



Unity Schools Trust

'Excellence through collaboration'

Bishop David Brown School

Exclusions Policy

Policy Reviewed:	June 2020
Next Review:	June 2021
Approved by Local Governing Body	September 2020

Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

Legislation and Statutory Guidance

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

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Student Exclusions and Reviews\) \(England\) 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

The Decision to Exclude

Only the head of school, or acting head of school, can exclude a student from school. A permanent exclusion will be taken as a last resort.

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a student, either permanently or for a fixed period, the head of school will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Internal Isolation

The Internal Exclusions Centre

The Head of Year, or a member of the Leadership Team recommends the sanction to the Head of School. The following conditions apply:

- Parents/carers will be contacted about the internal exclusion by the Head of Year, IEC manager or a member of the Leadership Team
- Student arrives at school at 8.30a.m. If the inclusion follows on from an external exclusion then a re-entry interview will take place on this first day.
- Work is provided for the student in the Internal Exclusions Room.
- Mobile phones are placed in a safe box.
- Students will only have breaks when escorted by member of staff. These breaks will normally be at different times to the rest of the school.
- Student will leave school at an agreed time after a restorative meeting with the respective member of staff.
- If a student misbehaves whilst in the Internal Exclusions Room their parents/carers will be contacted and asked to come into school to take the student home. The student will then repeat the internal exclusion on the following day. This procedure will be repeated until the student successfully completes the internal exclusion.
- If the sanction of internal exclusion proves to be ineffective then external exclusion would be considered.

Roles and Responsibilities

The Head of School

Informing Parents/Carers

The head of school will provide the following information, in writing, to the parents/carers of an excluded student:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Local Governing Body and how the student may be involved in this
- Where there is a legal requirement for the Local Governing Body to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The head of school will also notify parents/carers 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/carers 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 exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student 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 parent/carer's consent.

Informing the Local Governing Body and Local Authority (LA)

The head of school will immediately notify the Local Governing Body and LA of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

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

For all other exclusions, the head of school will notify the Local Governing Body and LA once a term.

The Local Governing Body

Responsibilities regarding exclusions is delegated to the Discipline Committee.

The Discipline Committee has a duty to consider the reinstatement of an excluded student.

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

The LA

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

Considering the Reinstatement of a Student

The Discipline Committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the Discipline committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a student missing a public examination, the Discipline Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Discipline Committee will consider the exclusion and decide whether or not to reinstate the student.

The Discipline Committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the head of school 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 student's educational record.

The Discipline Committee will notify, in writing, the head of school, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Discipline Committee's decision will also include the following:

- The fact that it is permanent
- 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Unity Schools 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
- 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 6 months of the date on which the discrimination is alleged to have taken place

An Independent Review

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Local Governing Body of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5 member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the head of school category.

- 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
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or head of schools during this time
- Head of schools or individuals who have been a head of school within the last 5 years

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

- Are a member of the Trust or Local Governing Body of the excluding school
- Are the head of school of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust, or the Local Governing Body, of the excluding school (unless they are employed as a head of school at another school)
- Have, or at any time have had, any connection with the Trust, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Local Governing Body's decision
- Recommend that the Local Governing Body reconsiders reinstatement
- Quash the Local Governing Body'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.

School Registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents 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 Local Governing Body will wait until that review has concluded before removing a student's name from the register.

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

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

Returning From a Fixed-Term Exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal exclusion

Monitoring arrangements

The Assistant Head of School (Pastoral) monitors the number of exclusions every term and reports back to the Student Experience Committee. They also liaise with the LA to ensure suitable full-time education for excluded students.

Appendix 1

Independent Review Panel Training

The Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of head of schools, local governing bodies and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Thresholds for Exclusion

	Threshold for permanent exclusion not met	Threshold for Permanent Exclusion met
Drugs & Alcohol (DA)	<p>First offence of bringing a quantity of prohibited, toxic or harmful substances for personal use.</p> <p>Any situation in which the school cannot evidence that the education and/or the wellbeing of other students in the school has been directly compromised.</p> <p>Arriving to school in an intoxicated state as a first offence.</p> <p>First offence of bringing alcohol onto school site</p> <p>For all matters relating to drugs in school it is suggested that Headteachers refer to: DfE and ACPO Guidance on Drugs in Schools</p>	<p>Evidence of supply (selling, dealing or sharing) or intent to supply a quantity of drugs, money, statements from pupils suggesting they were offered drugs / coerced into partaking.</p> <p>Bringing Class A drugs (Cocaine, Crack Cocaine, Ecstasy/MDMA, Heroin, Lysergic Acid Diethylamide (LSD), Magic Mushrooms, Methadone, Crystal Meth) on to the school site.</p> <p>Second offence of bringing a quantity of prohibited, toxic or harmful substances for personal use.</p> <p>Second offence of arriving to school in an intoxicated state.</p> <p>Second offence of bringing alcohol on to school site.</p> <p>Evidence of supply / coercing other pupils to drink alcohol.</p> <p>For all matters relating to drugs in school it is suggested that Headteachers refer to: DfE and ACPO Guidance on Drugs in Schools</p>
Bullying (BU)	<p>Parental pressure to have the child excluded. Low level unpleasant behaviour to others where evidence exists that it is not targeted towards one specific person or group.</p> <p>Altercations between friendship groups.</p> <p>Falling out between friends.</p> <p>Where there is evidence the child has experienced significant trauma, abuse or neglect and behaviour stems from familial risks/disrupted attachment and targeted or specialist intervention has not been tried – the school need to be curious about what lies behind the behaviour</p>	<p>Evidence of repeated and targeted, verbal, physical, emotional or cyber bullying incidents, directed towards one person or a specific group of individuals</p> <p>Where interventions such as restorative practices have been tried and the behaviour has not ceased</p> <p>Evidence for bullying will need to be more in line with the evidence usually needed to support an exclusion for persistent disruptive behaviour.</p> <p>A conversation with the Area Inclusion Manager is advised, as some of these incidents may overlap with verbal abuse/threatening behaviour.</p>
Damage (DM)	<p>Accidental damage to school or personal property of others.</p> <p>Where there is evidence the child has experienced significant trauma, abuse or neglect and behaviour stems from familial risks/disrupted attachment and targeted or specialist intervention has not been tried – the school need to be curious about what lies behind the behaviour</p>	<p>Excessive, purposeful damage to school or personal property that school can evidence directly affects the wellbeing of others or causes disruption to the learning of others.</p> <p>Arson</p>

Racial abuse (RA)	First offence of deliberate and malicious racial abuse towards staff or pupils where documented evidence is available.	Repeated offences of deliberate and malicious racial abuse towards staff or pupils where documented evidence is available.
Physical assault pupil/adult (PP or PA)	Any assault that may have been as a result of provocation, resulting in injuries that do not require external medical attention.	<p>Purposeful and unprovoked physical assault against staff or pupils that results in the victim requiring external medical treatment. It has to be significant injury to meet threshold for a serious one-off incident. The wishes and feelings of the victim should be considered and restorative approaches should also be considered first. Headteachers should refer to DfE's Keeping Children Safe in Education Guidance 2019</p> <p>Repeated and unprovoked less serious attacks on others.</p> <p>Clarity needs to be provided around the events that led to the incident. For children with SEN, there needs to be evidence of all reasonable adjustments made by the school.</p>
Verbal abuse/threatening behaviour against pupil/adult (VP or VA)	One-off incident of threatening or abusive behaviour. Not including threats of violence with weapons.	<p>Persistent use of threatening and/or abusive behaviour against staff or pupils where intervention has been tried to address the behaviour.</p> <p>Use of any weapon to threaten or intimidate. Weapons include any implement that could cause harm or serious injury</p>
Persistent Disruptive Behaviour (DB)	Not low level behaviour or issues	<p>There has to be a high number of Fixed Period Exclusions/ internal exclusions evidenced Persistent Disruptive Behaviours (disrupting lessons, taking up staff time, comprehensive log of disruption, regular sanctions that affect the education and or/wellbeing of others in the school. Schools will need to log evidence of incidents and comprehensive information around appropriate support that has been put in place to support the child.</p> <p>PEX should be a last resort and therefore evidence of strategies tried to prevent a permanent exclusion (i.e. Fixed Period Exclusions, Managed Move, intervention at a PRU) should be recorded.</p>
Sexual Misconduct (SM)	<p>For cases of sexual misconduct, a conversation needs to be had with Area Inclusion Manager to discuss the circumstances around the incident(s) in order to agree an appropriate course of action.</p> <p>For violent and sexually harmful behaviours headteachers should refer to DfE's Keeping Children Safe in Education Guidance 2019 (Part 5)</p> <p>Where there is an internal or external investigation being carried out, it is not necessary for pupils to be excluded from site. We would advise that a robust risk assessment is completed for all pupils involved. Consideration will also need to be made as to whether referrals are made/ advice sought from the Single Point of Access and Assessment Consultation Therapy Team.</p>	
Theft (TH)	Theft is a criminal offence, however each incident will need to be dealt with in its own merit. Schools need to take in to account the following; the age of the child, aptitude of the child, familial circumstances for the child, items that have been stolen, evidence available.	
Other (OT)	For any other behaviour that you feel warrants a permanent exclusion as a serious one-off incident that is not covered by the codes above please contact your Area Inclusion Manager.	

Surrey County Council Inclusion Service, Permanent exclusion of pupils, Guidance for Surrey Schools