

Exclusion Policy



Bright Minds Creative Academy



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1. Aims

Our school aims to ensure that:

- › The exclusions process is applied fairly and consistently.
- › The exclusions process is understood by directors, staff, parents 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.

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

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](#)

3. The decision to suspend

The decision to suspend a child is a last resort and will only be taken after a full range of alternative strategies have been tried and have failed or would be likely to fail, and only:

- 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.

When establishing the facts in relation to a suspension decision, the headteacher must apply the standard of proof i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

The headteacher should consider all the relevant facts and verified evidence to support the allegations made and take into account the school's equality policy and whether any incidents are provoked by racial or sexual harassment. If there is doubt that the child/young person actually did what is alleged, the headteacher will not suspend the child/young person.

Only the headteacher has the authority to suspend a pupil or in their absence the deputy headteacher. In all cases of suspension, the headteacher will discuss and agree to a suspension with the operations director first.

The school acknowledges that all children have a right to education and will take reasonable steps to set and mark work for pupils during the first five school days of a suspension.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year.) The headteacher should formalise the suspension in writing, outlining the length of time, the reason for the suspension and reminding the parent/carer of their duty to ensure the young person is not present in a public place in school hours during the suspension period.

The letter should also state details of the reintegration meeting and rights to make representation to the appropriate operations director and contact details for the local authority representative. The reintegration meeting is to agree with pupils, parents/carers, and the local authority the school's 'strategy plan' that will be adopted following the child/young person's return.

It is the parent/carer's right to make representations about the suspension to the appropriate operations director.

Suspension will not normally be considered an appropriate response for:

- Minor incidents such as failure to complete homework.
- Poor academic performance.
- Poor timekeeping or truancy.
- Pregnancy.
- Breaching school uniform policy including hairstyle or wearing jewellery.
- Punishing children/young people for the behaviour of their parents/carers, for example, by extending a suspension until the parents/carers agree to attend a meeting.

The Head Teacher should also allow a young person to give their version of events before a decision on exclusion is made.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

4. The decision to permanently exclude

A decision to exclude a child/young person permanently is a serious one. If the school is considering a permanent exclusion of a child/young person, the local authority and the parents/carers should have been given an opportunity to attend a meeting with the school to discuss the matter. If following the meeting the school wishes to proceed with a permanent exclusion, the parent/carer and local authority shall be given the opportunity to make representations (if required, in person) in connection with the exclusion to the operations director.

If the school feels that it can no longer meet the needs of an individual pupil for serious breaches of the school policies, then the headteacher will have ensured regular communication with parents/carers and local authority professionals as to what the potential next steps maybe. If permanent exclusion is the final decision for the school, then this process will be managed with all relevant parties' involvement to ensure a supportive move from the school.

The headteacher will ensure that the permanent exclusion is confirmed by all parties in writing within 24 hours of the child leaving the school, ensuring the reasons why are clear. The letter will also contain the right to appeal information.

5. 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.

6. Roles and responsibilities

6.1 Directors

Directors have a duty to consider the reinstatement of a suspended or excluded pupil (see section 7).

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

For a fixed-period exclusion of more than 5 school days, directors will liaise with the pupil's funding LA to arrange suitable full-time education for the pupil. The responsibility of providing suitable full-time education sits with the LA.

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.

6.2 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.

7. Considering the reinstatement of a pupil

Directors 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 or national curriculum test.

If requested to do so by parents, directors 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 suspension/exclusion would result in a pupil missing a public examination, directors will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the managing director of education services will consider the exclusion and decide whether or not to reinstate the pupil.

Directors 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 managing director of education services will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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.

Where an exclusion is permanent, the managing director of education services 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.

7. Independent review

If parents apply for an independent review, the school will arrange for an independent panel to review the decision of the managing director of education services 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 managing director of education services of their decision not to reinstate a pupil.

A panel of 3 members will be constituted with representatives from each of the categories below.

- A lay member to chair the panel who has not worked in the education division of the Horizon Care and Education Group.
- Headteachers outside of the school who have served as a headteacher at least 6 consecutive months in the last 5 years.

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

- Are a member of staff from the excluding school.
- Are the headteacher of the excluding school or have held this position in the last 5 years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the managing director's decision.
- Recommend that the managing director reconsiders reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Through links with the local communities and families we also have available information on recommended local contacts who may act as translators for pupils and families, if considered appropriate.

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, directors 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. Approval

This policy will be reviewed as guidance from the DfE is updated, and as a minimum annually by the headteacher. At every review, the policy will be approved by directors.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy
- Complaints policy