



Exclusions Policy

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At Norbreck Primary Academy, we aim to promote inclusion for all our pupils and we are committed to the recognition of the equal value of every pupil. Exclusions of pupils from a school, whether fixed term or permanent, can be damaging to the educational outcomes, self-esteem, well-being and life chances of the individual involved. This policy is underpinned by the shared commitment to achieve the following two important aims:

- to ensure the safety and well-being of all in the school and to maintain an appropriate educational environment in which all can learn and succeed.
- that the school seeks to avoid exclusions unless considered absolutely necessary.

What is this Policy for?

This policy is intended as guidance for all staff and trustees and follows the guidance from the DfE 'Exclusion from maintained schools, academies and pupil referral units in England (September 2017)'. This policy should be read in conjunction with the school's policies for:

- Teaching and Learning
- Special Educational Needs and Disabilities
- Equal opportunities
- Health and safety
- Behaviour
- Child Protection

This policy provides all staff with a clear framework to enable the effective handling of pupil exclusion issues and to inform all stakeholders of the procedures.

Please refer to The DfE guidance 'Exclusions from Maintained schools, academies and pupil referral units in England, Sept 2017' <https://www.gov.uk/government/publications/school-exclusion>

Exclusions Policy – Brief overview

This information is set out in statutory guidance from the Department for Education (DfE). It applies to all maintained schools, academies, and pupil referral units in England. The summary contained on page 2 and the top of page 3 is part of the exclusion policy and is merely to serve as a useful guide. Nothing in this summary is intended to override the substantive provisions of the policy, which are contained from page 3 onwards of this document.

SUMMARY OVERVIEW: The school's exclusion procedure consists of different stages:

Stage 1: Decision to exclude

A decision to exclude must be lawful, reasonable, fair, rational and proportionate. For a fixed term exclusion this would normally be used for:

- A first serious offence
- The welfare of other pupils, staff, or the pupil themselves is at risk
- When the behaviour of the pupil outside the school is such that it can be considered grounds for exclusion

A decision to permanently exclude a pupil will 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

A pupil may be excluded 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.

Stage 2: Exclusion procedure

On excluding a pupil, the Headteacher must immediately notify parents of the period of the exclusion and the reasons for it. A written confirmation of the reason(s) for the exclusion will also be sent to the parents/ carers on the same day.

The pupil will have the reason for their exclusion explained to them by a member of staff. For further information about notifications of an exclusion, please refer to section 3 of this policy, on pages 4 and 5.

Stage 3: Review

Board of Trustees review

Some exclusions must be reviewed by the Board of Trustees. A review must take place for the following:

- permanent exclusions;
- if the fixed term exclusion brings the total number of school days to more than 15 in one term; or
- if it would result in the pupil missing a public exam.

For the avoidance of doubt this does not include exclusions under 5 days.

For further information about reviews by the Board of Trustees, please refer to section 7 in this policy, on pages 6 and 7.

Independent review panel – permanent exclusions

Where parents/ carers dispute the decision the Board of Trustees not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an review panel. The panel do not have the power to reinstate the excluded pupil but it can quash a decision and direct the Board of Trustees to reconsider or recommend reconsidering.

For further information about the review panel, please refer to section 8 in this policy, on pages 7 and 8.

End of overview

Who is this policy for?

All staff, trustees and parents/carers

Policy Standards General Principles

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided in school. The Board of Trustees supports the Headteacher in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy and when allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

1. When would an Exclusion be used?

Exclusion would normally be used:

- For a major first offence, such as serious actual or threatened violence, criminal damage to school property, sexual abuse or assault, supplying banned substances or carrying an offensive weapon.
- Where allowing a pupil to remain in the school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff, or of the pupil themselves.
- More usually it follows a series of breaches of the school's behaviour policy and after a range of strategies to resolve the pupil's disciplinary problems have been tried and have failed.
- When the behaviour of pupils outside the school is such that it can be considered as grounds for exclusion

2. Principles of the Exclusions Policy

The decision to exclude a pupil must be lawful, reasonable, fair, rationale and proportionate. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are particularly vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, they should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

A fixed term exclusion from the school can only be authorised by the Headteacher (or the Deputy Headteacher acting on their behalf). If neither are available to authorise the exclusion, a decision should be deferred until the opportunity for authorisation is available. In the case of a permanent exclusion this can only be authorised by the Headteacher. This decision may not be delegated to anyone else.

If the Headteacher decides to exclude a pupil, they will always ensure that there is sufficient recorded evidence to support the decision and the rationale for decision-making. All the evidence must be very carefully assessed and collated.

Records will be kept of all exclusion proceedings in respect of any permanent exclusion. Records from fixed term exclusions may form part of the evidence in a permanent exclusion process.

When considering exclusion, the Headteacher will take into account:

- Possible short-term or other mitigating circumstances such as bereavement, mental health issues etc.
- Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g. pupils with SEND, FSM pupils; looked after children; certain ethnic groups; Traveller children) and whether all preventative strategies have been fully utilised with good impact.
- Whether a pupil has already had a number of fixed term exclusions which appear to be ineffective and any analysis undertaken about the child's response to previous exclusions

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. Exclusion will never be used informally or unofficially. This is against the law. 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: <https://www.gov.uk/guidance/equality-act-2010-guidance>

The Headteacher and Board of Trustees must comply with their statutory duties in relation to special educational needs when administering the exclusion process. This includes having regard to the SEND Code of Practice: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

For further information on the guide to the Law and the Principal's power to exclude, please see the DfE guidance <https://www.gov.uk/government/publications/school-exclusion>

3. Notification of an Exclusion

Parents/ Carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents/ carers the same day.

In the case of a permanent exclusion, parents/ carers will be notified by the Headteacher in a face-to-face meeting.

A pupil who has been excluded will have the reason for his/ her exclusion explained to them by a member of staff, in a way that allows them to understand the nature of their misbehaviour and the reason for the exclusion.

The school will also work to put in place a programme for the pupil on their return. This will include input from staff at the school, parents/ carers and, if appropriate, any other appropriate bodies e.g. Child and Adolescent Mental Health Services, social care. Should it be decided (for whatever reason) that the child subject to exclusion needs to be referred to another agency (e.g. the incident leads to the discovery that there is a child protection issue) the school will continue to monitor the situation and work closely with that agency. All reasonable efforts will be made to ensure that the child is safe. It is hoped that in most cases following an exclusion, the pupil will be able to return to school. Multi-agency involvement may well support a positive re-integration.

Relevant school staff will be notified of all fixed term exclusions and should receive a copy of the exclusion letter; it will clearly outline the reasons for the exclusion. Such information should be treated sensitively and kept confidential.

In cases of more than a day's exclusion, the school will ensure that appropriate work is set and that arrangements are in place for it to be marked

It is the school's duty to arrange education from the sixth day of a fixed period exclusion. This would be triggered by fixed period exclusions totalling more than five days. The Headteacher must by law inform the parents/ carers without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start.

4. Action Following an Exclusion

Following any exclusion of whatever type or duration, the Headteacher will:

- Inform the parents/ carers of the period and nature of the exclusion, clearly outlining the reason for the exclusion. Parents/ carers should always be advised about rights of representation about the exclusion to the Board of Trustees and how these representations may be made.
- This information will be put in writing and will be sent either by e-mail, by text, by delivering a letter directly to the parents/ carers, leaving it at their last known address or by posting it to their last known address. The information can also legally be sent home with the excluded pupil, but the school will always send a duplicate copy by a reliable alternative method. The information provided to parents/ carers will be clear and free of unnecessary jargon.
- Where the excluded pupil is of compulsory school age, the school will also notify parents/ carers without delay, and at the latest by the end of the afternoon session, that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so.
- The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to

begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. In such cases, the Headteacher must write again to the parents/ carers explaining the reasons for the change and providing any additional information required.

- All pupils returning from a fixed term exclusion are required to attend a reintegration meeting, accompanied by a parent/ carer. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent/ carer and school.

5. Informing other Agencies/Bodies

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the Headteacher will also:

- Notify the Local Authority (LA) giving the details of the exclusion and reasons for it.
- Notify the chair of the Board of Trustees, giving the same details
- For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher must also inform the 'home authority' of the exclusion without delay.
- If any exclusion, of even one day, would cause a pupil to miss a public examination, the Headteacher will inform the LA and the Chair of the Board of Trustees.

6. The Role of the Board of Trustees

The Board of Trustees will be fully informed and involved with these procedures. The Headteacher will inform the Board of Trustees and the LA within one school day of any permanent exclusions, exclusions longer than five school days (singly or cumulatively) or more than 10 lunchtimes in a term, and those which will result in a pupil missing a public examination.

7. Procedure for Appeal

The Board of Trustees has a duty to consider the representations of the parents/ carers about an exclusion. If the pupil is aged 18 or over, they may represent themselves, provided there is parental agreement.

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Board of Trustees against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Governance Professional to the Board of Trustees.

The Board of Trustees must consider the reinstatement of an excluded pupil within 15 working days of receiving the notice of the exclusion 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 one term;
- it would result in a pupil missing a public examination.

The Board of Trustees must also consider the reinstatement of an excluded pupil within 50 school days of receiving notification of the exclusion if a pupil would be excluded for more than 5 school days, but not more than 15 in one term.

In view of their consideration, the Board of Trustees can uphold an exclusion or direct reinstatement of the pupil immediately or on a particular date.

8. Independent Review Panel

Where parents/ carers dispute the decision of the Board of Trustees not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

An independent review panel does not have the power to direct the Board of Trustees to reinstate an excluded pupil. However, where a panel decides that the Board of Trustees decision is flawed (when considered in the light of the principles applicable on an application for judicial review) it can direct the Board of Trustees to reconsider its decision.

Whether or not the school recognises a pupil as having SEND, all parents/ carers have the right to request the presence of a SEND expert at a review meeting. The SEND expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil. Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

Norbreck Primary Academy is responsible for managing and training independent panels concerning cases of permanent exclusion. Independent review panel members are expected to understand the legislation that is relevant to exclusions and the legal principles that apply. The SEND expert must be someone with expertise and experience of SEN and be considered by the Trust as appropriate to perform the functions specified in the legislation. When providing details of the role of the SEND expert in an independent review panel, the Board of Trustees should explain that there is no cost to parents/ carers for this appointment and parents/ carers must make it clear in any application for a review if they wish for the expert to be appointed.

The panel's decision should not be influenced by any stated intention of the parents/ carers or pupil not to return to the school. If parents/ carers are not considering the reinstatement of the pupil, the panel should acknowledge this but it should not affect the conduct of the panel or its decision. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the Board of Trustees to reconsiders its decision to uphold the exclusion. Potential outcomes can still include:

- Recording the panel's findings on a pupil's educational record.
- An acknowledgement by the Board of Trustees that it would be appropriate for it to offer to reinstate the pupil

Where the school is going to delete a pupil's name from the admissions register because of a permanent exclusion, the school must make a return to the LA and the Chair of the Board of Trustees. It must be made as soon as the grounds for deletion are met.

The school should co-operate with the LA's head of virtual school for exclusions of looked after children.

When the Board of Trustees is considering whether a pupil should be reinstated, it should consider any evidence that was presented in relation to the decision to exclude (in addition to considering whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, rational and proportionate and whether the Headteacher followed their legal duties)

The school will follow the guidance as set out in the DfE statutory guidance September 2017 on the members and role of the independent review panel.

<https://www.gov.uk/government/publications/school-exclusion>

9. Review and Monitoring

The impact of this policy will be reviewed by the SLT. The policy and procedures will be reviewed and amended in the light of such evaluation, in consultation with representatives of all key stakeholders and will reflect the statutory guidance.