



THE BEWDLEY SCHOOL

We fly with our own wings

Exclusions Policy

Person Responsible: Head Teacher/Deputy Head Teacher

Adoption Date: December 2022

Review Date: December 2023

The school's 'Exclusions policy' operates in conjunction with other policies including the 'Behaviour Policy', 'Drug, Alcohol and Substance Misuse policy', 'E-Safety policy' and 'Safeguarding policy'

Rationale and definitions

This policy deals with the policy and practice which informs the school's use of suspension/permanent exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- Ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- Reduce the need to use exclusion as a sanction.

An exclusion, within this document may be one of three types:

- Internal Exclusion/Isolation (when a student is excluded from normal lessons, but remains within the school)
- Suspension (when a student is suspended from school)
- Permanent Exclusion (where steps are taken to permanently remove the student from the school)

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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

- Section 51a 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 sets out 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Introduction

Exclusion is an extreme sanction and will be avoided wherever possible. In the majority of cases, students demonstrating unacceptable behaviour will be sanctioned appropriately using the school's 'Behaviour Policy' – eg:- using the school's Isolation Room. By this means, students whose behaviour transgresses the behaviour standards of the school will be punished, but their work will suffer less than if they were excluded from school. For further detail of the Isolation Room, please see the school's 'Behaviour Policy'.

With regard to the above, the decision to recommend a student for a fixed-term or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the school's 'Behaviour Policy', beyond that which would result in referral to the Isolation/Hot-Spot Room; and
- If allowing the student to remain in school would seriously harm the education or welfare of the student or other students in the school.

In determining any exclusion as a school we will take due consideration of the Equality Act 2010 and the SEND code of practice.

Responsibility for Exclusion

An exclusion is only administered by the headteacher (or, in the absence of the headteacher, the deputy headteacher who is acting in that role).

The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or 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 suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events (written and/or verbally)
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a teacher, parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents 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, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Causes for Exclusion

Exclusion, whether internal, fixed term suspension 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 Policy' **Examples may include, but are not limited to:**

- Actions which put the student or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to students
- Physical abuse to/attack on staff
- Physical abuse to/attack on students
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Possession of an illegal drug
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour

This is not an exhaustive list and there may be other situations where the headteacher makes the judgment that exclusion is an appropriate sanction.

Alternatives to Exclusion

As described earlier in this document, alternative strategies to repeated suspensions or a permanent exclusion are always used if possible. For example:

Pastoral Support

Pastoral support eg: Pastoral Support Plan may be necessary if a student's behaviour at school means that he/she is at risk of permanent exclusion; has had a number of suspensions but their behaviour is not improving; or is behaving in ways that hinder their progress and achievement in school.

Managed Move

A 'managed move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

Schools and other educational establishments in the Wyre Forest have an agreement whereby students may be offered the opportunity of a 'fresh start' dependant on the student successfully demonstrating the desire to meet the expectations of the 'receiving' institution. 'Managed moves' are arranged via the Fair Access Panel (FAP) which are convened once per half term for all participating schools.

Before a student application for managed move is submitted to the FAP, a meeting is arranged between the student, parents/carers and representative from the school as a 'managed move' can only proceed with the written agreement of all parties. If agreed, the application is made to FAP. Parents/carers should note that the student's attendance and behaviour records will be shared at the FAP meeting.

A 'managed move' to another secondary school is offered initially as a ten week trial. If the parent/carer or student does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result. If accepted, following an induction meeting, the student joins the 'receiving' school for the trial period. At the induction meeting the student must promise to fully abide by the rules of the school and the parents/carers promise to offer full support. Financial support is available to provide for new uniform. If, during the trial period, the student fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, a headteacher's panel will be convened and a second and final managed move may be agreed. In this second and final managed move is unsuccessful, a permanent exclusion will be the likely result.

Use of alternative provision/Off-site direction

The school has the power to send a student to another education provider (eg the ContinU Plus Academy or Aspire Academy) to modify and improve their behaviour. The objectives of the provision, days/times of attendance and duration of provision will be clearly set out from the start of the process. The student's attendance and progress at the alternative provider will be regularly reviewed to ensure that the placement is achieving its objectives and the student is benefitting from it. The student will aim be re-integrated back into The Bewdley School once he/she has modified and improved their behaviour so that they can conform to the school's 'Behaviour Policy'. The school will have regard to all of the statutory guidance set out in the 'Alternative Provision Statutory guidance for local authorities (January 2013)' document.

Off-site direction is when the requires a pupil to attend another education setting to improve their behaviour.

Exclusion procedures

The school follows the legislation and statutory guidance in the current Statutory Exclusions Guidance (<https://www.gov.uk/government/publications/school-exclusion>):

Suspension

A Suspension is of short duration and may be necessary if a student has repeatedly been placed in the Isolation Room or if a student commits an offence which is considered so serious, that it would not be appropriate to place him/her in the Isolation Room. In the case of a suspension, the

Department for Education allows the headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

Students suspended will be forbidden from attending school, or being in the vicinity of school for the term of their suspension. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is suspended and ensure that they are not in a public place without good reason during school hours within the first five school days of any exclusion. If they do not, they may be prosecuted or receive a penalty notice from the local authority.

Parents/carers must also ensure that their child attends the suitable full time education provided by the governing body or the local authority from the sixth day of suspension.

Support will be provided for students during the suspension, for example by the provision of work and/or arrangement of alternative provision. It is the responsibility of parents/carers to return work to school to be marked. For students with an additional educational need the work will be matched appropriately to either their Statement or Education or Health and Care Plan (EHCP) or as identified by their SEN Support status in line with the Code of Practice.

Following a suspension, parents/carers are invited into school to attend a re-integration meeting. Failure to attend the meeting will result in the student being placed in isolation until the meeting takes place. It may also make it more likely that the court will impose a parenting order if the school or local authority apply for one. At the meeting, the student will be set specific goals in order to help him/her avoid the behaviour that led to the suspension. Students returning to school following a suspension may, as part of their reintegration, serve a further period of time in isolation, to enable them to catch up with their studies. It may also be appropriate to place a student returning to school following suspension on a two-week report to monitor behaviour and work.

Permanent Exclusion

The decision to exclude a student permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a student's life chances. Permanent exclusions will only be resorted to in response to:

- a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the other students in the school.

Exercise of discretion

In reaching a decision on a suspension or permanent exclusion, the headteacher will apply the civil standard of proof (ie '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 head teacher should accept that something happened if it is more likely that it happened than that it did not happen) and always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate. Before deciding the headteacher will ensure that:

- Appropriate investigations have been carried out.
- All evidence available to support the allegations have been collated, taking into account the school's 'Behaviour policy'
- The student has been allowed to give her/his version of events (verbally and/or written).
- There is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the headteacher is satisfied that, on the balance of probabilities, the student did what he/she is alleged to have done, suspension will be the outcome. In considering whether permanent exclusion is the most appropriate sanction, the headteacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the 'Behaviour policy'
- The effect that the student remaining in the school would have on the education and welfare of other students and staff. Nonetheless, in the case of a student found in possession of an offensive weapon, drugs or extreme physical violence, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the governors' discipline committee when it meets to consider the headteacher's decision to permanently exclude. This committee will require the headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

The school will inform parents/carers immediately by phone call when the decision has been taken to seek permanent exclusion for a student. This will be followed, subsequently by a letter in which the terms of the exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion.

labelling="Section-Header">Cancelling suspensions and permanent exclusions****

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

Behaviour outside school

Student behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or a work experience placement is subject to the school's 'Behaviour policy'. Poor behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's 'Behaviour policy' protocols' that occur 'outside of' the school may lead to a suspension or permanent exclusion.

Review of Exclusions

The senior leadership team review and evaluate the use of suspensions to ensure their effectiveness

Advice for parents/carers

Current Statutory Exclusions Guidance at <https://www.gov.uk/government/publications/school-exclusion>. There is a guide for parents/carers in Annex C on pages 56 to 60.

There are a number of national organisations that provide free information, support and advice to parents/carers on exclusion matters. For example: -

- Coram Children's Legal Centre. They can be contacted on 0300 330 5485 or through <https://childlawadvice.org.uk/information-pages/school-exclusion/>. The advice line is open on Mondays to Fridays from 8.00am to 6.00pm.
- ACE education. They can be contacted on 03000 115 142 or at enquiries@ace-ed.org.uk. Please check their website at <http://www.ace-ed.org.uk> for the opening times of the advice line.
- The National Autistic Society School Exclusion Service (England) can be contacted on 0808 800 4002 or at schoolexclusions@nas.org.uk. Information can also be found on their website at <https://www.autism.org.uk/> - Independent Parental Special Education Advice <http://www.ipsea.org.uk/>

There are also some local services who can provide advice and guidance. For example:-

- Worcestershire County Council Exclusions – exclusions@worcschildrenfirst.org.uk
- Special Educational Needs and Disabilities Information, Advice and Support Service- SENDIASS (formerly the parent partnership service). They can be contacted on 01905 768153 or at www.SENDworcestershire.co.uk or sendiass@worcestershire.gov.uk. They also have a national website at <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>
- Worcestershire Gypsy Roma Traveller Education Team. They can be contacted on 01905 766609 or at Kpoole1@worcestershire.gov.uk