

BROCKINGTON COLLEGE



Exclusion Policy

Brockington College, a Church of England Academy, has at its heart a distinctive Christian ethos. Based on our Christian foundation and values we seek to promote a culture of developing every person and therefore every school policy is written from this perspective, with a commitment to learning and maturing in the context of communal and individual development. We lay particular stress on the Christian values of perseverance, learning, wisdom, justice, koinonia, forgiveness and compassion for individuals and across the school community.

Signature: Date:

Printed Name: Position:

Date of Review	March 2019
Next Review	March 2021
Approval By	Principal
Review Frequency	Two-yearly

Contents

1. Aims	Page 3
2. Legislation and statutory guidance	Page 3
3. Introduction	Page 3
4. Fixed period exclusion	Page 4
5. Permanent exclusion	Page 5
6. Equality Act 2010	Page 5
7. Alternatives to exclusion	Page 5
8. Lunchtime exclusion	Page 5
9. Behaviour outside school	Page 5
10. Roles and responsibilities	Page 6
11. Considering the reinstatement of a pupil	Page 7
12. An independent review	Page 8
13. School registers	Page 9
14. Returning from a fixed period exclusion	Page 9
15. Monitoring arrangements	Page 9
16. Links with other policies	Page 9

Rationale

This policy is underpinned by the commitment of all at Brockington College to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve. In this policy and the accompanying procedures the governing body aims to discharge appropriately its statutory duties as set out in The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012.

1. Aims

Our school aims to ensure that:

- the exclusions process is applied fairly and consistently
- the exclusions process is understood by governors, staff, parents/carers and pupils
- pupils in school are safe and happy
- pupils do not become NEET (not in education, employment or training).

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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](#)

This policy complies with our funding agreement and articles of association.

3. Introduction

Exclusion is an extreme sanction and is only used by the principal (or, in the absence of the principal, the vice principal who is acting in that role). Before deciding whether to exclude a pupil either permanently or for a fixed period the principal will ensure that:

- a) appropriate investigations have been carried out
- b) all the evidence available has been considered
- c) the pupil's version of events has been heard
- d) statutory guidance on exclusions, equalities policy and disability discrimination has been taken into account.

Having considered these matters, the principal will make a decision on exclusion based on the balance of probabilities established. In reaching a decision, the principal, or vice principal will look at

each case on its own merits and avoid a tariff system, ie fixing a standard penalty for a particular action, as unfair and inappropriate.

Exclusion, whether fixed period or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Management Policy:

- a) verbal abuse to staff and others
- b) verbal abuse to pupils
- c) physical abuse towards/attack on staff
- d) physical abuse towards/attack on pupils
- e) sexually abusive language and/or behaviour
- f) indecent behaviour
- g) damage to property
- h) misuse of illegal drugs or other substances including supplying
- i) theft
- j) serious actual or threatened violence against another pupil or a member of staff
- k) carrying an offensive weapon
- l) arson
- m) unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the principal makes the judgment that exclusion is an appropriate sanction. Exclusions can be either fixed period or permanent.

4. Fixed period exclusion

- a) A pupil may be excluded for one or more fixed periods, up to a maximum of 45 days in a school year.
- b) The school will make every effort to inform parents/carers of a fixed period exclusion before the end of the school session (the school office closes at 4.30 pm) by telephone, email or text.
- c) This will be followed up in all cases with an exclusion letter, which will inform parents/carers of the length of the exclusion, the reasons for the exclusion and their rights, including their right to make representations and who to contact if they wish to make representations about the exclusion.
- d) When a pupil is required to be at home, parents/carers will be advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- e) The letter will also make clear the date and time when the pupil should return to school for a reintegration meeting.
- f) The school will continue to provide education for all pupils on a fixed period exclusion and will mark the work that is completed and returned to school.
- g) The school will plan the return and reintegration into school after fixed period exclusions with parents/carers and pupils.
- h) The principal will inform the governors and local authority within one school day of any fixed period exclusions totalling more than five school days per term.
- i) The principal will inform the governors and local authority within one school day of any fixed period exclusions resulting in a pupil missing a public examination.
- j) The principal will inform the governors and local authority on a termly basis of all fixed period exclusions.
- k) The school will provide full time education from the sixth day of any period of fixed period exclusion of six days or longer.

- l) In the case of one or more fixed period exclusions totalling more than 15 school days in any one term, or where a pupil would miss a public examination, a governors' disciplinary committee meeting will be convened.

5. Permanent exclusion

- a) The decision to exclude a pupil permanently could be taken by the principal in the following circumstances:
- in response to a serious breach, or persistent breaches, of the school's Behaviour Management Policy
 - where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- b) In the case of a permanent exclusion the same process as that for fixed term exclusions will be followed except the communication will make clear that it is a permanent exclusion.
- c) The principal will inform the governors and local authority within one school day of any permanent exclusions.
- d) In the case of a permanent exclusion, a governors' disciplinary committee meeting will be convened.

6. Equality Act 2010

The school will follow the guidance on the Equality Act 2010 published by the 'Equality and Human Rights Commission' in Section 5.4 entitled 'What equality law means for you as an educational provider'.

This guidance states that whilst a "*school must not discriminate against a pupil by excluding them from school*", "*it does not mean a school cannot exclude a pupil with a protected characteristic*". The guidance recognises that "*there may be occasions when it is appropriate to exclude a pupil with a protected characteristic*", it stresses it is important that a school does not exclude "*because of the protected characteristic*".

7. Alternatives to exclusion

Brockington College works closely with the Learning South Leicestershire Inclusion Partnership. As an alternative to regular exclusion, the school will work with the partnership to provide alternative education and support designed to reduce/remove the use of exclusion. The threat of a permanent exclusion will not be used as the means to persuade parents/carers to move their child to another school.

8. Lunchtime exclusion

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. This will be treated as a half-day, fixed period exclusion and parents will have the same right to gain information and to appeal.

9. Behaviour outside school

Pupils' behaviour outside school on school "business", for example educational visits and journeys, away school sports fixtures or a work experience placement is subject to the school's Behaviour Management Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the principal may decide to exclude. Additionally, if a pupil's behaviour is felt to bring the school into disrepute during

school hours or at any point outside school hours, then the principal has the right to consider the use of exclusion from school.

10. Roles and responsibilities

THE PRINCIPAL

Informing parents/carers

The principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

- a) the reason(s) for the exclusion
- b) the length of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent
- c) information about parents' rights to make representations about the exclusion to the governing board and how the pupil may be involved in this
- d) where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first five 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/carers 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/carers of an exclusion:

- a) the start date for any provision of full-time education that has been arranged
- b) the start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- c) the address at which the provision will take place
- d) 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 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.

Informing the governing board and local authority

The principal will immediately notify the governing board and the local authority (LA) of:

- a) a permanent exclusion, including when a fixed period exclusion is made permanent
- b) exclusions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term
- c) exclusions which would result in the pupil missing a public examination

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

For all other exclusions, the principal will notify the governing board and LA once a term.

THE GOVERNING BOARD

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary with information about any exclusions in the last 12 months.

For a fixed period exclusion of more than five school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

THE LOCAL AUTHORITY

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

11. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- a) the exclusion is permanent
- b) it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- c) it would result in a pupil missing a public examination.

If requested to do so by parents, the governing board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion, if the pupil would be excluded from school for more than five school days, but less than 15, in a single term.

The governing board can either:

- d) decline to reinstate the pupil, or
- e) direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the principal 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 kept. The outcome will also be recorded on the pupil's educational record.

The governing board will notify, in writing, the principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- a) the fact that it is permanent
- b) 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 pupil's SEN are considered to be relevant to the exclusion
 - that, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the academy trust to appoint an SEN expert to attend the review
 - details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - that parents must make clear if they wish for an SEN 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
- c) 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 six months of the date on which the discrimination is alleged to have taken place

12. An independent review

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.

A panel of three or five members will be constituted with representatives from each of the categories below:

- a) a lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- b) school governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during this time
- c) headteachers or individuals who have been a headteacher within the last five years

Where a five-member panel is constituted, two members will come from the school governors' category and two members will come from the headteacher category.

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

- a) are a member/director of the academy trust, or governing board of the excluding school
- b) are the principal of the excluding school, or have held this position in the last five years
- c) are an employee of the academy trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- d) have, or at any time have had, any connection with the academy trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- e) have not had the required training within the last two years

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- a) uphold the governing board's decision
- b) recommend that the governing board reconsiders reinstatement
- c) quash the governing board'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.

13. School registers

A pupil's name will be removed from the school admissions register if:

- a) 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- b) the parents/carers 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 governing board will wait until that review has concluded before removing a pupil's name from the register.

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

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

14. Returning from a fixed period exclusion

Following a fixed period exclusion, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures are examples of what may be implemented when a pupil returns from a fixed period exclusion:

- a) Agreeing a behaviour contract
- b) Putting a pupil 'on report'
- c) Internal isolation

15. Monitoring arrangements

The principal's PA monitors the number of exclusions every term and reports back to the principal.

This policy will be reviewed by the principal every two years. At every review, the policy will be shared with the governing board.

16. Links with other policies

This exclusions policy is linked to the school:

- a) Behaviour Management Policy
- b) SEND Policy and information report.