



Exclusion Policy Protocol

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Reviewed: October 2015

Northgate School Arts College (Academy Trust)

Exclusion Policy Protocol

NSAC will follow the DFe publication 'Exclusion from maintained schools, Academies and pupil referral units in England' (February 2015).

1. When a pupil / student is excluded parents will be informed in writing regarding the period of the exclusion and the reasons for it.
2. If a pupil is permanently excluded then both the Governing Body and the Local Authority need to be informed.
3. For exclusions longer than 5 days then suitable full time education must be provided by the school. In the case of permanent exclusions then the Local Authority is responsible for arranging suitable full time education.
4. Provision does not have to be arranged for pupils in the final year of compulsory education who do not have further public examinations to sit.

The Requirements on a Governing Body to consider exclusion

1. The Governing Body must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:
 - the exclusion is permanent
 - a fixed term exclusion brings the pupils total number of exclusion days to more than 15 in a term, or
 - it would result in a pupil missing a public examination or NC test.
2. The following parties must be invited to a meeting of the Governing Body and allowed to make representations.
 - Parents
 - The Executive Head Teacher or Head of School
3. The Governing Body has to apply the standard of proof based on 'the balance of probabilities' and can either
 - Uphold an exclusion
 - or direct reinstatement of the pupil
4. Claims of discrimination to the first-tier Tribunal or County Court can be made up to 6 months after the discrimination is alleged to have occurred.
5. The Governing Body must notify Parents, the EHT and the L.A. of their decision in writing, without delay.
6. Parents have a right to request that the decision be reviewed by an independent review panel within 15 days of the notification from the Governors.
7. Claims of discrimination under the 2010 Equality Act can be taken to the first-tier tribunal (SEND) within 6 months of the alleged discrimination taking place.

Removal from register

1. The school can remove a pupils name from the school admissions register if
 - 15 days have passed since Parents were notified that a permanent exclusion has been upheld and no application for an independent review has been received
 - the parents have stated in writing they will not be applying for an independent review

Independent Review

1. The legal time frame for an application is
 - within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion
 - within 15 school days of the final determination of a claim of discrimination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion
2. The review must begin within 15 school days of an application for review being made
3. The Academy Trust must constitute the panel; with either 3 or 5 members representing each of the 3 categories below
 - A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
 - School Governors who have served as a Governor for at least 12 consecutive months in the last 5 years
 - Head Teachers or individuals who have been a head teacher within the last 5 years

NOTE: This panel cannot include Governors, Head Teacher of excluding school. It cannot include staff from the Academy Trust.

4. The Academy Trust may appoint a clerk to administer the process. The clerk is responsible for
 - Make reasonable efforts to inform the following people that they are entitled to:
 - make written representations to the Panel
 - attend and make oral representations to the Panel
 - be represented
 - (in the case of the parent) bring a friend
 - a. the parents/carers
 - b. the Head Teacher
 - c. the Governing Body
 - make reasonable efforts to circulate to all parties, copies of relevant papers 5 school days in advance of the review. These papers must include:
 - the Governing Body's decision
 - the parents application for a review
 - any policies or documents that the Governing Body was required to have regard to in making their decision
 - Attend the review and ensure that minutes are produced in accordance with instructions from the Panel.

5. The Academy Trust must ensure that all panel members and clerks have received training within the 2 years to the date of the review
6. If requested by parents the Academy Trust must appoint an SEN expert to attend the review.
7. The panel must apply the civil standard of proof (i.e. on the balance of probability) and following the review can
 - uphold the exclusion decision
 - recommend that the Governing Body re-consider their decision
 - quash the decision and direct the Governing Body to consider the exclusion again
8. The decision can be a majority vote and is binding on all parties.
9. Following the review the panel must write to all parties without delay, including
 - the panels decision and the reasons for it
 - any information that must be recorded on the pupil's educational record to reflect the decision
10. Minutes of the panel meeting are not public documents and should be retained by the Academy Trust for at least 5 years.
11. Where the Governing Body is directed to reconsider its decision, it should reconvene within 10 days of being given notice of the panels decision. Following this meeting the Governing Body must notify the following people of their reconsidered decision, and the reasons for it, without delay
 - the parents
 - the Executive Head Teacher

Annex A – A summary of the governing body’s duties to review the head teacher’s exclusion decision

