



Cloughwood
Academy

Exclusions Policy

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1. Aims

Cloughwood Academy will strive to avoid exclusion. However, there may be occasions when this outcome is the only option available to ensure the effective education and future health, safety, and well-being of the Academy community.

In the event of this decision being taken, our Academy aims to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by governors, staff, parents, and pupils.
- Pupils and staff in school are safe and happy.
- Pupils do not become NEET (not in education, employment, or training).

A Note on Off-Rolling

Our Academy 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 will not suspend or exclude pupils unlawfully by directing them off-site or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event.
- Because they have special educational needs and/or a disability (SEND) that the Academy feels unable to support.
- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

However, should the ongoing attendance of a pupil at Cloughwood Academy place the safety and well-being of the wider academy at risk, we will work with other agencies, including the CWAC SEND Team, to identify other pathways that the pupil can access without necessarily resulting in a permanent exclusion. This may include an emergency interim EHCP review.

While the local authority refers to a 'cool off' period, Cloughwood Academy recognises that all behaviour is a form of communication, and it may be appropriate for a pupil to be directed off-site to access a form of rehabilitation. Cloughwood Academy continues to reserve the right to suspend or permanently exclude a pupil in line with government guidance.

2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: "Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement".

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51A of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil 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 sets out 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.
- The Equality Act 2010.
- The Children and Families Act 2014.

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

3. The Decision to Permanently Exclude or Suspend

Only the headteacher, or acting headteacher, can permanently exclude or suspend a pupil from school. A permanent exclusion will not be taken lightly, and other avenues will be explored in the first instance.

A decision to permanently exclude or suspend a pupil will be taken only:

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

Before deciding whether to permanently exclude or suspend a pupil, the headteacher will:

- Consider all the relevant facts and evidence, including whether there were mitigating circumstances.
- Allow the pupil to give their version of events. Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.
- Take advice from the police before gathering the pupil's version of events where an incident involves a criminal process.
- Consider the pupil's needs in line with their EHCP.
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the permanent exclusion or suspension were provoked.
- Consider whether the pupil is especially vulnerable (e.g., has a social worker or is a child looked after by the local authority).
- Consider whether all alternative solutions have been explored, such as off-site direction or change of placement.

4. Definitions

- **Suspension:** When a pupil is removed from the academy for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- **Permanent exclusion:** When a pupil is removed from the academy permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

- **Off-site direction:** When a governing board of a school requires a pupil to attend another education setting temporarily to improve their behaviour.
- **Parent:** Any person who has parental responsibility and any person who has care of the child.
- **Managed move:** When a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, must consent before a managed move occurs.

5. Roles and Responsibilities

The Headteacher

Informing Parents If the headteacher decides to suspend or permanently exclude a pupil, the parents will be informed of the period of the suspension or permanent exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion.
- The length of the suspension 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 pupil may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense), and to bring a friend.

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is permanently excluded, that:

- For the first five school days of an exclusion, parents are legally required to ensure their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies.
- 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, if possible:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision.
- The address at which the provision will take place.
- Any information the pupil needs to identify the person they should report to on the first day.

If the headteacher does not have all the information about the alternative provision by the end of the afternoon session on the first day of the exclusion, they can provide it at a later date, without delay and no later than 48 hours before the provision is due to start. The only exception is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information may be provided with less than 48 hours' notice, with parents' consent.

Informing the Governing Board and Local Authority The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion.
- Any suspension which would result in the pupil being suspended for a total of more than 5 school days in a term.
- Any suspension which would result in the pupil missing a National Curriculum test or public exam.

The headteacher will notify the governing board once per term of any other suspensions and the number of suspensions and permanent exclusions which have been cancelled.

The headteacher will notify the LA of all permanent exclusions without delay. The notification will include the reason(s). If the pupil lives outside the LA in which the academy is located, the headteacher will also inform the pupil's 'home authority'.

Informing the Pupil's Social Worker and/or Virtual School Head (VSH)

- If a pupil with a social worker is at risk of exclusion, the headteacher will inform the social worker as early as possible.
- If a pupil who is a looked-after child (CLA) is at risk of exclusion, the headteacher will inform the VSH as early as possible.

This is to work together to consider factors affecting the pupil's behaviour and what further support can be implemented.

If the headteacher decides to permanently exclude a pupil with a social worker or a pupil who is looked after, they will inform the social worker/VSH without delay of the decision, the reasons, and if it affects any public exams. The social worker/VSH will be invited to any governing board meeting about the permanent exclusion to provide advice.

Cancelling Suspensions and Permanent Exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but only if it has not yet been reviewed by the governing board.

Where a cancellation occurs:

- Parents, the governing board, and the LA will be notified without delay.
- Any relevant social worker and VSH will also be notified without delay.
- Parents will be offered a meeting with the headteacher to discuss the cancellation.
- The pupil will be allowed back in school.
- The headteacher will report cancellations to the governing board once per term.

Providing Education During an Exclusion

During the first five days of a suspension, if the pupil is not attending alternative provision (AP), the headteacher will take steps to ensure that achievable and accessible work is set and marked. Online platforms like Google Classroom may be used. The academy will take reasonable steps to ensure that any work completed is marked and returned to the pupil.

The Governing Body

The Governing Body Discipline Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving notice if:

- The exclusion is permanent.
- The suspension would bring the pupil's total days of exclusion to more than 15 in a term.
- It would result in a pupil missing a public examination.

If parents request it, the Panel will consider reinstatement within 50 school days for an exclusion of more than 5 but fewer than 15 school days in a term. Where an exclusion impacts a public exam, the Panel will try to meet before the exam date.

The Panel can either decline to reinstate the pupil or direct reinstatement. In reaching a decision, the Panel will consider if the exclusion was lawful, reasonable, and procedurally fair, considering all evidence on the 'balance of probabilities'.

Minutes will be taken, and the headteacher, parents, and the LA will be notified of the decision in writing without delay. If a permanent exclusion is upheld, the notification will detail the parents' right to request an independent review, including deadlines, how to apply, and the right to request an SEN expert at no cost. The notification will also explain parents' right to make a discrimination claim under the Equality Act 2010.

The Local Authority

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the exclusion. For pupils who are looked after or have social workers, the LA and the academy will work together to arrange this from the first day.

6. An Independent Review

If parents apply for an independent review, the Academy Trust will arrange for an independent panel to review the governing board's decision. Applications must be made within 15 school days of parents receiving the decision.

The panel will consist of 3 or 5 members:

- A lay member to chair the panel.
- School governors with at least 12 months of experience.
- Headteachers or individuals who have been a headteacher within the last 5 years.

Individuals with a connection to the academy, trust, or the incident are not eligible to serve on the panel. All panel members must have received training within the last two years.

The independent panel will either:

- Uphold the governing board's decision.
- Recommend that the governing board reconsiders reinstatement.
- Quash the decision and direct reconsideration if the decision was flawed.

The panel's decision is made by a majority vote, with the chair holding the casting vote in a tie.

7. Academy Register

A pupil's name will be removed from the academy admission register if 15 school days have passed since the governing board's decision was issued and no application for an independent review has been made, or if the parents have stated in writing they will not be applying.

If a review is requested, the pupil's name remains on the register until the review is concluded. During

this time, attendance is recorded using Code B (education off-site) if in alternative provision, or Code E (absent) if not.

When a pupil's name is removed due to permanent exclusion, the academy will make a return to the LA with the pupil's details.

8. Returning from a Suspension

Following a suspension, the academy will put in place a reintegration strategy to help the pupil return successfully to full-time education. This will be discussed at a reintegration meeting held on the first day of the pupil's return.

The strategy may include:

- An interim review of the pupil's EHCP.
- Daily contact with a designated Trusted Adult or Pastoral Leader.
- Regular reviews with the pupil and parents.
- A temporary part-time timetable with clear timescales and review dates.

The strategy will be regularly reviewed and adapted in collaboration with the pupil and parents.

9. Monitoring Arrangements

Cloughwood Academy will collect and analyse data on attendance, permanent exclusions, suspensions, and the use of managed moves and off-site directions. This data will be analysed by age group, time of day/week/term, and protected characteristic to ensure the academy is meeting its duties under the Equality Act 2010.

The governing board will challenge and evaluate this data, considering:

- The consistent implementation of the behaviour policy.
- Instances of repeat suspensions.
- Interventions in place to support pupils at risk of permanent exclusion.
- The characteristics of suspended and permanently excluded pupils.
- The effectiveness of alternative provision placements.

10. Links with Other Policies

This exclusions policy is linked to our:

- Behaviour Policy
- SEND Policy

Appendix 1: Independent Review Panel Training

The Kaleidoscope Learning Trust must ensure that all members of an independent review panel and its clerk have received training within the two years prior to the review date.

Training must cover:

- The requirements of legislation, regulations, and statutory guidance governing permanent exclusions.
- The need for procedural fairness and the rules of natural justice.
- The role of the chair and the clerk.
- Duties under the Equality Act 2010.
- The effect of the Human Rights Act 1998.