

Northern Counties School Exclusions POLICY

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Policy Control/Monitoring

Approved by: (Position in Organisation)	Headteacher
Date (dd/mm/yyyy):	13/05/26
Accountability: (Position in Organisation)	Deputy Headteacher
Revision Cycle:	Biennial
Brief details of amendments made	First Version

Equality Impact Assessment

The Foundation's commitment is to create a positive culture of respect for all staff and service users and to identify, remove or minimise risks of unlawful discrimination and disadvantage in its policies, functions and activities. As part of its development this document has been assessed in line with The Foundation's equality impact assessment procedure.

Version Control Tracker

Version Number	Date
1	Initial Policy

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1. Introduction

Exclusions are not the most effective way to support children and young people with SEND. We will always try to adapt and personalise our provision to ensure that all can access education.

In exceptional circumstances it may be necessary to exclude a pupil for a fixed time, but this would always be considered very carefully. These circumstances may include:

1. Incidents where the safety of the pupil or student or that of others is seriously compromised and the occurrence is frequent or increasing in frequency and intensity.
2. Incidents of knife crime or use of other weapons.
3. Incidents of a sexual nature or sexual violence.
4. Incidents of significant damage to property.

Decisions to exclude children or young people are made on an individual basis and will always be a reasonable, measured and considered response which will have an impact and be a learning opportunity for them.

Exclusions may be managed internally, and the child or young person may be removed from class for a fixed period of time.

If Percy Hedley Foundation is not able to meet the needs of an individual child or young person, we will usually work with families and local authorities to identify a suitable placement for a managed transition.

A decision to permanently exclude a young person will be taken only:

- After a discussion with the Director for Education has taken place
- In response to serious or persistent breaches of the school's behaviour policy,
- If allowing the young person to remain in school would seriously harm the education or welfare of others.

2. Purpose

The purpose of this policy is to ensure that Northern Counties School demonstrates a fair and responsive approach to exclusions. The School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which our young people, parents and school colleagues are treated fairly and with respect and feel able to contribute to the best of their abilities.

We aim to ensure that:

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- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by trustees, colleagues, parents, and young people.
- Young people within the school are safe and happy.
- Young people do not become NEET (not in education, employment, or training)

Northern Counties School will work in partnership with parents to ensure that expectations and strategies we use with young people are clear and parents can reinforce them with their child. This includes ensuring that parents are kept informed about decisions made in response to a young person's behaviour so that we can work together with the best interests of the young person to ensure expectations for behaviour are made clear.

This policy should be read in conjunction with the following school/Foundation policies and with individual school procedures as appropriate.

- Positive Behaviour Support Policy (PHF Policy)
- Local Approaches to behaviour and exclusion
- Anti-Bullying Policy

This policy will be regularly reviewed, and amendments can only be made following the approval of the responsible person, the Headteacher and the Director for Education.

This policy applies to Northern Counties School. This policy should be read by all colleagues involved in promoting positive behaviour and keeping our young people safe in education. Instances of non-compliance with this policy will be reviewed by the school and may be reported to the Director for Education and/or the Local Advisory Committee of Governors.

3. Scope

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. (September 2023)

It is based on the following legislation, which outlines schools' powers to exclude pupils:
 Section 51a of the Education Act 2002, as amended by the Education Act 2011
 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2023

In addition, the policy is based on:

Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out 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

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The role of Trustees is set out within the following policy. It should be noted that Trustees may delegate aspects of their role(s) in line with the Trust's Articles of Association.

4. Definitions

The decision to exclude

A decision to exclude any young person is taken extremely seriously. Instances are rare and should only be used as a means of last resort. Our school is committed to equal opportunity for all. It is felt that exclusions of young people from the school, whether fixed-term (suspension) or permanent, are damaging to both the young person and the whole school community. Consequently, a young person will only be excluded when other strategies have not been effective over time in dealing with persistent breaches of the behaviour and regulation policy, or when there has been a single, clear and serious breach of discipline, or if allowing the young person to remain in the school would seriously harm the education or welfare of the young person or other young people in the school.

Only the Headteacher, or a person acting with the HT's authority, can exclude a young person from school. The HT will always consider a young person's special educational needs and disabilities (SEND) when making the decision to exclude. A permanent exclusion will be taken as a last resort. A decision to exclude a young person will be taken only:

- After a discussion with the Director for Education has taken place
- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the young person to remain in school would seriously harm the education or welfare of others.

Before deciding whether to exclude a young person, either permanently or for a fixed period (suspension), the HT will, with the agreement of the Director for Education.

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Consider any safeguarding concerns for the young person or their family resulting from a potential exclusion and ensure these have been discussed and shared with the wider multi professional team involved.
- Allow the young person to give their version of events.

The school will take due regard to the SEND Code of Practice, ensuring that any special educational needs and disabilities (SEND) are considered when determining whether or not to exclude a young person. The HT will ensure that reasonable steps have been taken to respond to a young person's

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SEND so they are not treated less favourably for reasons related to their individual needs. Reasonable steps will include:

- Differentiation in the School's Local Behaviour Policy
- Developing strategies to promote the right choices for a young person.
- Request support from colleagues across the School and Foundation, including the Multi-Disciplinary Team
- Requesting external help with the young person
- Colleague training

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or school training days do not count as a school day.

5. Principles

Roles and responsibilities

5.1 The Headteacher:

Informing parents

We aim to have good relationships with all our parents, and any action will always be followed up with a conversation to ensure reasons for action taken are understood and give opportunities for discussion which will include any support required.

The HT will immediately provide the following information, in writing, to the parents of an excluded young person:

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the exclusion to the Local Advisory Committee and how the young person may be involved in this.

Where there is a legal requirement for the Local Advisory Committee to meet to consider the reinstatement of a young person, parents have the right to attend the meeting, be represented at the meeting (at their own expense), and bring a friend. Parents, if appropriate, can attend a meeting using remote access although they are encouraged to attend face to face wherever possible.

The HT will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, 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 alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged.

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- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place.
- Any information required by the young person to identify the person they should report to on the first day.

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 will be provided 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

If a young person has a social worker or is looked after, the HT will notify the social worker and/or VSH (Virtual School Head) as applicable.

Informing social workers and VSHs about an exclusion

The HT will inform the social worker and the VSH, if the young person has one, if the decision has been made to suspend or permanently exclude a young person.

The social worker and/or VSH will also be informed to when the Local Advisory Committee will be meeting so they can attend if they wish to. If not able to attend in person, the provision will be made to attend via remote access.

Informing the Board of Trustees and local authority

The HT will immediately notify the Chair of the Board, Director for Education and the local authority (LA) without delay regardless of the lengths of the suspension.

The HT should consult the Director for Education around plans for permanent exclusion. The Director for Education should inform the CEO and the LA of:

- A permanent exclusion, including when a suspension is made permanent.

For a permanent exclusion, if the young person lives outside the LA in which the school is located, the HT will also immediately inform the young person's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the HT will notify the Trustees and LA once a term.

5.2 The Board of Trustees

Responsibilities regarding exclusions is delegated to the Chair of the Local Advisory Committee and the HT

The delegated Local Area Committee has a duty to consider the reinstatement of an excluded young person (see section 6).

Provision does not have to be arranged for young people in the final year of compulsory education who have no further public examinations to sit.

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5.3 The LA

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

Cancelling a young person's exclusion

The HT, after careful consideration of the initial decision to exclude, can cancel any exclusion that has begun if the Local Advisory Committee have not yet met. The HT will need to inform the Director for Education, parents, the Chair of the Local Advisory Committee, the LA, and the young person's social worker and VSH without delay, providing the reason for the cancellation.

The Local Area Committee's duty to reconsider a reinstatement will then cease, and there is no requirement to hold a meeting to do so.

The HT will continue to work in partnership with parents, and they will be invited to attend a meeting to discuss the circumstances that led to the young person's exclusion. The young person will be allowed back into school without any further delay.

Any days that the young person has spent out of school as a result of an exclusion will count towards the maximum of 45 school days in any school year.

The HT is unable to cancel a permanent exclusion if the young person has been excluded for more than 45 days in a school year or if they will have reached the 45 days by the time a cancellation takes effect.

Considering the reinstatement of a young person

The Local Area Committee will consider and decide on the reinstatement of a suspended or permanently excluded young person within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent.
- It is a suspension which would bring the young person's total number of school days of exclusion to more than 15 in a term; or
- It would result in a young person missing a public examination or National Curriculum test.

Where the young person has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the Local Advisory Committee, we will consider and decide on the reinstatement of a suspended young person within 50 school days of receiving notice of the suspension. If the parents do not make representations, the Committee is not required to meet, and it cannot direct the HT to reinstate the young person.

Where an exclusion would result in a young person missing a public examination, the Local Area Committee will consider the reinstatement of the young person before the date of the examination. If this is not practicable, the Local Advisory Committee will consider the exclusion and decide whether or not to reinstate the young person.

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The Local Advisory Committee can either:

- Decline to reinstate the young person, or
- Direct the reinstatement of the young person immediately, or on a particular date.

In reaching a decision, the Local Adviser Committee will consider whether the exclusion was lawful, reasonable, and procedurally fair and whether the HT followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered will be kept. The outcome will also be recorded on the young person's educational record.

The Local Advisor Committee will notify, in writing, the HT, parents, the LA, the social worker and/or the VSH of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Local Advisor Committee 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.
 - 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 young person's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded young person has recognised SEND, parents have a right to require the LA/Percy Hedley Foundation to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment.
 - That parents must make clear if they wish for a SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
 - 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.

An independent review

If parents apply for an independent review, the Percy Hedley Foundation will arrange for an independent panel to review the decision of the Local Adviser Committee not to reinstate a permanently excluded young person.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Local Adviser Committee of its decision to not reinstate a young person.

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A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school trustees' category and 2 members will come from the HT category

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a trustee or volunteer.
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or HTs during this time.
- HTs or individuals who have been a HT within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of the LA/Percy Hedley Foundation, or trustee/committee member of the excluding school.
- Are the HT of the excluding school, or have held this position in the last 5 years.
- Are an employee of the LA/Percy Hedley Foundation or the board of trustees, of the excluding school (unless they are employed as a HT at another school)
- Have, or at any time have had, any connection with the LA/Percy Hedley Foundation, school, Board of Trustees, parents or young person, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trustees' decision.
- Recommend that the Standards Committee reconsiders reinstatement.
- Quash the Standards Committee's' 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.

School registers

A young person'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 young person 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 Local Advisory Committee will wait until that review has concluded before removing a young person's name from the register.

Where alternative provision has been made for an excluded young person and they attend it, code B (education offsite) or code D (dual registration) will be used on the attendance register.

Where excluded young people are not attending alternative provision, code E (absent) will be used.

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Returning from a suspension

Following suspension, a re-integration meeting will be held involving the young person, parents, a senior colleague and other Foundation colleagues, where appropriate.

The following measures may be implemented when a young person returns from a suspension:

- Agreeing a behaviour plan-

Every effort will be made to ensure young people are involved in this process or where a young person does not have capacity to understand the plan the multi professional team around the child will be involved as advocates.

- Accessing intervention
- Close supervision

Review of Pastoral Planning with the team around the child using the “solution circle” approach and ensuring the “voice of the child” is considered.

6. Monitoring and Compliance

Monitoring arrangements

The Headteacher monitors the number of exclusions during each term and reports back to the Director for Education, Local Advisory Committee, and Trustees on a regular basis. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Northern Counties School every 2 years or sooner if legislation changes. At every review, the policy will be shared with the Board of Trustees.

7. Associated Policies and References

Link: <https://www.gov.uk/government/publications/school-exclusion>

- Positive Behaviour Support Policy (PHF Policy)
- Local Approaches to behaviour and exclusion
- Anti-Bullying Policy

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