



BEP Group: Policy Pack

staff, volunteers, learners & consultants



Exclusions Policy and Procedure

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1. Introduction

- 1.1. This policy is designed to outline the school's approach to exclusions within the statutory framework as defined in the "The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012".
- 1.2. It outlines only where the academy applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

2. Principles

- 2.1. Exclusion is a sanction used by the academy only in cases deemed as serious breaches of the Academy Behaviour Policy. A student may be at risk of exclusion from school for:
 - 2.1.1. Verbal or physical assault of a student or adult
 - 2.1.2. Persistent and repetitive disruption of lessons and other students' learning
 - 2.1.3. Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.
- 2.2. A Fixed Term Exclusion from the school can only be authorised by the Executive Headteacher (Chief Executive), Principal, or Vice Principal, acting on delegated authority. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.
- 2.3. In the case of a Permanent Exclusion this can only be authorised by the Executive Headteacher or the Principal.
- 2.4. The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.
- 2.5. The school regularly monitors the number of Fixed Term Exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.
- 2.6. A decision to exclude a student will only be taken:
 - 2.6.1. In response to serious breaches of the Academy's Behaviour, Rewards, Strategies and Sanctions Policies if allowing the student to remain in school would seriously harm the learning or welfare of the student, other students or staff in the Academy
 - 2.6.2. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]
- 2.7. Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

3. Responsibilities of the Executive Headteacher and Principal

- 3.1. In considering the exclusion of a student, the senior manager should ensure that the following range of activities are carried out:
 - 3.1.1. Undertake a thorough investigation
 - 3.1.2. Consider all the relevant facts and firm evidence to support the allegations
 - 3.1.3. Take into account the Academy's Behaviour Policy
 - 3.1.4. Check whether an incident appeared to be provoked by racial, sexual or other form of harassment
 - 3.1.5. Ensure that all students involved have the opportunity to give their version of events.
 - 3.1.6. Consult other people or agencies except where they may be involved in any review of the exclusion.
 - 3.1.7. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the school.
- 3.2. Before deciding to exclude a student permanently the Executive Headteacher and/or Principal will first try a range of strategies as outlined in the Behaviour Policy, including fixed term exclusion.
- 3.3. Only when other strategies have been tried without success will permanent exclusion be considered, except, or notwithstanding, where a one-off incident of sufficient gravity has taken place.
- 3.4. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.
- 3.5. A student may be excluded for up to 45 school days in any academic year.
- 3.6. Any exclusion beyond 45 school days will be permanent.
- 3.7. However, before that point is reached the Executive Headteacher and/or Principal will have held discussions with the 'Home' School regarding alternative placements and a 'managed move'.
- 3.8. We will aim for the shortest possible period of exclusion but however brief, an exclusion plan will be made to:
 - 3.8.1. Enable the student to continue their education
 - 3.8.2. Use the time to address the student's problems; examine the process of reintegration.

4. Informing Parent(s)/carer(s) about the Exclusion

- 4.1. Parents/carers will be notified as soon as possible of the decision to exclude a student and the reason for the exclusion.
- 4.2. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting.
- 4.3. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day which will include details of where a copy of the Exclusion Policy can be obtained from if required.
- 4.4. If the school wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the school will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above.
- 4.5. Where exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.
- 4.6. A student who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour. This may need further clarification at the reintegration meeting.

5. Students Returning from a Fixed Term Exclusion

- 5.1. All students returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between student, parent and school.
- 5.2. It may also be relevant to complete a risk assessment at this meeting.
- 5.3. In some incidents, on the return from a Fixed Term Exclusion students will be required to attend Seclusion within the school so that a phased reintegration of the student can take place.

6. Appeals

- 6.1. All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Trustees against the decision to exclude.
- 6.2. This procedure is clearly set out in the statutory guidance.
- 6.3. The person who should be contacted to initiate an appeal is the Chair of Trustees.

7. Responsibilities of the Trustees

- 7.1. The Trustees will establish a nominated person and when the need arises an Independent Review Panel.
- 7.2. The Trustees will establish a Discipline Committee.
- 7.3. The Board of Trustees do not have the right to exclude a student.
- 7.4. The Board of Trustees will review the use of exclusion in the Academy regularly.

- 7.5. The Executive Headteacher will inform the nominated trustee of:
 - 7.5.1. All permanent exclusions
 - 7.5.2. All exclusions which result, separately or in total, in the student missing more than five school days in any one term, or which deny students the chance to take a public examination

8. The Role of the Board of Trustees in Permanent Exclusion Cases

- 8.1. The Trustees will review the use of exclusion within The Academy, including considering the views of the Parent(s)/carer(s) of an excluded student, and deciding whether or not to confirm exclusions of more than five academy days or those where a student would miss an opportunity to take a public examination.
- 8.2. The Trustees will appoint a clerk to provide support on the exclusions process and to handle the administrative arrangements for considering exclusions.
- 8.3. If the exclusion is for five academy days or fewer the Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s). If the exclusion causes the student to miss sitting a public examination the Committee will meet before the public examination.
- 8.4. Where a public examination is concerned, if it is not practical for the Committee to meet, the Chair of the Committee will consider the exclusion.
- 8.5. Alternative arrangements to allow an excluded student to take public examinations will be considered.
- 8.6. The Trustees must meet in cases of:
 - 8.6.1. Permanent exclusions
 - 8.6.2. Fixed term exclusions that have been converted to permanent exclusions
 - 8.6.3. Exclusions which would result in the loss of an opportunity to take any public examination.
- 8.7. The Trustees must meet to:
 - 8.7.1. Consider the circumstances in which the student was excluded
 - 8.7.2. Consider any representations about the exclusion made by the parent
 - 8.7.3. Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.
- 8.8. For permanent exclusion, the Trustees should normally satisfy itself that all possible strategies to improve a student's behaviour were tried without success.
- 8.9. The Trustees may not attach conditions to the reinstatement of a student.
- 8.10. If the Trustees upholds the decision to exclude a student permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in The School Discipline (Pupil Exclusions and

Reviews) (England) Regulations 2012.

- 8.11. If the Trustees uphold a decision to exclude a student permanently it will notify the 'home school' in writing of this decision within one school day of the hearing.

9. After the meeting – Permanent Exclusions

- 9.1. A note of the Trustees views on the exclusion shall normally be placed on the student's record with a copy of the exclusion letter.
- 9.2. Parent(s)/carer(s) whose child is excluded permanently from the school have the right to appeal against the Trustees decision to uphold the exclusion. This should follow statutory guidelines as set out in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

10. Independent Review Hearings

- 10.1. If applied for by parents within the legal time frame (15 days), the school will arrange for an Independent Review Panel hearing to review the decision of a Trustees not to reinstate a permanently excluded student.
- 10.2. Any application made outside the legal time frame will be rejected by the school.
- 10.3. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the Board of Trustees made their decision
- 10.4. All arrangements for the Independent review hearing will be made by the school or the organisation commissioned by the school to manage this process on their behalf and this includes:
 - 10.4.1. establishing an Independent Review Panel which complies with DfE regulations
 - 10.4.2. Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the school)
 - 10.4.3. Appointing an independent Clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter.
 - 10.4.4. The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions
 - 10.4.5. Where it has been requested, arrange for a SEN expert to attend the review hearing
- 10.5. The role of the panel is to review the Trustees's decision not to reinstate a permanently excluded student.
- 10.6. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the Academy.

- 10.7. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"
- 10.8. Following its review the panel can decide to:
 - 10.8.1. Uphold the exclusion decision
 - 10.8.2. Recommend that the Trustees reconsiders their decision or,
 - 10.8.3. Quash the decision and direct the Trustees to consider the exclusion again
- 10.9. The decision of the Independent Review Panel is binding on the; student, parents, Trustees, and the school.
- 10.10. New supporting evidence may be presented to the panel but the school may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced
- 10.11. Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion
- 10.12. Members of the Academy Permanent Exclusion Committee and Academy presenting team will be invited to attend the hearing to present their case to the panel
- 10.13. As with the Trustees exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present the case will be heard in their absence
- 10.14. A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.
- 10.15. Following the review, the panel must issue written notification to all parties without delay. This notification must include:-
 - 10.15.1. The panel's decision and the reason for it
 - 10.15.2. Where relevant, details of any financial payment to be made if the Trustees subsequently decides not to offer to reinstate a student
 - 10.15.3. Any information that must be recorded on the student's educational record to reflect the decision
 - 10.15.4. If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the school, the student's "home local authority".

11. Monitoring and Review

- 11.1. The impact of this policy will be reviewed annually.