



Exclusions Policy

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GOAL: ARTS Education strives to maintain a safe and inclusive learning environment while upholding legal requirements, prioritising support for students to prevent unnecessary exclusion, and ensuring proportional, fair, and well-communicated consequences for severe behaviour breaches.

1. Introduction

This Exclusion Policy outlines the principles and procedures that ARTS Education will follow when considering the exclusion of a student, with a specific focus on upholding the rights and needs of all other students and those that are considered for exclusion.

We believe in creating a welcoming and inclusive environment where all students can thrive, learn, and reach their full potential. However, there may be rare occasions when a student's behaviour poses a significant risk to the safety and well-being of themselves or others, making exclusion a necessary last resort.

This policy is designed to:

- Ensure fairness and consistency in decision-making regarding exclusion.
- Uphold the legal rights of all students, including those with SEN, as outlined in the Equality Act 2010 and the SEND Code of Practice (See our equality Policy and SEND Policy).
- Ensure the exclusions process is understood by governors, staff, parents and students
- Prioritise support and intervention to prevent unnecessary exclusion for students.
- Guarantee clear communication and collaboration with parents/carers, local authorities, and other professionals throughout the process.
- Promote restorative practices and reintegration whenever possible.
- Ensure students do not become NEET (not in education, employment or training).
- Ensure students in school are safe and happy.

We aim to use this policy in a flexible and sensitive manner, recognising the unique needs of each student and prioritising their best interests at all times.

2. Legislation and Statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (student Exclusions and Reviews) (England) Regulations 2012

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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded students\) \(England\) \(Amendment\) Regulations 2014](#)

3. Definition of exclusion

School exclusion is when a child is removed from school, either on a temporary or permanent basis. There are two official forms of school exclusion: fixed-term exclusion (or suspension) and permanent exclusion. Fixed-term exclusion is when a child is temporarily removed from school, and a child can legally only be removed from school for up to 45 days a year. Permanent exclusion refers to a pupil who is excluded and will not come back to that school (unless the exclusion is overturned)

4. Who makes the decision to exclude at ARTS Education

The authority to exclude a student from school is vested solely in the Head of School or their designated delegate acting in that capacity. Permanent exclusion shall be considered only as a last resort after exhausting all other available interventions and support measures.

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

"...the practice of removing a student 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 student."

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 student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and;
- If allowing the student to remain in school would seriously harm the education or welfare of others.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Head of School 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.

5. The process of fixed term exclusions

The school can only legally exclude a child when they are in breach of the school's behaviour policy. Incidents likely to lead to an exclusion are reported to the Deputy Headteacher or Headteacher. Written accounts giving details of the incident are required, including witness statements. These are logged on our CPOMs system.

The Headteacher (or their designated staff member) makes the decision whether or not to exclude and for how long. Where practical, students will be given an opportunity to present their case before taking the decision to exclude. This is normally in the form of written accounts taken from all parties involved.

If a student is to be excluded, a letter is written to parents/carers and the student is informed. Where practical, parents/carers are telephoned to inform them of the action taken. The student takes home a copy of the exclusion letter. A further copy is posted. The letter includes the date and time of the readmission meeting.

Readmission meetings are led by the Head or their delegated staff member and will be attended by a member of staff linked to the student, along with the student's parent or carer. When students are in danger of permanent exclusion a meeting will be held to discuss their future.

When students are readmitted to school a reintegration programme is discussed in order to support the student. This may include:

- Agreeing a behaviour contract following the home school partnership agreement policy
- Going onto a 'daily report' to monitor progress, closely supported by parents
- Gradual reintegration to lessons
- The introduction of a Peer Mentor
- Referral to the school Counsellor
- Referral to the school Nurse
- Referral to other external support agencies

Students and their parents/carers will be asked to sign a document outlining student and school commitment to this process. A copy will be given to parents/carers. Students are expected to participate fully in the reintegration process in order to show that they have taken responsibility for their actions and show a commitment to improve. Should a student be unwilling to do this, the student may face a further exclusion.

ARTS Education believes in the value of restorative practices and, when appropriate, restorative meetings will be held between conflicting parties in order to resolve any issues which exist.

6. The process of permanent exclusion

If a student is permanently excluded, a panel of the school's Governors will meet promptly (within 5 days) to consider the decision to permanently exclude. This panel will examine the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion, if applicable.

The student and their parents/carers will be invited to the panel. If the panel does not decide to reinstate the permanently excluded student, the student has the statutory right to appeal the decision, full details of which will be given to the student and their parents/carers.

7. Roles and Responsibilities following exclusion

Responsibilities regarding exclusions are delegated to the Headteacher and Deputy Head.

Informing Parents

The Head of School 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 governing board and how the student may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, 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 Head of School will also notify parents by the end of the afternoon session on the day their child is excluded and the child's commissioning local authority.

Informing the governing Body and local authority

The Head of School will immediately notify the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a student
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

For a Permanent exclusion an emergency placement review will be called between the school, the LA, the child's family and any involved outside agencies

The Local Authority

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

8. Considerations for the potential reinstatement of a student

Upon receiving official written notification of a student's exclusion, the school Proprietors, in conjunction with Micheal Smith (of the Pivot Group who sits on the schools Board of Governors), shall convene a review meeting within five (5) school days to consider the pupil's potential reinstatement if:

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

If requested to do so by parents or the LA, ELT will consider the reinstatement of an excluded pupil within 10 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.

Where an exclusion would result in a pupil missing a public examination, Micheal Smith (of the Pivot Group who sits on the schools Board of Governors), would consider the exclusion independently and decide whether or not to reinstate the pupil.

This can result in either:

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

In reaching a decision, Micheal Smith will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head of School 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.

Micheal Smith will notify, in writing, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the 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.

9. Independent Review

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

Applications for an independent review must be made within 15 school days of notice being given to the parents by the school 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 governors (where possible) category and 2 members will come from the Head of School category.

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

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

- Are a member of the LA or governing board of the excluding school.
- Are the Head of School of the excluding school, or have held this position in the last 5 years.
- Are an employee of LA or the governing board of the excluding school (unless they are employed as a Head of School at another school).
- Have, or at any time have had, any connection with the LA, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
- Have not had the required training within the last 2 years (See Appendix 1).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

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

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

10. Schools Register

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 governing board 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.

11. Monitoring and Evaluation

The Head Teacher and the Deputy Head monitors the number of exclusions every term and reports back to the LA to liaise to ensure suitable full-time education for excluded pupils.

We review the effectiveness of our policy and practices yearly through student feedback, parent feedback and staff reflection.

12. Conclusion

ARTS Education is deeply committed to nurturing an inclusive haven for all students. While exclusion may be a rare last resort, we prioritise preventative measures, uphold legal and ethical principles, and champion restorative practices. Every student deserves to flourish in a safe and supportive environment, and this policy reflects our unwavering dedication to empowering their success. We acknowledge the sensitive nature of exclusion and remain committed to supporting students throughout any necessary process.

13. Additional info

- Department for Education Exclusion Guidance:
<https://www.gov.uk/government/publications/behaviour-in-schools--2>

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 Head of Schools, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act