



# The Stables Independent School

## Exclusions Policy

**This policy was reviewed and approved by the Proprietors in the Spring Term 2024. It will be reviewed annually and approved by the Proprietors.**

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The Stables Independent School is committed to promoting the emotional mental health and well-being of its pupils, staff and carers. We work towards this in all aspects of school life, and to developing an ethos, environment and curriculum that supports the social, emotional and mental health of the whole school community. We are therefore 100% committed to avoiding exclusion and would respond to our pupils' needs by coordinating an emergency EHCP review and /or an emergency care planning meeting. We would not use exclusion as a response to pupil behaviour unless necessary.

The Stables Independent School is committed to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. For children who have experienced loss and rejection and other Adverse Childhood Experiences (ACEs), exclusion will not have a meaningful impact on their behaviour.

Therefore, The Stables Independent School will always endeavour to include, but leaders are aware that in certain situations where extreme behaviour has had a significant impact on the safety of others, the Headteacher, or in the absence of the Headteacher, the Deputy Headteacher may feel it necessary for a temporary or permanent exclusion to be issued. In the event that there is the need for temporary exclusion, the duration of the exclusion will be decided using professional judgement, taking into account the severity of events leading to this decision.

Unless it is deemed to be absolutely necessary, The Stables Independent School is committed to a **NO EXCLUSIONS ETHOS**.

However, we recognise that we have a statutory obligation to lay out the framework of an exclusion process that adheres to legislation and follows the DFE guidelines. We would only follow this in exceptional circumstances.

## 1. Aims

Our school aims to ensure that:

- All possible alternatives to exclusion will be explored via an emergency EHCP review or and emergency care planning meeting
- The exclusions process is applied fairly and consistently
- The exclusions process is understood by proprietors, staff, parents and pupils
- Pupils in school are safe and happy

## 2. 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'
- › 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](#)

### 3. The decision to exclude

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

Our school 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 or persistent breaches of the school's Promoting Positive Behaviour & Relationships Policy, **and**
- › If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- › Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- › Allow the pupil to give their version of events
- › Consider the nature of the pupil's special educational needs (SEN)

### 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.



A **Parent** is defined in [Section 576, Education Act 1996](#) as:

- All natural parents, whether they are married or not;
- Any person who, although not a natural parent, has parental responsibility for a child or young person;
- Any person who has care of a child (having care of a child or young person means that the child lives with and is looked after by that person, irrespective of their relationship).

## 5. Roles and responsibilities

### 5.1 The Headteacher

#### Informing parents

The Headteacher 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 the parents' right to make representations about the exclusion to the proprietors and how the pupil may be involved in this
- Where there is a legal requirement for the proprietors 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 Headteacher 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 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 proprietors and local authority**

The Headteacher will immediately notify the Proprietors and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- 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 pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the proprietors and LA once a term.

## **5.2 The Proprietors**

The proprietors have a duty to consider the reinstatement of an excluded pupil (see section 6).

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

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

## **5.3 The LA**

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

## **6. Considering the reinstatement of a pupil**

The Proprietors 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

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

The proprietors can either:

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



In reaching a decision, the proprietors will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher 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 proprietors will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where exclusion is permanent, the proprietor'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 SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA 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 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 LA will arrange for an independent panel to review the decision of the proprietors 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 the proprietors 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 proprietors' 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
- 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 director of the LA
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, 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 independent panel will decide one of the following:

- Uphold the proprietor's decision
- Recommend that the proprietors reconsider reinstatement
- Quash the proprietor's 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.

## **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 exclusion panel's 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 proprietors 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.

### **9. Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, 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:

- Agreeing a behaviour contract
- Update of risk assessment
- Internal isolation

### **10. Monitoring arrangements**

The School Office Manager monitors the number of exclusions every term and reports back to the Headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

### **11. Links with other policies**

This exclusions policy is linked to our

- Promoting Positive Behaviour & Relationships Policy
- SEND Policy and information report





## **Appendix 1: Independent review panel training**

The LA 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, proprietors 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.