



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

Exclusions Policy

This is a Trust-Wide Schools Policy

Date of Policy Approval:

**18 December 2017
Reviewed Jan 2020**

Owner of Policy:

**Director of
Education**

Authorised By:

Executive Team

Policy Review Date

Jan 2021

Distribution:

**All Staff
Website**

EXCLUSIONS POLICY

Bright Futures Educational Trust's (BFET or the Trust) Strategy underpins all aspects of this policy and the way in which it will be applied. The elements of the strategy that apply particularly are:

Our vision: the best for everyone and the best from everyone.

Two of our values: Integrity: We do the right things for the right reasons. Passion: We take responsibility, work hard and have high aspirations.

Our commitments: Supportive, challenging and fair; strong governance and accountability, united behind decisions and effective communication.

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. It is felt that exclusions of pupils from a school, whether fixed term or permanent, are damaging to 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:

- The first is 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.
- The second is 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 and 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 academy'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.

Please refer to The DfE guidance 'Exclusions from Maintained schools, academies and pupil referral units in England, Sept 2017' <https://www.gov.uk/government/publications/school-exclusion>

Exclusions Policy – Brief overview

This information is set out in statutory guidance from the Department for Education (DfE) which applies to all maintained schools, academies, and pupil referral units in England. The summary contained on page 2 and the top of page 3 does not form part of the exclusion policy and is merely to serve as a useful summary. Nothing in this summary is intended to override the provisions of the policy, which are contained from page 3 onwards of this document.

The school's exclusion procedure consists of different stages:

Stage 1: Decision to exclude

A decision to exclude must be lawful, reasonable, fair, rational and proportionate. For a fixed term exclusion this would normally be used for:

- A first serious offence
- The welfare of other pupils, staff, or the pupil themselves is at risk
- When the behaviour of the pupil outside the school is such that it can be considered grounds for exclusion

A decision to permanently exclude a pupil will be taken:

- In response to a serious breach, or persistent breaches, of the school's behaviour policy;
and
- Where a pupil's behaviour means that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

A pupil may be excluded for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

Stage 2: Exclusion procedure

On excluding a pupil, the Principal must immediately notify parents of the period of the exclusion and the reasons for it. A written confirmation of the reason(s) for the exclusion will also be sent to the parents/carers on the same day.

The pupil will have the reason for their exclusion explained to them by a member of staff.

For further information about notifications of an exclusion, please refer to section 3 of this policy, on pages 4 and 5.

Stage 3: Review

Local governing body review

Some exclusions must be reviewed by the local governing body. A local governing body review must take place for the following:

- permanent exclusions;
- if the fixed term exclusion brings the total number of school days to more than 15 in one term; or
- if it would result in the pupil missing a public exam.

For the avoidance of doubt this does not include exclusions under 5 days.

For further information about reviews by the local governing body, please refer to section 7 in this policy, on pages 6 and 7.

Independent review panel – permanent exclusions

Where parents/carers dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. The panel do not have the power to reinstate the excluded pupil but it can quash a decision and direct

a governing board to reconsider or recommend reconsidering.

For further information about the independent review panel, please refer to section 8 in this policy, on pages 7 and 8.

End of overview

Who is this policy for?

All staff, governors and parents/carers

Policy Standards

General Principles

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Trust supports Principals in using exclusion as a sanction where it is warranted. However, permanent exclusion should 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.

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 academy property, sexual abuse or assault, supplying banned substances or carrying an offensive weapon.
- Where allowing a pupil to remain in the school would be seriously detrimental to the education of other pupils, to the welfare of other pupils, staff, or of 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.
- When the behaviour of pupils outside the school is such that it can be considered as grounds for exclusion

2. Principles of the Exclusions Policy

The decision to exclude a pupil must be lawful, reasonable, fair, rationale and proportionate. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. In this situation, schools should consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

Schools should have a strategy for reintegrating a pupil who returns to school following a fixed-period exclusion and for managing their future behaviour.

A fixed term exclusion from the school can only be authorised by the Principal or the Vice Principal acting on their behalf. If neither 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.

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.
- Whether a pupil has already had a number of fixed term exclusions which appear to be ineffective.

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: <https://www.gov.uk/guidance/equality-act-2010-guidance>

The Principal and governing board must comply with their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEND Code of Practice: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

For further information on the guide to the Law and the Principal's power to exclude, please see the DfE guidance <https://www.gov.uk/government/publications/school-exclusion>

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.

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 allows them to understand the nature of their misbehaviour and the reason for the exclusion.

The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, 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 school 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 school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

Relevant school 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 school will ensure that appropriate work is set and that arrangements are in place for it to be marked

It is the school'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 without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start.

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 local 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 their last known address. The information can also legally be sent home with the excluded pupil, but 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.
- 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. In such cases, the Principal

must write again to the parents/carers explaining the reasons for the change and providing any additional information required.

- 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 school.

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) and the Trust giving the details of the exclusion and reasons for it.
- Notify the local 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, the Trust and the Local Governing Body.

6. The Role of the Local Governing Body

The local governing body for each school will be fully informed and involved with these procedures. The Principal will inform the local governing body, the Trust and the 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 local governing body has a duty to consider the representations of the parents/carers 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 school will inform parents of their right to appeal to the local 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 local governing body.

The local 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, if 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 local 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.

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

8. Independent Review Panel

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel.

An independent review panel does not have the power to direct a governing board to reinstate an excluded pupil. However, where a panel decides that a governing board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing board to reconsider its decision.

Whether or not a school recognises a pupil as having SEN, all parents have the right to request

the presence of a SEN expert at a review meeting. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil. Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and ability to understand.

The Trust is responsible for managing and training independent panels concerning cases of permanent exclusion. Independent review panel members are expected to understand the legislation that is relevant to exclusions and the legal principles that apply. The SEN expert must be someone with expertise and experience of SEN and be considered by the Trust as appropriate to perform the functions specified in the legislation.

When providing details of the role of the SEN expert in an independent review panel, the governing board should explain that there is no cost to parents for this appointment and Parents must make it clear in any application for a review if they wish for the expert to be appointed.

The panel's decision should not be influenced by any stated intention of the parents or pupil not to return to the school. If parents are not considering the reinstatement of the pupil, the panel should acknowledge this but it should not affect the conduct of the panel or its decision. The focus of the panel's decision is whether there are sufficient grounds for them to direct or recommend that the governing board reconsider its decision to uphold the exclusion. Potential outcomes can still include:

Recording the panel's findings on a pupil's educational record

An acknowledgement by the governing board that it would be appropriate for it to offer to reinstate the pupil

Where a school is going to delete a pupil's name from the admissions register because of a permanent exclusion, the school must make a return to the LA and the Trust. It must be made as soon as the grounds for deletion is met.

Schools should co-operate with the LA's virtual school head for exclusions of looked after children

When the governing board is considering whether a pupil should be reinstated, it should consider any evidence that was presented in relation to the decision to exclude (in addition to considering whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, rational and proportionate and whether the Principal followed their legal duties)

The school will follow the guidance as set out in the DfE statutory guidance September 2017 on the members and role of the independent review panel.
<https://www.gov.uk/government/publications/school-exclusion>

9. Review and Monitoring

The impact of this policy will be reviewed by the Executive 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

Sample Template Letter for a Fixed Term Exclusion

Dear **(Name of Parent/Carer)**

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 the time specified in the previous paragraph.

You have the right to make representations about this decision to the local governing body. If you wish to make representations, please contact **(Name of the clerk to the local governing body, email address and school address)**. Whilst the local 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's/daughter's** return to school can be managed.

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

Yours sincerely

Name of Principal
Name of Academy

APPENDIX B

Sample Template Letter for a Permanent Exclusion

Dear *[Name of Parent/Carer]*

I regret to inform you of my decision to permanently exclude *[Name of Child]* with effect from *[date]*. This means that *[Name of Child]* will not be allowed in school unless **he/she** is reinstated by the **local 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 *[Name of Child]* has not been taken lightly. *[Name of Child]* has been excluded because *[specify full reasons for exclusion — include any other relevant previous history]*.

For pupils of compulsory school age add the following two paragraphs:

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.

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 academy's local authority add the following paragraph:

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 local governing body must meet to consider it. You may make representations to the local governing body at the review meeting, if you wish, and ask them to reinstate your child. The local governing body have the power to reinstate your child immediately, 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 local governing body must meet is *[specify the date — the 15th school day after the date on which the local governing body was notified of the exclusion]*. If you wish to make representations to the local 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 local governing body of the time, date and location of 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 local governing body/management committee.

The following sources of information are available to you:

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

Yours sincerely

Name of Principal

Name of Academy