

includEd Learning

Independent Specialist Education Provider



EXCLUSIONS POLICY

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Aims

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 students can go through times of inappropriate behaviour, and we strive to never “give up” easily on a student as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We will use behaviour data to assess patterns of challenging behaviour in students. Where patterns emerge, we will systematically intervene, drawing up an action plan with the student, parent/carer and teacher. No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a detailed staff debrief, followed by consultation with the Head of Centre.

IncludEd aims to ensure that:

- The suspensions (formerly known as exclusions) process is applied fairly and consistently;
- The suspensions process is understood by the Advisory Panel, staff, parents, and students;
- Students in school are safe and happy;
- Students do not become NEET (not in education, employment or training).

Legislation and Statutory Guidances

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 outline schools' powers to exclude students:

- Section 52 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 looks at parental responsibility for excluded students;
- Section 579 of the [Education Act 1996](#), which defines 'school day';
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#).

Definition

The DfE Exclusion guidance provides the following definitions:

- 'Parents' refers to parent(s)/legal guardian(s)/foster carer(s) of students under 18, as well as to students over 18.
- A suspension is when a student is barred from the school for a fixed amount of time (including suspensions during lunchtime).
- A permanent exclusion is when a pupil is permanently barred from the school premises.
- The 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.

The decision to exclude A suspension must be **'lawful, reasonable, fair, and proportionate'** 'in response to a serious breach or persistent breaches of the school's behaviour policy' or 'where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school' (Department for Education (2017) Exclusion from maintained schools, Academies and pupil referral units in England, para.16, p10).

'Informal' or 'unofficial' exclusions are unlawful. We must formally record all suspensions, even if they only happen for a short period of time. This means that 'informal' suspensions, like sending a student home to 'cool off', still count as a formal suspension.

A suspension may be considered 'lawful, reasonable, fair, and proportionate' if we can answer 'yes' to the following questions:

- Have we established the facts and there is enough evidence that they are **more likely to have happened than not** (this is called the 'civil standard of proof')?
- Have we met our responsibilities under the Equality Act 2010? **We must not discriminate** against students because of their sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity or gender reassignment.
- Are there no **external factors** that may have contributed to the behaviour incident? For example, the student may have suffered a bereavement or been subject to bullying.
- Is the student **not part of a group** with disproportionately high exclusion rates? We need to consider current and potential interventions and extra support for the student before excluding them.
- Have we given the student an opportunity to present their case **before** we decide to suspend them?

Assessment Process

At IncludEd Learning, the Head of Centre (HoC) and deputy heads manage all potential and actual behaviour incidents. Incidents that can be characterised by the following may be considered for a suspension:

- Physical aggression towards a peer or staff member
- Discriminatory behaviour
- Harmful sexual behaviour
- Use of prohibited items on site, such as smoking paraphernalia, drugs, weapons
- Intentional destruction of or damage to property

This list is not exhaustive.

Immediately following an incident, the Head of Centre will undertake a risk assessment to establish if, with additional support, it is possible for the student(s) to remain on site **whilst** the investigation into the incident is carried out. Wherever possible, IncludEd Learning protocol is to carry out the investigation **whilst the student remains on site** before reaching a decision to suspend or not.

If the assessment concludes that allowing the student(s) to remain in school would seriously harm the education or welfare of the student(s) or others in the school, and that the student(s) must be sent home, **a suspension must be issued based on the evidence available**. This suspension **cannot be extended** unless, in exceptional cases, where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends. Conversely, the Head of Centre may withdraw a suspension that has not been reviewed by the Advisory Panel.

All staff must ensure that both student and staff statements plus any supporting evidence (such as photos of damage) are completed and submitted to the Head of Centre by **3:45pm on the same day**. The online monitoring system IRIS is used to collect and store all evidence. Once the evidence has been gathered and submitted, the HoC/LCC will recommend next steps which may or may not include a suspension dependent on the evidence presented.

All suspensions will be submitted for initial approval by the Assistant Head for Behaviour before being referred to the Head of Centre.

Statutory Duties

Notifying parents In the event of a suspension, parents must be notified without delay of:

- the period of the suspension and the reason(s) for it;
- parents' right to make representations about the suspension to the governing board and how any representations should be made;

- the days on which they must ensure that the pupil is not present in a public place at any time during school hours.

Notification should be in person or by telephone in the first instance to give parents an opportunity to ask any initial questions or raise concerns.

Sending a student home following an exclusion

If it is not possible for a student to remain on site, parents must be contacted and asked to collect the student from school. If parents are unable to collect, they may provide verbal or written permission to send the student home independently. They **must** confirm that there will be an adult present at home to supervise the student.

Parents are able to give permission for the student to travel home alone as long as the student usually travels home alone as part of a prior agreement with the school. Parents **must** still confirm that there will be an adult present at home.

Students' right to education

Our students' right to education is protected by the European Convention on Human Rights (Article 2, Protocol 1). Therefore, a student may **only** have this right removed (i.e. sent home from school) through the suspension process as set out in this protocol.

In the event of a suspension, the attendance code 'E' **must** be used for all sessions for which the student has been suspended. If a suspension occurs before afternoon registration is closed, a **half day** suspension may be issued and an 'E' code used to represent the suspension for the afternoon session. If a student has been suspended after afternoon registration has been closed, a note must be placed on the register indicating the time the student has left site and a minimum of one full day suspension **must start the following day** using the 'E' code.

In addition, during this period schools should take reasonable steps to set and mark work during the period of the suspension.

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.

Returning from a Suspension

IncludEd Learning seeks to employ a restorative approach to resolving conflict and preventing harm. Restorative practice focuses on building positive relationships based on responsibility, respect, fairness, and an understanding of the impact of your own behaviour on others.

Our reintegration process provides students with structured and skilled adult mediated opportunities to explore how parties involved in an incident relate to each other and how they can find positive ways of repairing harm caused, rather than focusing solely on punishing poor behaviour or individuals avoiding taking responsibility for their actions. Students and adults are encouraged to put things right together.

Following a suspension, a reintegration meeting will be held involving the student, parents, and either the Head of Centre or Assistant Head during which the following questions are discussed:

1. What happened?
2. What do you think and feel about that?
3. Who has been affected and how?
4. What are the needs of those involved?
5. What do you think needs to happen next/to make things right with the other parties and with the school community?

An agreement is reached between the student and school which identifies:

- assessments required to explore potential underlying need and function of the behaviour;
- independent strategies that the student can implement in order to prevent a recurrence of the behaviour;
- support and intervention that the school will put in place in order to prevent a recurrence of the behaviour;
- timescales and support required in order to facilitate a successful restorative post-incident process between all parties involved.

Monitoring Arrangements

The Assistant Head with responsibility for Behaviour monitors the number and type of suspensions every half term and reports directly to the Head of Centre.

This policy will be reviewed by the Head of Centre annually. At every review, the policy will be shared with the Advisory Panel.

Links With Other Policies

This Exclusions policy is linked to and should be read alongside the school's:

- Statement of Behaviour Principles
- Behaviour and Communication policy
- Attendance policy
- Safeguarding and Child Protection policy
- SEND policy and information report

Date of Adoption: **Autumn 2024**
Date of Review: **Autumn 2026**

→ Appendix A - Exclusions/Suspensions Letter



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Dear Parent/Carer

I am writing to inform you of the decision to exclude **[young person's full name]** for a fixed period of **[number]** days. The exclusion is from **[date]** until **[date]**. This means that **[s/he]** will not be allowed to attend **[centre name]** for this period.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **[young person's name]** has not been taken lightly. **[Young person's name]** has been excluded for this fixed period due to:

- **Primary reason for suspension category**

You have a duty to ensure that **[young person's name]** is not present in a public place in school hours during this exclusion unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if **[young person's name]** is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the management committee. If you wish to make representations, please contact me on the above telephone number as soon as possible. Whilst the management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on **[young person's name]** school record.

You should also be aware that if you think the exclusion relates to a disability **[young person's name]** has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the Special Educational Needs and Disability Tribunal (SENDIST, which is scheduled to become part of the Health, Education and Social Care Chamber of the First Tier Tribunal from November 3 2008 under the new tribunal arrangements).

The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9DN.

You also have the right to see a copy of [young person's name] school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[young person's name]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Colin Rigby, Manchester Secondary Pupil Referral Unit's Head of School, on 0161 696 7965 who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) which is an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk. Alternatively, or in addition, you may wish to contact any local law centre for advice.

[Young person's name] exclusion expires at 3pm on **[date]** and I expect **[young person's name]** to be back in **[centre name]** to attend a Reintegration Interview on **[date]** at **[time]**.

Yours sincerely

Head of Centre
IncludEd Learning