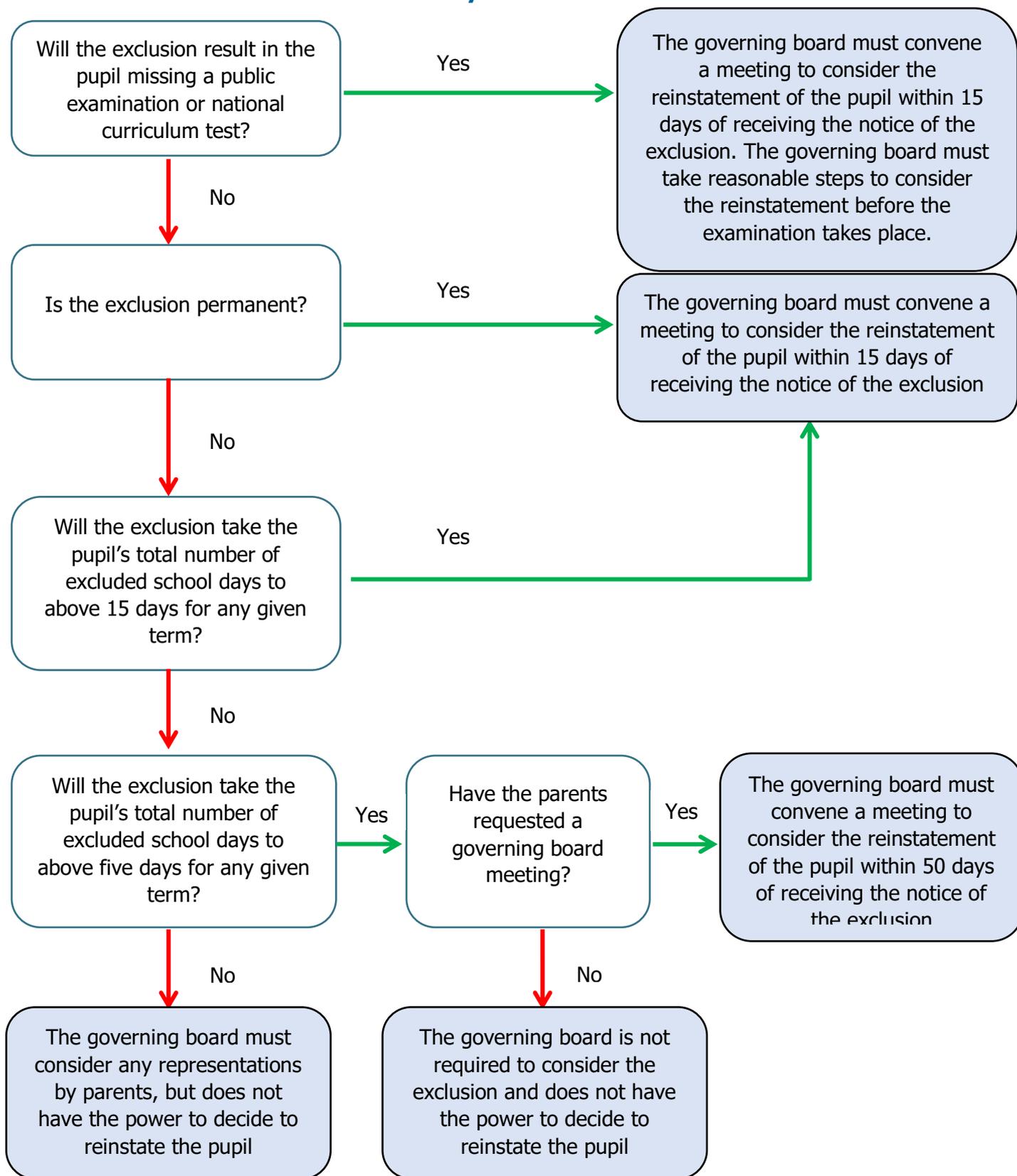
- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the academy.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement

Ambitions Academies Trust's Responsibility to Arrange an Independent Review Panel:

- Arranging the hearing without delay at a time, date and venue convenient for all parties.
- Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- Appointing a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.
- Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- If requested by parents, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

Appendix B – Reviewing the Principal’s Exclusion Decision

Annex A from the DfE’s Statutory Guidance



The governing board may delegate its functions to consider an exclusion to a designated committee. References to days mean 'school days'.

Appendix C – Ambitions Academies Trust – Making a Decision to Exclude

Name of pupil			
Previous number of exclusions this year			
Pupil characteristics:	SEN		
	K		
	EHCP		
	LAC		
Ethnicity			
Summary of incident that has occurred (bullet points only)			
Has the pupil explained the reason for their behaviour personally?			
Reason for exclusion: e.g. persistent disruptive behaviour, physical assault			

Point to Consider	Response	
Identify how the behaviour presented by the pupil meets the consequence of exclusion in the Behaviour Policy.		
Are there any mitigating factors with regard to this incident?	Provocation from the other pupil	
	The pupil's general medical and emotional condition	
	New to the academy and possibly unaware of the Behaviour Policy	
	Encouraged by others to act inappropriately	
	A relatively minor role in relation to others	
	An impulsive act or committed in the heat of the moment	
	A first offence	
	Previous behaviour and character suggesting repetition of behaviour is unlikely	
	An apology for the behaviour	
	Showing repentance and willingness to assume responsibility	
	Admission of the offence	
	Readiness to make restitution towards the victim (s)	
Are there any aggravating factors with regard to this incident?	Failure to heed warnings about similar behaviour in the past	
	Previous warnings about the risk of exclusion	
	Premeditated offence	
	Use of a weapon	
	History of similar incidents	
	Witness intimidation	
	Victim sustaining physical injury requiring medical attention	
	Victim being vulnerable – for example, younger	
	Significant support from the academy to modify behaviour	
	Encouraging others to behave inappropriately in relation to the offence	

	Showing no contrition or no willingness to accept responsibility	
	Not willing to co-operate or actively seeking to frustrate it	
Are there any wider issues the pupil is experiencing which may have triggered the behaviour being considered for exclusion?		
Is there an appropriate alternative sanction given wider issues with the pupil and mitigating/aggravating circumstances?	Have they been in after school learning?	
	If so how many times and for how long?	
	Have they been in InEx?	
	If so how many times and for how long?	
When did the most recent parental contact take place and what was agreed/discussed?	Date:	
Do they have a Pastoral Support Plan (PSP) or equivalent? If so what is the date of their last PSP? Has it been reviewed?	PSP: Date:	
Is the pupil on report? If so what level?	No Level of report: school)	
Is a request for SEN review needed?	Yes / No	
If pupil has an EHCP is an interim review required?	Yes / No	
Is a professionals meeting required?	Yes / No	
Have you completed the Level of intervention form and what level is the pupil currently (1-4) and why	Yes / No Level: Why:	
Does the behaviour warrant a managed move?		
Does the behaviour warrant a redirection to another educational provider?	Yes / No	

PRINCIPAL ONLY: If the decision to exclude contradicts statutory and non-statutory guidance what is the reason for this?

Serious breach of Behaviour Policy	
Persistent breaches of the Behaviour Policy	
Education and welfare of other pupils affected	

Final decision	
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Administration:

Will this exclusion take the pupil's total number of days missed above 5 in a term? If Yes, inform the Academy Committee Chair.	
Will this exclusion result in the pupil being absent from an examination or national curriculum test. If Yes, inform the Academy Committee Chair.	
Will the exclusion take the pupil's total number of days missed above 15 in a term? If Yes, an Exclusion Review Panel meeting must be arranged. Inform the Trust Central Team and Academy Committee Chair.	
Is this a consecutive exclusion which would result in pupil being excluded for more than 5 days in total and consequently 6 th day provision applies?	
Is this a potential permanent exclusion? If Yes, has the CEO been consulted?	
Has a permanent exclusion been issued? If Yes, an Exclusion Review Panel meeting must be arranged. Inform the Trust Central Team and Academy Committee Chair.	
Is this a fixed term exclusion which is above 5 days? If Yes, inform the Academy Committee Chair.	
Has the LA been informed?	
For any exclusions, other than those above, the Academy Committee, Trust Central Team and the LA must be informed once per term.	

Academy Committee

Informed of exclusions that take the pupil's total number of days missed above 5 in a term?	
Informed of fixed term exclusions above 5 days.	
Informed of consecutive exclusions resulting in the pupil being excluded for more than 5 days in total and consequently requiring 6 th day provision	
Review the termly exclusions report	

Appendix E – Changes to the Exclusion Process during the Coronavirus (COVID-19) Pandemic

The government has introduced new regulations that change some of the procedures that must be followed in relation to an exclusion, to give greater flexibility to schools, parents and LAs during the coronavirus (COVID-19) outbreak. They apply to all maintained schools, academies (including alternative provision academies, but excluding 16-19 academies) and pupil referral units (PRUs).

Please note that 'governing board' is used in this appendix to include the governing board of a maintained school and the management committee of a PRU or Academy Trust.]

Some temporary changes have been made to the school exclusion process due to the coronavirus (COVID-19) pandemic. The arrangements and procedures that must follow a decision to exclude on disciplinary grounds, as set out in our wider Exclusion Policy above, remain unchanged unless noted within this appendix. This appendix sets out what these changes are and what this means for our exclusion procedures in practice.

1. Legal framework

This appendix has due regard to the related legislation and statutory guidance including, but not limited to, the following:

- The School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020
- DfE (2020) 'Changes to the school exclusion process during the coronavirus (COVID-19) outbreak'

2. Application of arrangements

The arrangements within this appendix are applicable to all exclusions between 1 June 2020 and 24 September 2020 (inclusive).

The arrangements also apply to:

- Permanent and fixed-term exclusions occurring before 1 June which have not yet been considered by the Exclusion Review Panel.
- Permanent exclusions occurring before 1 June which have been considered by the Exclusion Review Panel, if they have chosen to not reinstate the pupil and the time limit to apply for a review of this decision has not passed.
- Permanent exclusions occurring before 1 June where a parent (or pupil aged 18) has requested a review of the Exclusion Review Panel's decision, but this has not yet happened.

Any exclusions covered by the arrangements in this appendix will continue to be subject to them after 24 September 2020, until the procedures for scrutiny of the exclusion have been exhausted.

For the purpose of this appendix, an exclusion will be taken as having 'occurred' on the first day of the exclusion, not the date when the decision to exclude was made or communicated.

3. Deciding whether a meeting should be held remotely

When the Exclusion Review Panel or an independent review panel (IRP) must meet to consider an exclusion, they will do so via telephone or video call (remote access), so long as the following conditions are met:

- It is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus.

- The Exclusion Review Panel (or arranging authority if the meeting is an IRP) is satisfied that:
 - All the participants agree to the use of remote access.
 - All the participants have access to the technology that will allow them to hear and speak throughout the meeting, and to see and be seen if a video call is used.
 - All the participants will be able to put across their point of view or fulfil their function.
 - The meeting can be held fairly and transparently via remote access.

The Exclusion Review Panel (or arranging authority if the meeting is an IRP) will be responsible for ensuring these conditions are met before a meeting takes place.

When determining whether it would be reasonably practicable to meet in person, Exclusion Review Panel or arranging authority will assess:

- The facts of the case.
- The circumstances in which a meeting could be expected to take place.
- The needs of the intended participants.
- The latest public health guidance.

4. Arranging a remote access meeting

The Trust or the arranging authority will explain the technology they propose to use to participants and will ensure that the participants (particularly pupils and their parents) know that they do not have to agree to a meeting being held via remote access.

Pupils and parents involved in meetings will be made aware that if they do not consent to a remote access meeting, the meeting is likely to be delayed.

Where a parent or pupil has consented to a remote access meeting, all other participants will make reasonable efforts to accommodate that preference unless there is a clear reason not to.

The normal requirements for who must be invited to a meeting (as set out in the wider policy) remain in place; however, those who have no intention of taking part in the meeting will not be treated as 'participants' for the purpose of the arrangements in this appendix.

The Trust, arranging authorities and panel members will comply with equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting, e.g. if they have SEND or EAL.

The chair of the meeting will check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly.

Once the meeting starts, if it cannot proceed fairly (e.g. if a participant cannot access it), the meeting will be adjourned.

The use of remote access will not alter any other procedural requirements that apply during the meeting.

Though written representations will be considered, solely paper-based meetings will not be permitted.

As long as the conditions for a remote access meeting are met, it will be possible for some participants to attend a meeting in person and for others to join via remote access.

5. Timescales

Exclusion Review Panel meetings

If it has not been reasonably practicable for the Exclusion Review Panel to meet in person within the original time limit due to coronavirus, or to meet remotely because remote access conditions cannot be met, the time limit for the meeting will be extended, in line with [section 6](#).

The time limit will not be extended if it has already passed before 1 June 2020.

The Trust will arrange for overdue meetings to take place via remote access, if the conditions can be met, or in person as soon as it is safe and practicable to do so.

If a time limit for a meeting is extended, the Trust will reassess at regular intervals whether it is reasonably practicable to meet in person and will arrange to do so without delay if it is.

Applications for independent reviews of exclusions

Where the Exclusion Review Panel declines to reinstate a pupil who has been permanently excluded, their parents (or the pupil if they are 18 or over) can apply for a review of this decision.

For exclusions covered under these arrangements (as set out in 2.1 and 2.2 of this appendix), the deadline for applications will be increased to 25 school days from the date on which notice in writing of the Exclusion Review Panel's decision was given to parents (or the pupil if they are aged 18 or over).

The school will wait for the extended period of 25 school days to pass without an application having been made before deleting the name of the permanently excluded pupil from the admissions register.

Meetings of independent review panels to consider permanent exclusions

If it has not be reasonably practicable for a review panel to meet in person within 15 school days due to coronavirus and it has not been possible to hold a remote meeting, the limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus.

The time limit for an IRP meeting will not be extended if it has already passed before 1 June 2020.

The arranging authority will arrange for overdue meetings to take place via remote access, if the conditions can be met, or in person as soon as it is safe and practicable to do so.

6. Meetings to consider permanent and fixed-term exclusions

If a pupil is permanently excluded or received a fixed-term exclusion which results in them having been excluded for 16 or more days in a term, the Exclusion Review Panel will try to meet to discuss reinstatement within 15 school days.

If it has not been reasonably practicable for the Exclusion Review Panel to meet in person within 15 school days due to coronavirus, and it has not been possible to hold a remote meeting, the limit will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus.

If a pupil receives a fixed-term exclusion which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil if they are 18 or over) chooses to make representations about the exclusion, the Exclusion Review Panel will meet to discuss reinstatement within 50 school days.

If it has not been reasonably practicable for the Exclusion Review Panel to meet in person within 50 school days due to coronavirus, and it has not been possible to hold a remote meeting, the limit will be extended to 60 days, or as long as reasonably necessary for a reason related to coronavirus.

7. Monitoring and Review

The arrangements in this appendix will be reviewed when there are any changes to government guidance.

Any changes to the arrangements in this appendix will be communicated to all stakeholders.