



# EXCLUSION POLICY

## Sponsors' Statement

All The Bishop of Winchester Academy policies exist to support the Sponsors' vision, Christian ethos and values that are embedded in the day-to-day and long-term running of the Academy. Each policy evidences the commitment of the Sponsors to the principles and values of honesty, respect, hospitality, compassion, love, forgiveness, self-discipline, creativity and hope. This policy contributes to the development of young people and the community through all Academy activities.

## Introduction

As a Church of England Academy, the Christian ethos of love, respect, care and forgiveness for all members of the community, will be promoted throughout The Bishop of Winchester Academy. All students should be provided with the opportunity and the support to learn, enabling to achieve their full potential, as well as receive reward and recognition in response to success and effort. Parental involvement is expected, welcomed and encouraged in supporting the aims of the behaviour policy.

## What are the principles behind this policy

This policy sets out the process and procedures for exclusions at The Bishop of Winchester Academy to ensure that all students are treated in a fair and consistent manner in line with the core aims and values of High Expectations – No Excuses.

The policy also enables the academy to comply with guidance set out by the DFE.

This policy should be read in conjunction with the Academy Behaviour Policy.

This policy has been developed in keeping with the following legislation and guidance for schools in relation exclusions:

- Statutory guidance from the Department for Education
  - <https://www.gov.uk/government/publications/school-exclusion>
- 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.

**Aims:**

- To provide a safe, secure environment where all members of the community can flourish, thrive and feel a sense of belonging and fulfil their potential
- To ensure the exclusions process is applied fairly and consistently
- To ensure the exclusions process is understood by governors, staff, parents and students
- That students in school feel safe and happy
- That students do not become NEET (not in education, employment or training)

**To achieve these aims we will:**

- Ensure that all stakeholders and members of the community are consulted on the development, review, evaluation and impact of the exclusion procedures and policies
- Provide analysis in order to ensure all the policy is being applied appropriately, in a fair and consistent manner and is in keeping with the Academy's ethos and expectations
- Be an inclusive Academy and offer equality of opportunity and diversity when needed to all groups of pupils within Academy
- Provide a challenging curriculum that meets the high academic aspirations of all students, individuals and groups

**Procedures:**

In any circumstances where it becomes necessary to exclude a pupil the statutory guidelines and regulations will be stringently followed.

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET days do not count as a school day.

**The decision to exclude:**

Only the Principal, or, in the Principal's absence, the Vice Principal, can exclude a student from school. A permanent exclusion will be given only if alternative punishments would not be appropriate.

A decision to permanently exclude a student 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 the pupil or others in the school

Before deciding whether to exclude a student, either permanently or for a fixed period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

## ***Roles and responsibilities***

### ***The Principal***

#### ***Informing parents***

The Principal will provide the following information, in writing, to the parents of an excluded student:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Whether a fixed-term exclusion is pending a fuller investigation and may be followed by a permanent exclusion
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board 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 Principal 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.

If alternative provision is being arranged, the following information will be advised to parents:

- 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 student 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 board and local authority***

The Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the students being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the student missing a public examination

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

For all other exclusions, the Principal will notify the governing board and LA once a term.

### ***The governing board***

The governing board has a duty to consider the reinstatement of an excluded student (see section 'Considering the re-instatement of a student')

Within 14 days of receipt of a request, the governing board 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, the governing board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

### ***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.

### ***Considering the reinstatement of a student***

The governing board must consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

The governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal 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 student's educational record.

The governing board will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board'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 student's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the LA 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 as a result 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

### ***An independent review***

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board 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 headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member/director of the LA, or governing board of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

- 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 board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board'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.

### ***School registers***

A student'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 student 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 board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

### ***Returning from a fixed-term exclusion***

Following a fixed-term exclusion, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Alternative Learning Centre
- Alternative Learning Provision

### ***Policy Review***

The Deputy Vice Principal, Behaviour, monitors the number of exclusions every term and reports back to the Principal & governors. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed annually by the Academy Leadership team as part of the Academy annual review process.

This policy will be submitted to the Governing Body for review every 2 years. This will allow the Governors to assess its implementation and effectiveness.

This policy will be actively promoted and implemented throughout the Academy.

The Bishop of Winchester Academy	Date of Issue: 10th November 2021  Reviewed and adopted by Governors: 9th November 2021	Author  SLE/SHA
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