



The  
Boleyn  
Trust

# Exclusions Policy

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## 1. POLICY STATUS AND REVIEW

Policy Owner:	Chief Finance and Operating Officer
Policy Author:	Chief Finance and Operating Officer
Approver:	Board of Trustees
Last Review:	August 2023
New Review:	August 2025
Ratified:	September 2023

The Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust. Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown below and re-circulated.

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**Chair of the Board of Trustees**

## 2. INTRODUCTION

- 2.1 This document outlines the University of Brighton Academies Trust's policy relating to the exclusion of pupils from its academies. It draws on the department for Education's 'Exclusion from maintained schools, academies and student referral units in England: Statutory guidance for those with legal responsibilities in relation to exclusion' (2017)<sup>1</sup>. This policy is complemented by separate procedural guidance, which is also based on the above document.
- 2.2 The trust has the highest expectations of its pupils, staff, and parents/carers; our vision is for all stakeholders to be confident, responsible, and successful and to live with integrity. This will enable our pupils to be well-prepared for the next phase of their educational journey; we treat every pupil as an individual and we work with them and their families to develop and nurture their talents.

## 3. RATIONALE

- 3.1 Good behaviour is best maintained by the effort of pupils, parents/carers and staff working together to ensure adherence to the trust's ethos and observance of each academy's behaviour policy, to ensure that all members of the academy community can enjoy a safe and productive learning environment. In the interest of keeping good discipline and as a result of serious offences, it is sometimes necessary for a principal<sup>2</sup> to exclude a pupil from an academy. This is a serious step to take but it reflects the importance of respect for the academy's values and its members if a pupil is to continue to be part of this community.

## 4. WHAT IS EXCLUSION?

- 4.1 Exclusion from an academy operates within a framework set down in law and in accordance with guidance from the DfE. Exclusion is the formal removal of a pupil/student from an academy and must be authorised by the principal of the academy.
- 4.2 Exclusion can give a pupil space to reflect on their behaviour and its impact on their community; it acts as a deterrent to other pupils and clearly communicates the values upon which the trust and academies are based.
- 4.3 There are two types of exclusion:
- Fixed Term - up to a maximum of 45 days in one academy year
  - Permanent – where a pupil is permanently excluded from the academy

## 5. WHEN IS EXCLUSION USED?

- 5.1 Exclusions can only be used for a breach of the academy's Behaviour Policy. Permanent exclusion can be used for serious "one-off" offences such as:
- Serious actual or threatened violence against a pupil or a member of staff
  - Activities involving drugs or substance abuse
  - Criminal offences
  - Bringing offensive weapons onto the academy site

- Sexual abuse or sexual assault
  - Repeated breaches of the academies' behaviour policies (persistent lateness, truancy, minor incidents may constitute grounds for exclusion)
- 5.2 Only a principal can exclude a pupil/student and when doing so s/he should judge each case on its own merits as well as bearing in mind continuity of sanction for similar incidents in the past. When establishing the facts in relation to exclusion the principal must apply the civil standard of proof and not the criminal standard of "beyond reasonable doubt". This means that if something is more likely than not to have occurred ("on the balance of probabilities") then the standard is met.
- 5.3 All decisions to exclude a pupil must be lawful, reasonable, and fair.

## 6. EQUALITY

- 6.1 Under the Equality Act 2010, academies will not discriminate against, harass, or victimise pupils because of their gender, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment. Reasonable adjustments will also be made to policies and practices, regarding disabled pupils.

## 7. When is exclusion inappropriate/unlawful?

- 7.1 It is unlawful to exclude a pupil for:
- Poor academic performance
  - Pregnancy
  - Breaches of academy uniform rules or rules on appearance (including jewellery and hairstyle), except where these are persistent and in open defiance of such rules.
  - Punishing a pupil for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting.
  - Minor breaches of an academy's code of conduct
- 7.2 It is unlawful to exclude or to increase the severity of exclusion for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the academy feels it is unable to meet.

## 8. CAN PUPILS BE EXCLUDED INFORMALLY OR UNOFFICIALLY?

- 8.1 If the principal is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the academy site for that reason, formal exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents.
- 8.2 Where a pupil is sent home for disciplinary reasons for part of a school day, some principals have viewed this as a 'cooling off' period and have not formally excluded the pupil. There is no basis in law for this. If a pupil is sent home in response to a breach of discipline, even for a short period of time, this must be formally recorded as exclusion. In every instance where a pupil is sent home for disciplinary reasons, the principal must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day or

whole day).

8.3 They should ensure that:

- They are meeting their legal duty of care towards the pupil and the parent/carer is formally notified of the exclusion
- Child protection issues are considered e.g., bearing in mind the pupil's age and vulnerability, that a parent/carer is at home and the pupil is not placed at risk by, for example, being left to wander the streets
- Work is sent home or alternative provision is arranged

## 9. What happens after exclusion?

9.1 Arrangements for the education of a permanently excluded pupil are the responsibility of the Local Authority. For fixed-term exclusions:

- A reintegration meeting involving the pupil, parents/carers and key staff will be arranged
- A phased reintegration will normally be expected
- Strategies designed to prevent further exclusion will be agreed, these will be formalised in a Pastoral Support Plan for a pupil who is considered because of their behaviour to be at risk of permanent exclusion

## 10. HOW ARE LOCAL BOARD MEMBERS AND THE TRUST'S BOARD OF TRUSTEES INVOLVED?

10.1 The Trust has delegated to Local Board members the responsibility of considering parents' representations about an exclusion.

10.2 Each Local Board has an exclusions panel which must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

- The exclusion is permanent.
- it is a fixed period exclusion which would bring the pupil's total number of school days to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

10.3 Where parents/carers request, the panel must consider representations concerning exclusions for 5 days or less; in addition, the panel will meet to consider exclusions of between 6 and 15 days, if requested by parents/carers.

10.4 In the event of an independent review panel directing or recommending that a decision to decline reinstatement of an excluded pupil is reconsidered by the Local Board the exclusions panel will reconvene within 10 school days.

10.5 Local Board members will monitor exclusions in their academy termly. Local Board members may be involved in some reintegration meetings, especially if a pupil has been excluded on several previous occasions.

10.6 The Trust's Board of Trustees or its committees:

- Regularly review the Exclusions Policy
- Monitor exclusions through reports submitted by each academy

10.7 Director of Policy and Governance or nominee:

- Arranges training for members of exclusion panels, arrange clerking services and offer
- advice on a case-by-case basis
- Attends exclusion panels as required
- Advises parents/carers and the academy on matters of law and DfE guidance

## 11. WHAT ARE THE ALTERNATIVES TO FORMAL EXCLUSION

11.1 Exclusion is a serious step for the academy to take. Other strategies are used in conjunction with, or as an alternative to, formal exclusion to support a positive ethos in the academy. Guidance stipulates that exclusion should not be used if there are possible alternatives available. The four examples that are given are:

- A restorative justice process.
- Internal exclusion
- A managed move to another school, in conjunction and with the agreement of that school
- Mediation through a third party

11.2 Parents/carers will never be pressured into removing a pupil from an academy under threat of permanent exclusion, nor should a pupil's name be deleted from the academy roll on disciplinary grounds unless the formal permanent exclusion procedures have been adhered to or unless a managed move has been agreed by all relevant parties.

## 12. CAN PUPILS BE WITHDRAWN FROM LESSONS / ACTIVITIES?

12.1 In cases where it is deemed that to have a pupil in a lesson or activity would be detrimental to the learning or well-being of others, that pupil may be required to work separately under the supervision of another member of staff for a period or several periods.

12.2. A pupil may be excluded from the academy for the duration of the lunchtime period. A lunchtime exclusion is a fixed-term exclusion (lunchtime exclusions are counted as half a day for statistical purposes and in determining whether an Exclusions Panel meeting is triggered) – the appropriate exclusion letter should be sent out (per the number of days a pupil has missed in the term) and parents/carers have the same right to make representations to the academy's Exclusions Panel. Lunchtime exclusions (like any other exclusion) cannot be indefinite.

12.3 Arrangements must be made for a pupil who is entitled to free school meals (i.e., providing a packed lunch). A lunchtime exclusion should not be enforced if doing so will put the pupil at risk.

## 13. WHAT SUPPORT IS AVAILABLE TO PUPILS AT RISK OF EXCLUSION?

13.1 Each academy employs a range of strategies to support pupils whose behaviour over a period of time presents a high risk of exclusion (i.e., not “one-off” offences). This includes:

- Regular monitoring by and contact with key staff
- Placement on the SEN register with associated support
- Regular meetings with pupils and parents/carers
- Access to external agency support
- Review of curriculum provision, including an alternative curriculum
- Managed move (short- or long-term) to another school/academy with parental consent

13.2 The nature of support will be personalised according to the needs of each pupil and will be influenced by the availability of resources. Parental support is crucial to the success of intervention strategies.