



Exclusion Policy

Date Approved: March 2026

Date for Review: March 2027

Exclusions Policy

Scope and Publication

This policy sets out guidelines and circumstances under which a pupil may be suspended or permanently excluded from The Fenland Federation of Schools, including those who may be below compulsory school age.

Relationship to other policies

This policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly the Special Educational Needs Policy, the Child Protection and Safeguarding Policy and the Anti-Bullying Policy.

Guidance and Legislation

This policy is drafted to be compliant with the Exclusion from maintained schools, academies and pupil referral units in England (September 2023) statutory guidance. This policy contains a summary of the statutory guidance and is not intended to provide a full account of all the guidance consent which should be read alongside this policy. The non-statutory government guidance *Behaviour in Schools* (February 2024) is also relevant. This policy takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

Statement of Principles

Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's Behaviour Policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school. We seek to reduce the number of incidents leading to a suspension and permanent exclusion by promoting a positive atmosphere of mutual respect and discipline within the school. We regularly monitor the number of suspensions and permanent exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

A Note on Off-Rolling

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 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, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school 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.

Authority to Exclude

Suspensions and permanent exclusions can only be authorised by the Headteacher. Legal advice can be sought to assist in this decision, but the final decision will always rest with the Headteacher.

Decision to Exclude

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

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

- In response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- Where a pupil's behaviour means that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

When establishing the facts in relation to a possible exclusion, the Headteacher will always apply the civil standard of proof i.e., on the balance of probabilities it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.'

What the Headteacher will do before issuing a suspension or permanent exclusion.

Investigation and Evidence: Ensure that a thorough investigation has been carried out and consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.

As per the school's behaviour policy, the Headteacher may consider the behaviour of a pupil outside school as grounds for an exclusion.

Pupil Voice: Allow and encourage the pupil to give their version of events. The Headteacher will give the pupil an opportunity to present his or her case considering their age and understanding, before taking the decision to exclude unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed support of an advocate, such as a parent or social worker.

Vulnerable Pupil: Find out whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g., pupils with SEND, free school meal (FSM) pupils; looked after children; pupils with a social worker; certain ethnic groups; (for example traveller children) and consider whether all supportive and preventative strategies have been fully utilised.

SEND: Where a pupil has any SEND, the Headteacher will consider if any reasonable adjustments need to be made and consider whether any further support

can be provided. The Headteacher will seek to understand the underlying cause of the behaviour and consider whether the pupils SEND influenced their behaviour and if it did, whether it is still appropriate to issue a sanction.

Social Worker/VSH: Where a student has a social worker or a Virtual School Head (VSH) the Headteacher will ensure they and, as appropriate, any parents/carers; the Designated Safeguarding Lead; and the designated lead for Looked-After Children are involved as early as possible in relevant conversations.

Consider alternatives: Consider whether all relevant initial intervention strategies set out in the Behaviour in Schools guidance and alternative solutions have been explored, including an off-site direction or managed move.

Mitigating circumstances: Consider possible short-term mitigating circumstances such as bereavement, mental health issues etc

Safeguarding: Consider whether there are any safeguarding concerns and whether the Designated Safeguarding Lead should be consulted.

The Headteacher will keep a written record of the actions taken including the signed statements of witnesses. Any exclusion of a pupil, even for short periods of time, will be formally recorded.

The Headteacher will not:

- Exclude any pupil or non-disciplinary reasons
- Use exclusion informally or unofficially, children will not be sent home to 'cool off' even with parents' permission.
- Extend or 'convert' a suspension into a permanent exclusion

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Behaviour related to a protected characteristic

We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against pupils based on protected characteristics, such as disability or race. The school will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Where permanent exclusion or suspension needs to be considered, the school will ensure that a pupil with a disability is able to present his or her case fully where the disability might hinder this. We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour, we will try to identify whether there are any casual factors and try to intervene early in order to reduce the need for a subsequent sanction. We will consider whether a multi-agency assessment that goes beyond a pupil's educational need is required. Where a pupil has SEND or an EHC Plan and we have concerns about their behaviour, we will work in partnership with others to consider what additional support or alternative placement may be required. We will also work proactively with parents in supporting behaviour of pupils with additional needs.

The Headteacher will provide the following information to parents of an excluded pupil (or the pupil if they are 18 or older), without delay (usually by phone initially and then followed up in a letter):

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations to the Governing Body and how the pupil may be involved in this.
- Where there is a legal requirement for the Governing Body 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.

Headteacher will also endeavour to notify parents by the end of the afternoon session on the day their child is suspended or permanently excluded:

- That for the first five school days of a suspension or permanent 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 space 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 an 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 the 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. This letter should be sent without delay. If a pupil is issued with a further suspension or is subsequently permanently excluded, the Headteacher must inform parents without delay and issue a new suspension or permanent exclusion letter to parents.

Informing the Governing Body

The Headteacher will immediately notify the Chair of Governors of:

- A permanent exclusion
- Suspensions which would result in the pupil being excluded for more than five school days in a term.
- A suspension which would result in the pupil missing a public examination or a national curriculum test.

For all other exclusions, the Headteacher will notify the Governing Body once a term. The Headteacher will also report once a term the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

See the section on monitoring and reporting below.

Informing the Local Authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent. For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupils social worker and/or virtual school head (VSH)

As noted above, if a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible.
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible. This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour. If the Headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:
 - They have decided to suspend or permanently exclude the pupil.
 - The reason(s) for that decision.
 - The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
 - The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where is relevant). The social worker/VHS will be invited to any meeting of the Governing Body about the suspension or the permanent exclusion. This is so they can provide advise on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

Alternative Education

During the first five days of a suspension

During the first five days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Microsoft Teams may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

For a suspension of more than five school days

For a suspension of more than five school days for a pupil of compulsory school age, the school will arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. However, the school will attempt to start this provision as soon as possible. Where a child receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, the education must be arranged for the sixth school day of exclusion, regardless of whether this is a result of suspension or more than one suspension, Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit. For permanent exclusions, the pupil's home LA has responsibility for arranging suitable full-time education for the pupil. Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into the school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has unmet special educational and/or health needs. The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension and welcoming the pupil back to school.
- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult or a local mentoring charity.
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the pupil, parents and staff of potential external support. The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Reintegration Meeting

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents, a member of the senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parents if they cannot or do not attend. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent, and school.

Cancelling an Exclusion

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Local Governing Body. Where there is a cancellation:

- The parents, Chair of Governors and Local Authority will be notified without delay.
- Where relevant, any social worker and Virtual School Head will be notified without delay.
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation.
- The Headteacher will report the Governing Body once per term on the number of cancellations.
- The pupil will be allowed back in school.

Considering the Reinstatement of a Pupil

The Governing Body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent.
- It is a suspension 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 a national curriculum test.

If requested to do so by parents, a Governing Body Panel 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 five school days, but less than 16, in a single term. The Governing Body Panel will consist of three Governors.

The Panel members must be impartial and not be conflicted in taking a place on the Governing Body Panel through, for example, a personal connection with the excluded pupil or his or her family. Where an exclusion would result in a pupil missing a national curriculum test, the Governing Body Panel will consider the reinstatement of the pupil, as far as reasonably practicable, before the date of the examination or test. The Governing Body Panel can either:

- Decline to reinstate the pupil.

- Direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Governing Body Panel will consider whether the exclusion was lawful, reasonable, and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond the clerk to the Governors will be present when the decision is made. Minutes will be taken of the meeting and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Governing Body Panel will notify, in writing, the following stakeholders of the decision, long with reasons for its decision, without delay:

- The parents
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The Local Authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent, and the Governing Body panel had decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date which an application for an independent review must be made (15 school days from the date on which notice in writing of the Governing Body panel's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's SEND are considered to be relevant to the permanent exclusion
- that, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the school to appoint a SEND expert to advise the review panel
- details of the role of the SEND expert and that there would be no cost to parents for this appointment
- that parents must make clear if they wish for a SEND expert to be appointed in any application for a review
- that parent 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 because of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in case of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place.

Independent Review

Application for an independent review must be made by parents within 15 school days of notice being given to the parents by the Governing Body panel of its decision to not reinstate a pupil. Any applications made outside of this time frame will be rejected, if parents apply for an independent review, the clerk to the

Governing Body will arrange for an independent panel to review the decision of the Governing Body panel not to reinstate a permanently excluded pupil.

A panel of three or five members will be constituted with representatives from each of the categories below.

Where a five-member panel is constituted, two members will come from the school governor category and two members will come from the Headteacher category. At all times during the review process there must be the required representation of the panel.

- 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
- Current or former school governors who have served as a governor for more than 12 consecutive months in the past five years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who
- have been a Headteacher within the past five years.

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

- Are a member of the local authority of the excluding school.
- Are the Headteacher of the excluding school or have held this position in the past five years.
- Are an employee of the Local Authority or the Governing Body, of the excluding school (unless they are employed as a Headteacher at another school).
- Have, or at any time have had, any connection with the Local Authority, school, Local Governing Body, 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 past two years.

The independent panel will decide one of the following:

- Uphold the Governing Body panel's decision.
- Recommend that the Governing Body reconsiders reinstatement.
- Quash the Governing Body panel's decision and direct that the Governing Body reconsider reinstatement (only if 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.

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 Governing Body 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 Body 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.

Reporting, monitoring and analysing suspensions and exclusions data

The Headteacher will make a termly report to the Governing Body on all suspensions and permanent exclusions, covering:

- The number and type of exclusions

- Repeated suspensions and the school's response to them
- Truancy punctuality and attendance figures
- The number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation

The governing Body will consider:

- How effective and consistently the school's Behaviour Policy is being implemented.
- The school register and absence codes.
- Instances where pupil's receive repeat suspensions.
- Interventions in place to support pupils at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- The characteristics of suspended and permanently excluded pupil's and why this is taking place.
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that t education is achieving its objectives and that pupils are benefiting from it.

Independent review panel training

The Local Authority must make sure that all members of an independent review panel and clerks have received training within the last two years prior to the date of the review.

Training must be covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions of disciplinary grounds, which would include an understanding of how the principles applicable in 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, 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.