



Exclusions Policy

This is a Trust-Wide Schools Policy

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Owner of Policy:

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Authorised By:

Executive
Management team

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Distribution:

All Teaching and
Leadership Staff

Exclusions Policy

At BFET, we aim to promote inclusion for all our pupils and we are committed to the recognition of the equal value of every pupil. Exclusions of pupils from a school, whether fixed term or permanent, are damaging to the pupil and the school community. Consequently, this policy is underpinned by the shared commitment of all members of the trust community to achieve the following two important aims:

- To ensure the safety and well-being of all members of the trust and to maintain an appropriate educational environment in which all can learn and succeed
- That all academies seek to avoid exclusions unless considered absolutely necessary.

What is this Policy for?

This policy is intended as guidance for all staff including governors and follows the guidance from the DfE 'Exclusion from maintained schools, academies and pupil referral units in England (September 2017)'. This policy should be read in conjunction with the school's own policies for:

- Teaching and learning
- Special educational needs
- Equal opportunities
- Health and safety
- Behaviour
- Safeguarding

This policy provides all staff with a clear framework to enable the effective handling of pupil exclusion issues and to inform all stakeholders of the procedures.

Who is this policy for?

All staff, governors and parents/carers

1. When would an exclusion be used

Exclusion would normally be used:

- For a major first offence, such as serious actual or threatened violence, criminal damage to school property, sexual abuse or assault, supplying banned substances or carrying an offensive weapon.
- Where allowing a pupil to remain in school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff or to the pupil themselves.
- More usually it follows a series of breaches of the school's disciplinary code and after a range of strategies to resolve the pupil's disciplinary problems have been tried and have failed persistently.

- When the behaviour of pupils outside school is such that it can be considered as grounds for exclusion. This may include behaviour on school trips, behaviour when in uniform or on the way to and from school and behaviour which may bring the school into disrepute.

2. Principles of the Exclusions Policy

A fixed term exclusion from the academy can only be authorised by the Principal or the Vice Principal acting on their behalf. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available. In the case of a permanent exclusion this can only be authorised by the Principal. This decision may not be delegated to anyone else.

Any decision the Principal makes to exclude a pupil must be;

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate.

If the Principal decides to exclude a pupil, they will always ensure that there is sufficient recorded evidence to support the decision. All the evidence must be very carefully assessed and collated. Records will be kept of all exclusion proceedings for any permanent exclusion.

When considering exclusion, the Principal will take into account;

- Possible short term mitigating circumstances such as bereavement, mental health issues etc.
- Whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g. pupils with SEN, FSM pupils; looked after children; certain ethnic groups; Traveller children) and whether all preventative strategies have been fully utilised.
- Principals should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.
- Whether a pupil has already had a number of fixed term exclusions which appear to be ineffective.
- Where a pupil is approaching the legal limit of 45 school days of fixed-period exclusion in an academic year, the Principal should also consider whether exclusion is providing an effective sanction.

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. Exclusion will never be used informally or unofficially. This is against the law. We will take care to ensure that a decision to exclude does not involve any kind of discrimination as defined by the Equality Act 2010.

3. Notification of an exclusion

Parents/carers will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents/carers the same day. Notice of an exclusion can be given electronically if the parents/carers have given written agreement for this type of notice to be sent in this way.

In the case of a permanent exclusion parents/carers will be notified by the Principal in a face-to-face meeting.

A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff, in a way that they can understand, so that they understand the nature of their misbehaviour and the reason for the exclusion.

The academy will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the academy, parents/carers, if appropriate, and any other appropriate bodies e.g. CAMHs, social care. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the academy will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an exclusion, the pupil will be able to return to academy and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

Relevant academy staff will be notified of all fixed term exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

In cases of more than a day's exclusion, the academy will ensure that appropriate work is set and that arrangements are in place for it to be marked.

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

It is the academy's duty to arrange education from the sixth day of a fixed period exclusion. This would be triggered by consecutive fixed period exclusions totalling more than five days. The Principal must by law inform the parents/carers of the following information where it can reasonably be found out within the timescale:

- start date for any provision of full-time education that has been arranged for the pupil during the exclusion
- start and finish times of any such provision, including the times for morning and afternoon sessions where relevant
- address at which the provision will take place

- any information required by the pupil 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 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

4. Action following an exclusion

Following any exclusion of whatever type or duration, the Principal will:
Inform the parents/carers of the period and nature of the exclusion, clearly outlining the reason for the exclusion. Parents/carers should always be advised about rights of representation about the exclusion to the governing body and how these representations may be made.

This information will be put in writing and will be sent either by e-mail, by text, by delivering a letter directly to the parents/carers, leaving it at their last known address or by posting it to this address. The information can also legally be sent home with the excluded pupil, but in this case, the academy will always send a duplicate copy by a reliable alternative method. The information provided to parents/carers will be clear and free of unnecessary jargon. Where the excluded pupil is of compulsory school age, the school will also notify parents/carers without delay, and at the latest by the end of the afternoon session, that for the first five days of an exclusion they are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice if they fail to do so.

When notifying parents about an exclusion, the head teacher should draw attention to relevant sources of free and impartial information. This information should include:

- a link to this statutory guidance on exclusions (<https://www.gov.uk/government/publications/school-exclusion>)
- a link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.aced.org.uk>) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time)
- where considered relevant by the Principal, links to local services.

If a pupil is excluded for a further fixed-period following their original exclusion, or is subsequently permanently excluded, the Principal must inform parents/carers without delay and issue a new exclusion notice to parents/carers.

All pupils returning from a fixed term exclusion are required to attend a reintegration meeting, accompanied by a parent/carer. This meeting will seek to establish practical ways

in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent/carer and academy.

At every stage, it is the Principal's responsibility to ensure that information provided to parents/carers is clear and easily understood. Where the parents'/carers' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood.

5. Informing other agencies/bodies

For any exclusion of more than five days, be it in a single block of days, an accumulation of short exclusions of more than five days in any one term, or a permanent exclusion, the Principal will also:

- notify the Local Authority (LA) giving the details of the exclusion and reasons for it.
- notify the governing body giving the same details.
- For a permanent exclusion, if the pupil lives outside the local authority in which the school is located, the Principal must also inform the 'home authority' of the exclusion without delay.
- If any exclusion of even one day would cause a pupil to miss a public examination, the Principal will inform the LA and the governing body. Schools should try and avoid this situation from occurring.

6. The role of the governing body

The governing body for each academy will be fully informed and involved with these procedures. The Principal will inform the governing body and LA within one school day of any permanent exclusions, exclusions longer than five school days or more than 10 lunchtimes in a term, and those which will result in a pupil missing a public examination.

7. Procedure for Appeal

The governing body has a duty to consider the parents'/carers' representations about an exclusion. If the pupil is aged 18 or over, they may represent themselves, provided there is parental agreement.

All correspondence regarding an exclusion from the academy will inform parents/carers of their right to appeal to the governing body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the governors.

The governing body must consider the reinstatement of an excluded pupil within 15 working days of receiving the notice of the exclusion if the exclusion is permanent, it is a fixed term exclusion which would bring the pupils total number of school days of exclusion

to more than 15 in one term or it would result in a pupil missing a public examination. The governing body must also consider the reinstatement of an excluded pupil within 50 school days of receiving notification of the exclusion if a pupil would be excluded for more than 5 school days, but not more than 15 in one term.

The following parties must be invited to a meeting of the governing body and allowed to make representations:

- parents/carers (and, where requested, a representative or friend);
- the Principal.

In view of their consideration, the Governing Body can uphold an exclusion or direct reinstatement of the pupil immediately or on a particular date.

Access arrangements will be put in place by the school to ensure that families who have English as an additional language can access the information and provide representation at the appeal.

8. Independent Review Panel

Each academy will advise parents/carers that they can request a review of the decision by the governor's committee to uphold a permanent exclusion.

The trust is responsible for managing and training independent panels concerning cases of permanent exclusion. The purpose of the Independent Review Panel is to review the decision of the governing body rather than the initial decision of the Principal.

An independent panel must always make one of three fundamental decisions:

- it must uphold the governing board's decision;
- recommend reconsideration;
- quash the decision.

The trust must ensure that all panel members and clerks have received training within the two years prior to the date of the review.

The academy will follow the guidance as set out in the DfE statutory guidance September 2017 on the appointment of the panel members, training and role of the independent review panel.

9. Review and monitoring

The impact of this policy will be reviewed by the local governing bodies and the Trust's Executive Management team. The policy and procedures will be reviewed and amended in the light of such evaluation, in consultation with representatives of all key stakeholders and will reflect the statutory guidance.

Appendix A: Template letter for a fixed term exclusion

Dear,

I am writing to inform you of my decision to exclude **(Name of child)** for a fixed period of **(length of exclusion)** day/s. This means that **he/she** will not be allowed in school for this period. The exclusion begins on **(start date for the exclusion)** and ends on **(end date for the exclusion)**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **(name of child)** has not been taken lightly. **(Name of child)** has been excluded for this fixed period because **he/she – reason to be explained**

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on **(date)** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified date. If so, it will be for you to show reasonable justification.

(Name of child) will be given work which **he/she** should complete during specified in the previous paragraph.

You have the right to make representations about this decision to the governing body. If you wish to make representations please contact **(Name of the clerk to the governing body, email address and school address)**. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your son's/daughter's school record.

You and **(Name of child)** are invited to attend a reintegration interview with me at **(Name of school)** on **(date and time)**. The purpose of the reintegration interview is to discuss how best your **son/daughter's** return to school can be managed.

You also have the right to see a copy of your **son/daughter's** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of your **son/daughter's** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

We expect **(Name of child)** to be back in school following the reintegration meeting on **(date)**.

Yours sincerely

Principal

Appendix B: Template letter for a permanent exclusion

Dear *[Parent's Name]*

I regret to inform you of my decision to permanently exclude *[Child's Name]* with effect from *[date]*. This means that *[Child's Name]* will not be allowed in school unless he/she is reinstated by the governing body/the discipline committee.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude *[Child's Name]* has not been taken lightly. *[Child's Name]* has been excluded because *[specify full reasons for exclusion — include any other relevant previous history]*.

[For pupils of compulsory school age]

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, specifically *[specify dates]*. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the dates above without reasonable justification. It will be for you to show that there is reasonable justification for this.

[For pupils of compulsory school age]

Alternative arrangements for *[Child's Name]*'s education to continue will be made. For the first five school days of the exclusion we will set work for *[Child's Name]* and would ask you to ensure this work is completed and returned promptly to school for marking **[this may be different if supervised education is being provided earlier than the sixth day]**. From the sixth school day of the exclusion onwards — i.e. from *[specify the date]* the local authority **[give the name of the authority]** will arrange education provision. **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]**

[For pupils of compulsory school age where the pupil lives in a local authority other than the excluding school's local authority]

I have also today informed *[name of officer]* at *[name of local authority]* of your child's exclusion and they will be in touch with you about arrangements for his/her education from the sixth school day of exclusion. You can contact them at **[give contact details]**.

As this is a permanent exclusion the governing body must meet to consider it. You may make representations to the governing body at the review meeting, if you wish, and ask them to reinstate your child. The governing body have the power to reinstate your child immediately or from a specified date, or, alternatively, they have the power to uphold the exclusion in which case you may request that the decision be reviewed by an Independent Review Panel. The latest date by which the governing body must meet is **[specify the date — the 15th school day after the date on which the governing body was notified of the exclusion]**. If you wish to make representations to the governing body and would like to be accompanied by a friend or representative please contact **[name of contact] on/at [contact details — address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the governing body of

the time, date and location of the meeting. Please let us know if you have a disability or special needs that would affect your ability to attend the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals>. Making a claim would not affect your right to make representations to the governing body/management committee.

You have the right to see a copy of **[Name of Child]**'s school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of **[Name of Child]**'s school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

The following sources of information are available to you:

For general advice on the exclusions process you may contact the **(LA team telephone number and email address)**. The Department for Education statutory exclusions guidance can be found at