



New Direction School



Exclusion Policy

| Reviewed Date: | Reviewed By: | List of changes | Next Review |
|----------------|-----------------|--|-------------|
| August 2021 | Luke Collins | <ul style="list-style-type: none"> Updated Roles and Responsibilities | August 2022 |
| July 2022 | Luke Collins | <ul style="list-style-type: none"> Reviewed with no changes needed | July 2023 |
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1. Aims

Our school aims to ensure that:

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

2. Legislation and statutory guidance

As an independent school we have no obligation to follow the DFE statutory guidance on exclusions ([Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#)). Therefore this policy outlines our exclusion process. This may vary from the DFE statutory guidance for maintained schools however this guidance has been kept in mind in the writing of this policy along with the NASS school contract schedule 1 section 4.

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
- 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](#)

3. The decision to exclude

Only the Deputy headteachers or Headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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.

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 headteacher will:
 - Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked

4. Definition

For the purposes of exclusions, 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.

5. Roles and responsibilities

Where Pupils behaviour is such that an exclusion is being considered, a Deputy Head will immediately review the position, collate as much relevant information as possible and in consultation with the other Deputy Head collectively make a decision if appropriate for a student to initially be issued with a fixed exclusion (Suspension). The Headteacher has delegated this responsibility to the Deputy Headteachers. Suspension will be considered appropriate if it is in the best interest of maintaining behaviour and safety of all. The duration will initially be set for as short as possible to determine an appropriate investigation.

The initial Deputy Headteacher is the first one to become involved when a student's behaviour is raised as a potential for consideration of exclusion. They will start the investigation report, gaining evidence from all involved in the incident as soon as possible.

The other Deputy Headteacher will inform the parents/ carers of the fixed term exclusion, arrange for the student to be collected and wait with the student in an appropriate place until they are collected. This will be followed up with a letter explaining the Exclusion including:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Date of the First school day back
- The fact work will be provided and how this will be provided
- That parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If the student's behaviour is deemed so severe that a permanent exclusion might be considered as an outcome this will clearly be communicated to all parties verbally and then followed up in writing.

Work will be provided for the student whilst during the period of their fixed term exclusion (Suspension).

Before the end of the fixed term exclusion (suspension), a report will be produced by the deputy headteachers which will be given to the headteacher. After this the deputy headteachers will meet with the Headteacher (Proprietor) who will review the report and make a decision on whether the decision was fair, proportionate and appropriate. If further sanctions are deemed appropriate (Permanent Exclusion, extension of Fixed term exclusion or placement in an alternative provision) the headteacher will communicate this with the parents/carers in writing, giving details as required.

If the decision is for a permanent exclusion, or if the exclusion results in a student having more than 5 days school days of exclusion in one term then the Local authority and where appropriate the home local authority must be notified immediately.

If a permanent exclusion is deemed necessary this will be put in writing to the Parents. A copy of this letter will also be sent to the LA. A meeting will be arranged within 15 working days to allow representations from Parents and the Local Authority to be made. Here representations can be made about the exclusion including and requests for reinstatement. Minutes will be taken of the meeting, and a record of evidence considered kept.

The Proprietor will then take 5 working days to consider these representations and all of the reports of the incident. They will then notify, in writing, parents and the LA of their decision, along with reasons for its decision, within 5 working days of this meeting. The outcome will also be recorded on the pupil's educational record.

Where a permanent exclusion is upheld, The Proprietors decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made (Within 15 working days)
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That parents may, at their own expense, appoint someone to make representations to the panel
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. An independent review

If parents apply for an independent review, an independent panel to review the decision of the proprietor not to reinstate a permanently excluded pupil will be arranged by the proprietor. They will evaluate the evidence before making a decision.

Applications for an independent review must be made within 15 school days of notice being given to the parents by The Proprietor of its decision to not reinstate a pupil.

A panel of 3 or 5 members will decide whether to:

- Uphold the proprietors decision
- Recommend that the proprietor reconsiders reinstatement
- Quash the proprietors decision and direct that they reconsider reinstatement (only when 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.

7. Removal

At New Direction School, we are committed to providing a nurturing and supportive environment that meets the individual needs of our students. However, in certain circumstances where a placement is no longer viable, we may exercise our contractual right to serve notice on the placement with the Local Authority instead of issuing an exclusion.

Grounds for Ending a Placement

A student's placement may be reviewed if:

- Their behaviour significantly impacts the safety, well-being, or learning of others.
- The placement is no longer meeting their needs or is not proving effective.
- The relationship between home and school has broken down, affecting engagement and progress.
- Physical or Verbal aggression from parents towards staff or pupils.

Notice Period and Transition Arrangements

Serving Notice: If a decision is made to end a placement, the school will issue formal notice to the Local Authority, in line with our contractual agreement.

Educational Provision During Notice Period:

- Students will continue to receive remote learning via Google Classroom to ensure continuity of education.
- The Local Authority will be responsible for identifying an alternative placement during this period.

Removal from the School Roll:

- A student will be removed from New Direction's school roll at the end of the notice period.
- Responsibility for their education then transfers fully to the Local Authority or their new educational placement.

This process ensures that a student can transition to a new placement without the stigma of a formal exclusion. Our aim is to prioritise the best interests of the student, facilitating a smooth transition to a setting that better meets their needs.

8. 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 exclusion 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 proprietor 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.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'

10. Monitoring

The Proprietor will regularly monitor the operation of this policy and its procedures.

Review

This policy will be reviewed annually by the Proprietor and key staff.