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Document title:		Millbank Academy Exclusion Policy	
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Version number:		V1	
Date created:		30.09.2017	
Date approved:			
Approved by:			
Review information:			
Last internal review:			
Last review by Governors/Directors:			
DOCUMENT HISTORY			
Version	Date	Author	Note of revisions

MILLBANK ACADEMY

EXCLUSIONS POLICY

The procedure governing exclusion is contained in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012* and *Exclusion from maintained schools, academies and pupil referral units in England (September 2017)*.

Exclusion means that a pupil does not attend school for a certain period of time (fixed term exclusion), or even permanently (permanent exclusion). Pupils can only be excluded for a disciplinary reason, and exclusion is 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 decision to exclude:

Only the Head teacher has the power to exclude, although in her absence of more than one day this power is delegated to the Deputy Head teacher.

The procedure for exclusion:

1. The Head teacher investigates the incident.
2. A phone call is made to parents asking them to come to the school. Provision for translation must be made if parents do not have a good understanding of English.
3. A letter (in translation if needed) is prepared, informing parents of the reasons for exclusion and the length of time of exclusion.
4. Governors, Future Academies and Westminster LA must be informed of the exclusion.
5. Parents have the right to request a review: Parents and local authorities must be notified about all exclusions and are able to ask for certain exclusions to be reviewed by Future Academies or the Local Advisory Board. This will involve reviewing the decision of the headteacher, and considering the outcome of any independent review panel hearing.

Independent review panels

When requested by a parent, Future Academies is responsible for arranging an independent review panel to consider the decision of Millbank governing body to uphold a permanent exclusion. Future Academies will also need to appoint a special educational needs (SEN) expert to advise the panel, where requested by a parent. This applies even if the child is not recognised as having SEN by the school.

The independent review panel is able to uphold the decision to permanently exclude a pupil; recommend that the governing body reconsider its decision; or direct the governing body to reconsider its decision. A direction to reconsider will be limited to circumstances where a panel decides that the school has acted illegally, irrationally or in a procedurally flawed manner that has led to injustice.

Millbank must provide full-time suitable education from the sixth day of a fixed period exclusion. This provision should be off site.

Westminster Local Authority must provide full-time suitable education for all pupils permanently excluded from the sixth day of exclusion.

Equality Act

The duty under the Equality Act 2010 not to discriminate will be taken into account when taking a decision on whether to exclude a pupil. Millbank Academy's policies, such as the Behaviour Policy, do not discriminate against pupils by unfairly increasing their risk of exclusion.

Where a parent alleges discrimination in relation to a fixed period or permanent exclusion, they are able to make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).

September 2017