



**BRADGATE**  
Education Partnership

# Exclusions Policy

**Approved:** 18/11/20 Trust Board (Performance & Standards Committee)

**Review Date:** September 2021

**Responsible Officer:** Director of Schools

## **Trust Mission Statement**

Our mission is to create high quality educational opportunities for all children and young people across the partnership by developing a strong collaborative and co-operative model through which we encourage autonomy, share best practice, enhance the professional aspirations of our staff and ensure the safety and well-being of all pupils and staff.

## **Exclusion Arrangements**

This document sets out the arrangements for school exclusions within the Bradgate Education Partnership Academy Trust and should be read in conjunction with the Trust's Behaviour Statement and the above named school's Behaviour Policy.

## **Grounds for Exclusion**

- The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools will give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- Disruptive behaviour can be an indication of unmet needs.
- Whilst a single, major incident may justify exclusion, continued failure to respond to other sanctions may also arise. In such cases incidents causing concern and actions taken must be fully and accurately recorded by the Headteacher and staff concerned. If a school has a concern about pupil behaviour, the school will try and identify if there are any casual factors and intervene early in order to reduce the need for a subsequent exclusion. This may lead to a multi-agency assessment that goes beyond pupil's educational need.
- Every effort will be made to discuss behaviour problems with parents and to seek co-operation in resolving problems before exclusion is considered for any child.

## **The Role of Governors**

- The Trust Board and school Local Advisory Board (LAB) has the responsibility of setting down these general guidelines on standards of discipline and behaviour which reflect the school's ethos of positive behaviour and of reviewing their effectiveness.
- The Trust Board and school LAB will follow the DfE's statutory guidance dated September 2017: [Exclusion from maintained schools, academies and pupil referral units in England](#).
- The governors support the Headteacher in carrying out these guidelines.
- The Headteacher has the day-to-day authority to implement the school behaviour and discipline policies but governors may give advice.

## **The Role of Parents**

- We hope to encourage parents to play a positive part in the resolution of any learning and behaviour difficulties. Every effort will be made to enable discussion to take place with the parent especially when exclusion is being contemplated.
- Where, despite approaches and the involvement of outside agencies, the school is unable to persuade a parent to visit and discuss problems; the matter will be passed to the Local Advisory Board.

## **Fixed-term and permanent exclusions**

- Only the Headteacher (or the acting Headteacher) has the power to exclude a pupil from school. Headteachers will notify the Trust Director of Schools of any fixed-term or permanent exclusions.
  - The Headteacher may exclude a pupil for one or more fixed periods for up to 45 days in any one school year.
  - The Headteacher may also exclude a pupil permanently.
  - If the Headteacher excludes a pupil they must inform the parents immediately, giving reasons for the exclusion. (refer to [DfE Statutory guidance](#))
  - If it is a permanent exclusion the Headteacher must make it clear to parents/carers that they can, if they wish, appeal against the decision to the school's LAB.
  - The school must inform parents/carers how to make an appeal. (refer to [DfE Statutory guidance](#))

- The school should set and mark work for pupils during days 1 – 5 of exclusion and alternative provision must be arranged from the 6th day.
- Parents/carers will receive a letter from the school setting out what to do if they disagree with the exclusion.
- If the exclusion is for 5 days or fewer, parents/carers can still ask governors to hear their views but governors can't overturn the Headteacher's decision.
- The Headteacher must inform the LAB and the Local Authority of:
  - A permanent exclusion
  - Exclusions which would result in the pupil being excluded for more than 5 school days in a term.
  - Exclusions which would result in the pupil missing a public examination or national curriculum test.
- For a permanent exclusion, if the pupil lives outside the Local Authority 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.
- The LAB itself cannot either exclude a pupil or extend the exclusion period made by the Headteacher.
- The LAB will convene an appeals panel which is made up of between three and five members. This panel considers any permanent exclusion appeals on behalf of the governors.
- When an appeals panel meets to consider a permanent exclusion, they consider the circumstances in which the pupil was excluded, consider any representation by parents/carers and consider whether the pupil should be reinstated.
- If the LAB appeals panel decides that a pupil should be reinstated and not permanently excluded, the Headteacher must comply with this ruling.
- The LAB appeals panel will notify, in writing, the Headteacher, parents/carers and the Local Authority of its decision, in line with [DfE statutory guidance](#). Where a permanent exclusion decision is upheld, the notification will also include:
  - The fact that the exclusion is permanent
  - Notice of parents/carers' rights to ask for the decision to be reviewed by an independent review panel, and information on how to go about this ([DfE statutory guidance](#))

**Returning from a fixed-term exclusion**

- On reintegration back into school, pupils, together with parents/carers, will meet with the Headteacher / Deputy Headteacher on the first day back at school, where discussions will take place for management of future behaviour.

**Links to other policies & documents**

Equality act 2010

[Exclusions guidance](https://www.gov.uk/government/publications/school-exclusion) – DfE (https://www.gov.uk/government/publications/school-exclusion)

Behaviour Policy

Anti-bullying policy

PSHE policy

SEND Policy

## **Appendix to BEP Exclusion policy – DFE Statutory guidance – Changes to the school exclusion process during the coronavirus (COVID-19) outbreak**

This statutory guidance describes the temporary changes made to the school exclusion process due to coronavirus (COVID-19).

The changes apply to exclusions from:

- maintained schools
- academies (including alternative provision academies but excluding 16 to 19 academies)
- pupil referral units (PRUs)

The normal arrangements and procedures that must follow a decision to exclude on disciplinary grounds are described in the 2017 statutory guidance on [exclusion from maintained schools, academies and pupil referral units in England](#). They are unchanged except as noted in this guidance.

The term ‘governing board’ used throughout this guidance means the governing body of a maintained school, the management committee of a PRU or an academy trust.

### **Important dates**

All exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive of those dates) are subject to amended arrangements with regards to:

- the use of remote access technology (for example videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels
- the deadline for applications for an independent review

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss an exclusion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions in some circumstances.

It is important that meetings relating to exclusions occurring between 25 September 2020 and 24 March 2021 take place within the normal timescales described in the [exclusion from maintained schools, academies and pupil referral units in England](#) statutory guidance.

Governing boards and arranging authorities for independent review panels should take all reasonable steps to meet the normal deadlines for exclusions occurring after 24 September 2020.

They should:

- consider the [guidance on protective measures for the full opening of schools](#)
- facilitate remote access meetings where it is not reasonably practicable to meet in person

If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

An exclusion should be taken as having ‘occurred’ on the first day of the exclusion.

Any exclusions covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the exclusion have been exhausted.

## Remote meetings

For exclusions occurring between 1 June 2020 and 24 March 2021 (inclusive of those dates), meetings of governing boards or independent review panels should be held via remote access if:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to coronavirus (COVID-19)
- the governing board (or arranging authority, if the meeting is an IRP) is satisfied that:
  - all the participants agree to the use of remote access
  - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
  - all the participants will be able to put across their point of view or fulfil their function
  - the meeting can be held fairly and transparently via remote access

It is the responsibility of the school governing board (or the arranging authority in the case of an IRP meeting) to make sure these conditions are met before a meeting takes place.

Those who have no intention of taking part in the meeting should not be treated as ‘participants’ for the purposes of the conditions.

When determining if it’s practicable to meet in person the governing board or arranging authority should assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants (as far as this is possible)
- the latest public health guidance (including the [guidance for full opening of schools](#))

## Arranging a remote access meeting

The governing board or arranging authority should explain the technology they propose to use to participants and should make sure that the participants (particularly pupils and their families) know that they do not have to agree to a meeting to be held via remote access if they do not want to.

They should make families aware that if they do not consent to a remote access meeting then the meeting is likely to be delayed.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Governing boards, arranging authorities and panel members must comply with relevant equalities legislation and recognise that some participants may find it difficult to participate in a remote access meeting (for example, if someone has a disability or if English is not their first language).

The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person’s access to the technology required.

If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

## **Fairness and transparency**

The assessment of whether a meeting can be held fairly and transparently via remote access must be made with reference to the facts of each case and cannot be decided by rigidly following a general policy.

If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider what reasonable adjustments could be made to surmount this, consulting with parents and pupils to take account of their wishes.

It will only be in rare cases that a governing board or arranging authority conclude that a remote meeting would not be fair and transparent if the participants have understood the implications of a remote access meeting and have given their consent. In such cases, the governing board or arranging authority should explain to the parent and the pupil why this decision has been taken.

## **Running the meeting**

If a meeting is held via remote access, every effort should be made by the chair to check the participants understand the proceedings and can engage with them, to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly (for example, because a participant cannot access the meeting), the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal. Parents may be joined by a friend or representative, as normal.

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants:

- provide clear instructions to participants about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact, with any questions they may have beforehand
- ensure the chair is prepared to explain the agenda at the start of the meeting, and to provide clear guidance on how the meeting will be run, for example:
  - how participants should indicate they wish to speak
  - how any 'chat' functions should be used
  - whether there will be any breaks in proceedings
  - how participants can access advocacy services during the meeting
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting

## **Applications for an independent review**

The deadline for applications for an independent review in relation to exclusions occurring between 1 June 2020 and 24 March 2021 will be 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.

## **Timescales for exclusions between 25 September 2020 and 24 March 2021**

Exclusions between 25 September 2020 and 24 March 2021 (inclusive) should follow the deadlines in the exclusion from maintained schools, academies and pupil referral units in England statutory guidance, other than the deadline for the application of an independent review.

If it is not reasonably practicable to meet by the usual deadline either in person (because of coronavirus (COVID-19)) or by remote access (because of the conditions for a remote access meeting), the meeting must not be delayed any longer than is reasonably necessary because of coronavirus (COVID-19).

## **Timescales for exclusions between 1 June and 24 September 2020**

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss an exclusion that occurred between 1 June 2020 and 24 September 2020 may be eligible for time extensions in some circumstances, which are described in this guidance.

It is important that meetings relating to exclusions occurring between 25 September 2020 and 24 March 2021 take place within the normal timescales as described in the exclusion from maintained schools, academies and pupil referral units in England statutory guidance. If the deadlines are missed because of coronavirus (COVID-19), the meeting must be held as soon as it becomes reasonably practicable to meet in person or via remote access (respecting the conditions for such a meeting).

## **Meetings to consider permanent exclusions, and fixed period exclusions resulting in the pupil missing more than 15 school days in a term**

If a pupil is permanently excluded or is excluded for a fixed period which results in them having been excluded for 16 or more school days in a term, then the governing board should meet to discuss reinstatement within 15 school days.

The limit will be extended to 25 school days, or as long as reasonably necessary, if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet face to face within 15 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

## **Meetings to consider fixed period exclusions resulting in the pupil missing between 6 and 15 school days in a term**

If a pupil is excluded for a fixed period which results in them having been excluded for at least 6 school days in a term but not more than 15 school days in that term, and the parent (or pupil, if aged 18 or above) chooses to make



representations about the exclusion, then the governing board should meet to discuss reinstatement within 50 school days.

The limit will be extended to 60 days, or as long as reasonably necessary, if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for the governing board to meet face to face within 50 school days for reasons relating to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

#### **Timescales for meetings of independent review panels to consider permanent exclusions**

The timescale for the meeting will be extended to 25 school days, or as long as reasonably necessary for a reason related to coronavirus (COVID-19) if:

- the exclusion occurred between 1 June 2020 and 24 September 2020
- it has not been reasonably practicable for a review panel to meet in person within the original time limit of 15 school days for reasons related to coronavirus (COVID-19)
- it has not been reasonably practicable to meet by way of remote access for a reason relating to the conditions for a remote access meeting

To minimise uncertainty for pupils and their families, the arranging authority should reassess at regular intervals whether it is reasonably practicable to meet, and if it is, should arrange to do so without delay.