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**POLICY**

**EXCLUSIONS [2023]**

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| **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 pupils * pupils in school are safe and happy * pupils do not become NEET (not in education, employment or training) |
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| **Legislation and Statutory Guidance**  This policy is based on the latest statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) May 2023  It is also based on the following:   * the Education Act 2002, as amended by the Education Act 2011; * the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012; * the Education and Inspections Act 2006; * the Education Act 1996; and * 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.   **The Decision to Suspend or Exclude**  Only the Principal, Headteacher or Deputy Headteacher in their absence can Suspend or Exclude a pupil from school.  A decision to permanently exclude a pupil will be taken only:   * In response to serious or persistent breaches of the school’s behaviour policy, **and** * If allowing the pupil to remain in school would seriously harm the education or welfare of others   Before deciding whether to exclude a pupil, either permanently or for a fixed period suspension the Principal/Headteacher will:   * Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/ exclusion were provoked * Allow the pupil to give their version of events * Consider if the pupil has special educational needs (SEND) * Consider whether the incident in any way links with a protected characteristics under the Equality Act 2010     Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:  “…the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”  We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.  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. We will not discriminate against pupils based on protected characteristics, such as disability or race.  The academy will make reasonable adjustments for managing behaviour which is related to a pupil’s disability or educational need. Where exclusion needs to be considered, the academy will ensure that a pupil with a disability is able to present their case where the disability might hinder  this.  We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil’s behaviour, we will try to identify whether there are any causal factors and try to intervene early in order to reduce the need for initial and subsequent suspensions.  The Principal/Headteacher may withdraw an exclusion that has not been reviewed by the governing body. They will notify parents and the governing body of any such instances and will offer the parents/carer a meeting to discuss the circumstances that led to the suspension/ exclusion being cancelled.  The Principal/ Headteacher may direct a pupil off-site for education to improve their behaviour. This is designed as a short-term measure that may be employed as part of the academy's behaviour management strategy and is not an exclusion.  The Principal/ Headteacher may suggest a ‘managed move’ to another setting for a pupil, as a fresh start and a strategy to improve behaviour. Where this occurs, it will be with the consent of the parties involved, including the parents and the admission authority of the receiving school. The threat of exclusion will not be used to influence parents to remove their child from the school.  **4. Definition**  For the purposes of exclusions, a 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  **5. Roles and Responsibilities**  5.1 The Principal/ Headteacher  Informing Parents, Social Workers and Virtual School Heads. The Principal/ Headteacher will immediately provide the following information, in writing, to the parents (and/or social worker or Virtual School Head, if applicable) of a suspended or excluded pupil:   * the reason(s) for the suspension or permanent exclusion. * the period of a suspension or, for a permanent exclusion, the fact that it is permanent. * Where there is a legal requirement for the governing body 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 Headteacher or designated member of staff will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 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 may be given a fixed penalty notice or prosecuted if they fail to do this.  Headteachers will take the pupil’s views into account when taking the decision to exclude, unless it would be inappropriate to do so in the circumstances. They will inform the pupil about how their views, have been factored into the decision taken.  If alternative provision is being arranged, the following information will be included when notifying parents of an 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 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 Body and Local Authority (LA)**  The Headteacher or designated member of staff will immediately notify the local authority of every suspension and permanent exclusion, regardless of its length.  In addition, the Headteacher will notify the Chair of Governors of the following:   * All fixed term suspensions * A permanent exclusion, including when a suspension is made permanent. * Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes/sessions) in a term. * exclusions which would result in the pupil missing a public examination.   For permanent exclusions, the Principal/Headteacher will inform the CEO of TCAT  For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil’s ‘home authority’ of the exclusion, and the reason(s) for it, without delay.  All suspensions and exclusions will be reported termly to the Governing Body.  **5.2 The Governing body**  Responsibilities regarding exclusion appeals and request for representation is delegated to Bridgewater High School’s Disciplinary Committee Governing Body consisting of at least 3 governors. The panel will be convened as and when is required in the circumstances of:   * The request of parents to make representations to the Governing Body * The pupil’s current exclusion takes them to 15 days within the academic year * The Headteacher/Principal has made the decision to Permanently exclude the pupil * Request has been made to the school that an excluded pupil is re-instated.   Provision does not have to be made for pupils in the final year of compulsory education who do not have any further public examinations to sit.  **5.3 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. Where the exclusion relates to a looked after child, the academy will work with the local authority to arrange alternative provision from the first day following the exclusion.  **6. Considering the reinstatement of a pupil**  The exclusions panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:   * The exclusion is permanent * It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term * It would result in a pupil missing a public examination.   If requested to do so by parents, the exclusions panel 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 5 school days, but less than 15, in a single term.  Where an exclusion would result in a pupil missing a public examination, the exclusions  panel will take reasonable steps to consider the reinstatement of the pupil before the  date of the examination. If this is not practicable, the chair of the Governing Body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.  The exclusions panel can either:   * Decline to reinstate the pupil, or * Direct the reinstatement of the pupil immediately, or on a particular date.   In reaching a decision the exclusions panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal/Headteacher followed their legal duties. The panel will decide whether a fact is true ‘on the balance of probabilities’, which differs from the criminal standard of ‘beyond reasonable doubt’.  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 exclusions panel will notify, in writing, the Principal/ Headteacher, parents the LA, and (if applicable) the social worker and Virtual School Head, of its decision, along with  reasons for its decision, without delay.  Pupils under the age of 18 do not have an automatic right to attend the hearing. If parents indicate that they wish the pupil to attend, every effort will be made to encourage them to participate considering their age and ability to understand.  Where an exclusion is permanent, the exclusions panel’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 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 school 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 because 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.  **7. An Independent Review**  If parents/carers apply for an independent review, the Governing Body will arrange for an independent panel to review the decision of the Governing Body 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 Bridgewater High School’s Governing Body of its decision to not reinstate a pupil.   * 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 Principal 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 Principals during this time * Principals or individuals who have been a Principal within the last 5 years   **A person may not serve as a member of a review panel if they**:   * Are a member of Bridgewater High School * Are the Principal of the excluding school, or have held this position in the last 5 years * Are an employee of the Bridgewater High School, or the governing body, of the excluding school (unless they are employed as a Principal at another school) * Have, or at any time have had, any connection with Bridgewater High School’s, governing body, parents or pupils, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially * 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 Governing Body’s decision * Recommend that the Governing Body reconsiders reinstatement * Quash the 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.  **8. School Registers**  A pupil'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 pupil 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 governing body 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.  **9. Returning from a suspension**  Following a suspension a re-integration meeting will be held involving the pupil, parents, a member of senior staff and/or other staff, where appropriate.  **10. Monitoring arrangements**  Tracey Hatton Headteacher of the monitors the number of exclusions every term and reports back to the Safeguarding, Behaviour and Personal Development Advisory Group of the Full Governing Body.  This policy will be reviewed by the above-mentioned advisory group every year.  **11. Links with other policies**  This exclusions policy is linked to the:   * Behaviour Policy * SEND policy and information report * Safeguarding and Child Protection Policy.   *.* |
| **Section C: Additional Information & Guidance**  **APPENDIX 1: Independent review panel training**  The Bridgewater High School 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 Principals, governing boards and the panel under the Equality Act 2010 |
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