ST LUKE'S C OF E PRIMARY SCHOOL

EXCLUSIONS POLICY

Autumn 2026

Statement of Intent

At St Luke's School, we understand that good behaviour and discipline is essential for promoting a high quality education. Amongst other disciplinary sanctions, where warranted, the school recognises that suspension / exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Permanent exclusion will however only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Government supports head teachers in using exclusion as a sanction where it is warranted. The school has created this policy to clearly define the legal responsibilities of the Headteacher, Governing Body and the Local Authority when responding to pupil exclusions, in order to ensure that they are dealt with both reasonably, fairly, lawfully and in line with the latest DfE statutory guidance – **'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement '** (August 2024) https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

This policy also aims to secure a pupil's right to an education despite having been suspended/ excluded, by ensuring that appropriate arrangements are in place.

Grounds for exclusion

1.1 The following examples of behaviour may underline the school's decision to suspend / exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- repeatedly disobeying their teachers' academic instructions could, be subject to a suspension / exclusion.
- A single, serious and major incident, e.g. serious assault on another individual leading to injury
- In all cases, the Headteacher will decide which suspension period a pupil will be subject to, depending on what the circumstances warrant.
- As a maintained school, the school has the power to direct a pupil off-site to improve their behaviour.

The head teacher's power to exclude

2.1 Only the Headteacher has the power to exclude a pupil from the school, and is able to decide whether this is a suspension (on a fixed-period) or an exclusion (on a permanent basis). All suspensions / exclusions will only be issued on disciplinary grounds.

2.2 The Headteacher can suspend a child for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or exclude permanently.

2.3 A suspension does not have to be for a continuous period. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime

suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

2.4 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension 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.

2.5 The legal requirements relating to suspension / exclusion, such as the head teacher's duty to notify parents, apply in all cases.

2.6 The Headteacher is able to consider a pupil's behaviour outside of the school premises as grounds for suspension or exclusion.

2.7 Any decision made to suspend / exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties, including the European Convention of Human Rights.

2.8 All suspensions / exclusions will be formally recorded.

2.9 When suspending / excluding a pupil, the Headteacher will ensure that they exercise their duty of care at all times when sending a pupil home.

2.10 The Headteacher will apply the civil standard of proof when responding to the facts relating to a suspension / exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

2.11 The Headteacher may withdraw any exclusion that has not already been reviewed by the governing board.

2.12 At all times, the Headteacher will take into account their legal duties under the Equality Act 2010 and the special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

Factors to consider when excluding a pupil

When considering the exclusion of a pupil, the Headteacher will:

3.1 Allow the pupil the opportunity to present their case.

3.2 Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.

3.3 Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.

3.4 Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

3.5. The Headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension / exclusion rates are higher, in order to reduce their risk of suspension/

exclusion, including the following: LAC, Pupils eligible for free school meals, Pupils with special educational needs and disabilities (SEND), Certain ethnic groups

3.6 Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher who will consider what extra support or alternative placement is required.

3.7. The Headteacher will work in conjunction with the parents of any pupil with additional needs, in order to establish the most effective support mechanisms.

Duty to inform parents

4.1. Following the Headteacher's decision to suspend / exclude a pupil, they will without delay inform, in person or by telephone, the parents of the period of the suspension / exclusion and the reasons for this.

4.2. The Headteacher will also provide the following information to parents in writing.

- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- Their right to raise any representations about the suspension / exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made

- Their right to attend a meeting where there is a legal requirement for the governing board to consider the suspension/ exclusion, and the fact that they are able to bring an accompanying individual

- The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school

- Relevant sources of free, impartial information

4.3. Where the pupil is of compulsory school age, the Headteacher will inform the parents by the end of the afternoon session that:

- For the first five days of the suspension (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine or be prosecuted if they fail to do so.

4.4. If alternative provision is being arranged, they will also inform the parents of the following where it can be reasonably found out within the timescale. :

- The start and end date for any provision of full-time education that has been arranged for the child during the suspension.

- The address at which the provision will take place

- Any information necessary for the pupil to identify the person they should report to on the starting date

4.5. Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it must be provided without delay and no later than 48 hours before the provision is due to start. The only exception to this is

where alternative provision is to be provided before the sixth day of an suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

4.6. If the Headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension / exclusion notice to parents.

Duty to inform the governing body and LA

5.1. The Headteacher will inform the governing board and LA, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)

- Any suspension which would result in the pupil being suspended for more than five school days in a term (or more than 10 lunchtimes)

- Any suspensions / exclusions which would result in the pupil being absent from an examination or national curriculum test

5.2. For any suspensions / exclusions, other than those above, the Headteacher will notify the governing board and LA once per term.

5.3. All notifications to the governing board and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.

5.4 If the pupil who is suspended / excluded lives outside the LA in which the school is located, the Headteacher will notify the pupil's 'home authority'.

The Governing Body and LA duties to arrange education for excluded pupils

6.1 For any suspensions of more than five school days, the governing body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension.

6.2. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.

6.3. For permanent exclusions, the local authority must arrange full-time education from the sixth day of exclusion.

6.4. In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

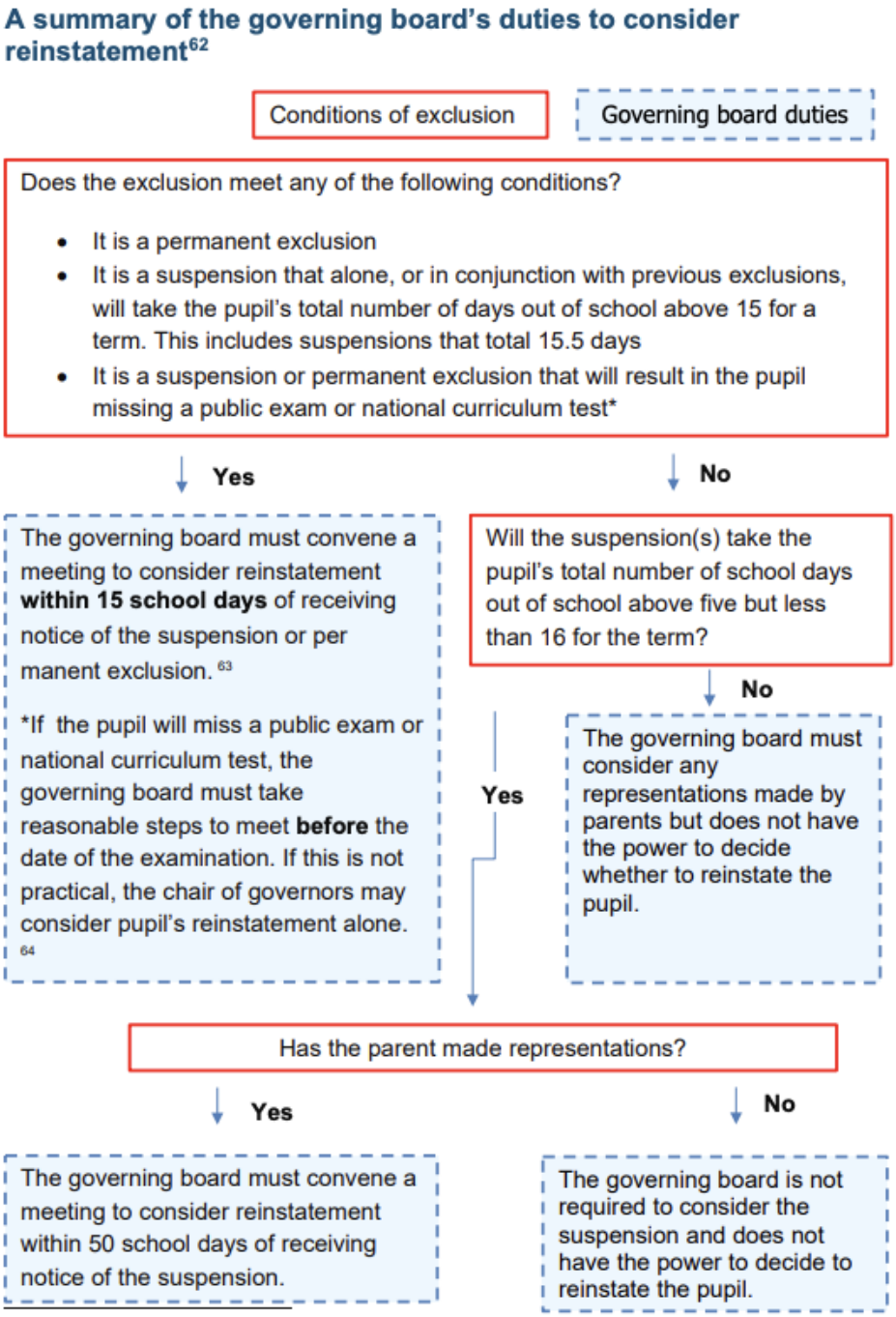
6.5 The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

6.6 Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

6.7. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an suspension, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.

The Governing Body's duty to consider an exclusion

7.1. The governing board has a duty to consider parents' representations about a suspensions / exclusion. The requirements on a governing board to consider a suspension / exclusion depend upon a number of factors (these requirements are illustrated by the diagram below. A summary of the governing board's duties to consider reinstatement).



[62] Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

[63] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[64] The ability for a chair to review in the case of public exams refers only to maintained schools.

7.2. A sub-committee consisting of at least three governors will consider any suspensions / exclusions when needed.

7.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

7.4. The sub- committee will consider the reinstatement of a suspended / excluded pupil within 15 days of receiving notice of a suspension pr permanent exclusion from the headteacher if:

- The exclusion is permanent.
- It is a suspension which would bring the pupil's total number of school days out of school to more than 15 in any given term.
- It would result in the pupil missing a public examination or national curriculum test.

7.5. In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

7.7. The requirements are different for suspensions where a pupils would be out of school for more than five but not more than 15 days in a term. In this case, if the parents make representations, the sub-committee must consider and decide within 50 school days of receiving notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from parents, the sub-committee is not required to meet and cannot direct reinstatement of the pupil.

7.8. Where suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, the governing body will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

7.9. If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors will consider the suspension alone and decide whether or not to reinstate the pupil.

7.10. In light of the above, the governing body will also consider whether it would be appropriate to allow the suspended pupil to enter the premises to take the examination.

7.11. When considering the reinstatement of a suspended/ excluded pupil, the governing body will:

- Only discuss the suspension with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Where possible, circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow pupils and parents to be accompanied by a person of their choice at the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.

- Identify the steps needed to enable and encourage the suspended pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.

- Consider the interests and circumstances of the suspended / excluded pupil, including the grounds for suspension.

Reaching a Decision

8.1. After considering suspensions/ exclusions, the governing body sub committee will either:

- Decline to reinstate the pupil.

- Direct the reinstatement of the pupil immediately, or on a specified date.

8.2. If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the sub-committee will still consider whether the pupil should be officially reinstated, and whether the Headteacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

8.3. The governing board will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

8.4. In order to reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.

- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.

- Ask all parties to withdraw from the meeting before concluding their decision.

- Consider whether the suspension of the pupil was lawful, proportionate and fair, taking into account the Headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to suspend/ exclude.

- Record the outcome of the decision on the pupil's educational records.

- Make a note of their findings, where they have considered a suspension but cannot reinstate the pupil.

- Decline to reinstate the pupil; or direct reinstatement of the pupil immediately or on a particular date.

Notification of considered exclusions

9.1. The governing body will notify the parents of suspended / excluded pupil, the Headteacher and the LA of their decision and where appropriate, the pupil's social worker and or the Virtual School Head (VSH) of its decision, following the consideration of a suspension / exclusion, in writing and without delay.

9.2. In the case of a permanent exclusion, where the governing board decides not to reinstate the pupil, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel (IRP).

- Of the date by which an application for review must be made.

- Of the name and address of whom the review application should be submitted to.

- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND are considered relevant to the permanent exclusion.

- That, regardless of whether a permanently excluded pupil has recognised SEND, the parents have a right to require governing body / local authority to ensure a SEND expert attends the review.

- That they are required to make it clear if they wish for a SEND expert to attend the review.

- That they may appoint someone at their own expense to make written and / oral representations to the panel.

9.3. The governing board will also notify parents that, if they believe an exclusion has been issued as a result of discrimination, then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

9.4. After any conclusion, the governing body will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

Removing permanently excluded pupils from the school register

10.1. The Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.

- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

10.2. If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

10.3. If a pupil's name is to be removed from the register, the Headteacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.

- The address of any parent with whom the pupil normally resides.

- The grounds upon which the pupil's name is to be removed from the register.

10.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

10.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

10.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent review panel

11.1. The Local Authority will review the governing board's decision not to reinstate a permanently excluded pupil, if the parents submit their application for this within the required time frame.

11.2. Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

11.3. Any application made outside of this timeframe will not be reviewed.

11.4. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion.

11.5. The Local Authority will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document - **'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement '** (August 2024)
https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf

Appointing a SEND expert

12.1. If requested by parents in their application for an independent review panel, the Local Authority will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.

12.2. The Local Authority will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

12.3. Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

12.4. The SEND expert's role is set out in section 14 of this policy.

12.5. Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the Local Authority parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the Local Authority.

12.6 The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; special educational needs coordinators (SENCOs); and behaviour support teachers.

12.7 Recently retired individuals are not precluded from fulfilling this role; however, the Local Authority will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

12.8. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Local Authority, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The Local Authority will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

12.9. The final decision on the appointment of an SEND expert is for the Local Authority to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the Local Authority will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

12.10. The Local Authority will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

The role of a SEND expert

13.1. The SEND expert's role is analogous to an expert witness, providing (orally, in writing or both) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

13.2. The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's exclusion.

13.3. Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

13.4. The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

Appointing a clerk

14.1. The Local Authority will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

14.2. Where a clerk is appointed the Local Authority will ensure that the clerk did not serve as clerk to the governing board when the decision was made not to reinstate the pupil.

The role of a clerk

15.1. The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

15.2. The clerk will:

- Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.

- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.

- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be pupils at the school (Pupils under 18-years-old will not be allowed to appear in person without parental consent).

- Inform the parents, Headteacher, governing board the LA, that they are entitled to: make oral and written representations to the panel; attend the hearing; and be represented.

- Ensure that all parties are: - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date. - Informed about who is attending the meeting, and what their roles are.

- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

15.3. Where a clerk is not appointed, the Local Authority will undertake the functions outlined in paragraphs 16.1 and 16.2 of this policy.

The duties of independent review panel members in the conduct of a review panel

16.1. The role of the panel is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

16.2. The panel will apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

16.3. Following the review, the panel will do one of the following:

- Uphold the decision.

- Recommend that the governing board reconsiders reinstatement.

- Quash the decision and direct that the governing board reconsiders reinstatement.

16.4. The panel's decision does not have to be unanimous and can be decided by majority vote. It is binding on the pupil, parents, the governing board, Headteacher and the LA.

Reconsidering reinstatement following a review

17.1. Where the independent review panel instructs the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

17.2. The school is aware that if the governing board does not offer to reinstate the pupil, then a financial adjustment will be made to the school's budget.

17.3. If, following reconsideration, the governing board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

17.4. Following reconsideration, the governing board will notify the parents, the Headteacher and the LA of their reconsidered decision and the reasons for this.

Criminal investigations

18.1. The Headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

18.2. The Headteacher will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

18.3. If the governing board is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training requirements

19.1. The Local Authority will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.

19.2. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of Headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

19.3. Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

Monitoring and Evaluation

This policy will be reviewed annually by the Headteacher in conjunction with the governing body.