

# SILVER BIRCH ACADEMY TRUST

## Exclusions Policy

### **ADOPTED BY**

Chingford Hall LGB

### **DATE**

November 2017

### **REVIEW DATE**

November 2019



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# Exclusions Policy

If a serious incident occurs, pupils may be excluded from school. The school considers the support of parents/carers during the process to be essential in ensuring the actions taken are of the most benefit to the child.

## Fixed – term and permanent exclusions

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

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

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 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

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

Only the Executive Headteacher (or the Acting Headteacher/Head of School) has the power to exclude a pupil from school. The Executive Headteacher may exclude a pupil for one or more fixed periods, for up to 45 days in any one school year. The Executive Headteacher may also exclude a pupil permanently. It is also possible for the Executive Headteacher to convert a fixed-term exclusion into a permanent exclusion, if the circumstances warrant this.

A decision to exclude a pupil will be taken only:

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Executive Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

If the Executive Headteacher excludes a pupil, s/he informs the parents immediately, giving reasons for the exclusion. At the same time, the Executive Headteacher makes it clear to the parents that they can, if they wish, appeal against the decision to the local governing body. The school informs the parents how to make any such appeal.

The Executive Headteacher informs the Local Authority (LA) and the local governing body about any permanent exclusion, and about any fixed-term exclusions beyond five days in any one term.

The local governing body itself cannot either exclude a pupil or extend the exclusion period made by the Executive Headteacher.

The local governing body has a discipline committee, which is made up of between three and five members. This committee considers any exclusion appeals on behalf of the governors. When an appeals panel meets to consider an exclusion, they consider the circumstances in which the pupil was excluded, consider any representation by parents and the LA, and consider whether the pupil should be reinstated.

If the governors' appeals panel decides that a pupil should be reinstated, the Executive Headteacher must comply with this ruling.

## Vulnerable Pupils

### Pupils with special educational needs

Guidance is that schools should avoid permanently excluding statemented students, other than in the most exceptional circumstances. Schools should also make every effort to support students at School Action Plus of the SEN Code of Practice, including those undergoing assessment for a statement. (DfE §63)

### Disabled pupils

Schools have a duty under the Disability Discrimination Act 1995 not to discriminate against pupils by excluding them from school because of behaviour caused by their disability. Discrimination is seen as occurring where a disabled pupil is treated less favourably than other pupils for a reason relating to their disability, without justification.

### Discrimination

Discrimination can also occur where a school fails to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers. (DfE §68)

### Students from racial minorities

The law places specific duties on schools to ensure they do not discriminate against pupils on racial grounds. Schools should monitor and analyse exclusions by ethnicity to ensure they do not treat some groups of pupils more harshly than others. Schools are required to assess whether policies that lead to sanctions, including exclusion, have a disproportionately adverse impact on pupils from particular racial groups. If an adverse impact is identified that cannot be justified, then the policy and practice should be reviewed. (DfE §73-76)

### Children in care

Exclusion of children in care should be an absolute last resort. Before exclusion schools, in conjunction with the LA, should first consider alternative options for supporting the child. No child in care should be excluded without discussion with the LA. (DfE §77-83)