



THE BEWDLEY SCHOOL

We fly with our own wings

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Exclusions Policy

Adoption Date: September 2023

Responsible Person: Headteacher/Deputy Headteacher

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 – (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum

45 days of suspension in an academic year before being permanently excluded. Permanent exclusions are where, subject to a decision of the governing board to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken 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 such as staff or pupils in the school.

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

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' – e.g. 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) with reference to the behaviour policy.

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

Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

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

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 pupil's 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 e.g. 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. If 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 (e.g. the ContinU Plus Academy or Aspire Academy etc) to modify and improve their behaviour. The Headteacher can also direct students to another school to improve their behaviour for a short-term placement (normally for a 6–8-week period). 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 it 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>):

Exercise of discretion

In reaching a decision on a suspension or permanent exclusion, the Headteacher will apply the civil 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) 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.

Cancelling suspensions and permanent exclusions

A suspension or exclusion can be cancelled by the Headteacher as long as the suspension or exclusion has not been considered by the Governors. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended

that academic year would be over 45 days at the point of the decision to cancel the exclusion.

Where a suspension or exclusion is cancelled, the relevant parties will be informed by the Headteacher in accordance with the Statutory Guidance on Suspensions and Exclusions.

Suspensions before a permanent exclusion

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

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 governors review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored by the governors to ensure the processes and support for pupils are appropriate.

Equality impact

The school does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

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.

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- 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.SENDworcestershireshire.co.uk or sendiass@worcestershireshire.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@worcestershireshire.gov.uk