



# **Exclusions statement**

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## **Exclusions Statement – The Three Saints Academy**

The Three Saints Academy Trust believe good discipline in school is essential to ensure that all children receive a high quality of education. The Government supports head teachers in using exclusion as a sanction where it is warranted. The decision to exclude a child is never taken lightly, whether it be a fixed- term exclusion (i.e. for a limited period of time) or a permanent exclusion. It is our most serious sanction and issued to children for serious breach of the behaviour and relationships policy.

Each school is responsible for communicating to children, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Behaviour and Relationships Policy;
- Anti-Bullying Policy;
- Mental Health and Well-Being Policy
- Home-School Agreement

We aim 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. All children can go through times of inappropriate behaviour, and we strive to never “give up” easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this

Children may be excluded for disciplinary reasons, within the school day, including lunchtimes, or after school. Children are clearly informed about the expectations of following the School Code of Conduct and upholding the school’s reputation outside school hours. We shall never ‘send children home’ or allow a ‘cool-off’ period at home as an alternative to exclusion, even with parental consent; sending home for disciplinary purposes will only be as a result of an exclusion and recorded as such.

All exclusions are the result of a thorough investigation, which includes gaining accounts from all parties involved. Sometimes the evidence is clear, and at other times conclusions are less clear, in which case the Headteacher must make a decision based on the ‘balance of probability’. However, it must be remembered that we are not a court of law, but do our utmost to ensure an accurate judgement is made. At all times we act reasonably, fairly and consistently, with careful consideration given to children who are vulnerable to exclusion and never discriminate based on protected characteristics; we consider the context of the incident, the profile of the child, any contributing factors or personal circumstances.

In accordance with the Equality Act 2010, we are aware that children with an EHC plan are especially vulnerable to the impact an exclusion can have, and therefore we ensure to make reasonable adjustments to disciplinary procedures if needed e.g. taking into account behaviour that is a direct case of a child’s disability; making reasonable adjustments to manage such behaviour; considering alternative and more appropriate sanctions; ensuring the child is able to present their case in full.

We do everything possible to ensure that children who are looked after are not permanently excluded and that fixed term exclusions are avoided as much as possible through working together with all parties through the Personal Education Planning (PEP) process to develop and implement flexible and workable approaches to address any difficulties.

### **What happens when a child is suspended (Fixed term exclusion FTE) or permanently excluded?**

We will let parents know about an exclusion as soon as possible after the decision has been made, and always on the same day\*. A senior member of staff will try to contact parents by phone and this will be followed up with a letter stating how long their child is excluded for and why, and the date of the reintegration meeting. The letter will also contain details of how to challenge the exclusion if parents so wish. If the child has a social worker or is looked-after, the social worker and/or Virtual School head will be also be notified.

Exclusions can start on the same day but we take into consideration the fact that parents may not always be able to come to school to collect their child immediately. A pupil's behaviour outside of school can also be considered grounds for a suspension or permanent exclusion.

### **Risk of prosecution if a child is found in public place**

For the first 5 school days of an exclusion, parents must take responsibility to make sure their child is not in a public place during normal school hours unless there is a good reason. Failure to do so is likely to result in a fixed penalty notice or prosecution.

### **Types of exclusion**

There are two kinds of exclusion: suspended (fixed term) and permanent.

#### **Fixed term exclusion**

A fixed term exclusion is when a child is temporarily suspended from school. Children can only be suspended for up to 45 school days in one school year, even if they have changed school.

Any child serving a fixed term exclusion will be set work, which will be marked upon return. At The Three Saints Academy, work is set for all exclusions, including a half day.

If the exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day. If alternative education is not arranged within 5 days, or parents are not happy with the education, a complaint should be made to the school following the school's complaints policy on the website. If parents remain dissatisfied with the school's response after following the complaints policy, parents can complain to the Department for Education.

On the day the child is expected to return to school following the exclusion, parents should accompany their child to school for a 'reintegration' meeting with a member of the senior leadership team. The purpose of the meeting is to agree how to move forward from the exclusion to avoid recurrence.

Where a fixed term exclusion would bring the total number of days' exclusion to 15 or more in one term, the School Committee of the Academy Trust will decide whether or not to reinstate the child.

When a fixed term exclusion would bring the total number of days' exclusion to more than 5 days but less than 15 in a single term, the School Committee must consider reinstating the child within 50 days of the start of the exclusion, if parents request.

#### **Permanent exclusion**

Any child for whom the Headteacher is considering this action will have the opportunity to present their case fully before the decision is taken to exclude. In instances of persistent breaches of the school's behaviour and relationship policy over a period of time, the decision to permanently exclude will be made after all other possible preventative strategies have been exhausted.

Permanent exclusion only occurs in exceptional circumstances:

In response to a serious breach of the school's behaviour policy.

In response to persistent breaches of the school's behaviour policy and / or persistent disruptive behaviour, where the school has exhausted all strategies to support the pupil through other preventative means;

and

where allowing the child to remain in school would seriously harm the education or welfare of the pupils or others in the school.

As with fixed term exclusions, parents will be notified as soon as possible. The Local Authority (in which the pupil resides) must arrange full-time education from the sixth school day following the exclusion. Parents will be informed

about the arrangements and it is parents' responsibility to ensure their child attends the provision made. If alternative education is not arranged within 5 days, or parents are not happy with the education, a complaint should be made to the Local Authority. If parents remain dissatisfied with the Local Authority's response after following their complaints policy, parents can complain to the Department for Education.

The school committee must consider the reinstatement of an excluded child within 15 school days; parents and child will be invited to attend a meeting with the school committee's pupil disciplinary panel at which the decision will be made whether to reinstate the child or not.

The School Committee must also consider reinstatement of an excluded child if it would result in a child missing a public examination.

If parents dispute the committees' decision to permanently exclude, they may request the decision to be reviewed by an Independent Review Panel (IRP), or where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

If parents apply for an independent review, the Three Saints Academy Trust will arrange for an independent panel to review the decision of the School Committee not to reinstate a permanently excluded child.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the school committee of its decision to not reinstate a child.

The Headteacher must remove a child's name from the school admissions register if:

15 school days have passed since the parents were notified of the school committee's decision to uphold a permanent exclusion 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 panel has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, before removing a child's name from the register.

This policy statement must be read in conjunction [Dfe Statutory Guidance - Exclusion from maintained schools, academies and pupil referral units in England](#), [Keeping Children Safe in Education 2021](#), Duties under the Education and Inspection Act 2006 and Duties under the Equality Act 2010 and Children and Families Act 2014

Link:

[Dfe Guidance on School Behaviour and Exclusion Guidance 2022](#)