

Frederick Bremer School



Exclusions Policy 2020-21

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1. Aims

This policy deals with the policy and practice which informs the school's use of exclusion. It is underpinned by the shared commitment of all members of the school community to achieve these 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;
- A balance between the needs of the individual pupil(s) who may need to be excluded against the needs of the pupils and adults in the school community;
- A fair, equitable and consistent system for exclusions from school, particularly in relation to ethnic groups;
- That exclusion is only used when it is the most appropriate way of supporting the school's Behaviour for Learning policy, strategies and Code of Conduct;
- Exclusion is only one of many options used to address unacceptable behaviour;
- That exclusion is used primarily as a strategy for supporting a pupil in changing their behaviour;
- Reduce the need to use exclusion as a sanction.
- That fixed term exclusions are used in the appropriate circumstance.
- That permanent exclusions are used in the appropriate circumstance.

In order to achieve these aims the school will seek to:

- Provide an appropriate curriculum to meet individual needs and challenge every pupil.
- Ensure that the school's Behaviour for Learning Policy is implemented effectively including applying suitable rewards and sanctions.
- Provide effective pastoral support for pupils.
- Provide effective additional support for pupils.
- Involve parents, persons with parental responsibility and, where appropriate, community organisations in order to support pupils.
- Monitor exclusions carefully.
- Provide appropriate training for staff on Behaviour for Learning.
- Provide appropriate training for staff on the issues pertaining to the over-representation of ethnic minority pupils (or other over represented groups) in the school's exclusions figures.
- Ensure that exclusions are consistently applied.

An Exclusion May Be One Of Three Types:

- **Internal Exclusion** (when a pupil is excluded from normal lessons, but remains within the school) – addressed in the school behaviour policy.
- **Fixed-Term Exclusion** (when a pupil is excluded from school for a set period)
- **Permanent Exclusion** (where steps are taken to permanently remove the pupil from the school)

This policy is concerned with Fixed and Permanent Exclusions.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

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](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

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'

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- 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 exclude

Exclusion is an extreme sanction and will be avoided wherever possible. All decisions relating to exclusion are made by the Headteacher or Acting Headteacher in her absence.

A decision to 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

Please note that before a permanent exclusion is considered, a 'Managed Move' may be resorted to, if appropriate. In addition the school may consider directing a pupil to offsite education for a period of time to improve his or her behaviour. The school will never use informal or 'unofficial' exclusions.

Causes for Exclusion

Exclusion, whether internal, fixed term or permanent, may be used for any of the reasons as stated in Appendix 1, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy and are all category 2 (mostly repeated incidents) or 3 incidents on the Behaviour Tariff system:

- Violence abuse to/attack on pupils
- Violence to/attack on staff
- Serious actual or threatened violence against another pupil or a member of staff.
- Verbal abuse to pupils
- Verbal abuse to staff and others
- Actions which put the pupil or others in danger
- Threatening behavior to staff and others
- Threatening behavior to pupils
- Bullying
- Discriminating behaviour
- Sexual abuse or assault.
- Indecent behaviour
- Misuse of illegal drugs
- Misuse of other substances
- Supplying an illegal drug.
- Arson.
- Damage to property
- Health and Safety misdemeanors
- Theft
- Not co-operating with the school's sanction procedures
- Bringing school into disrepute
- Banned items
- Carrying an offensive weapon.
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- During the period where we are affected by the Covid 19 Pandemic it is important to explicitly note that if a pupil's behaviour requires a member of staff to put themselves at risk of harm (for example by fighting or building towards doing so and requiring the physical intervention of staff) that is, in itself, an excludable offence.

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



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Before excluding a child, in most cases, a range of alternative strategies would have been tried, without success. These are detailed in the Behaviour for Learning Policy, in particular in the Waves of intervention document, which details the procedures put in place before exclusion is considered. These procedures do not prevent immediate action being taken to protect pupils and staff. A permanent exclusion can be given for a first offence, for example incidents involving a weapon; involving serious actual or threatened violence against another pupil or member of staff; sexual abuse or assault or supplying an illegal drug. The Headteacher would normally take time to consider the incident in question before a final decision is made.

The Headteacher will make a decision in regard to exclusion if ‘on the balance of probabilities’, the pupil did what he/she is alleged to have done.

4. Definition

For the purposes of exclusions, 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.

Fixed-Term Exclusion

A Fixed Term Exclusion is of short duration (usually between one and three days) and may be necessary if a pupil commits an offence which is considered more serious and these category 3 misdemeanors are clearly outlined in the Behaviour Policy. In the case of Fixed-Term Exclusions, the Department for Education allows the Head teacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Pupils on fixed term exclusion will not allowed to attend school, or being in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded 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, the school or local authority may issue a penalty.

The school will send appropriate work home for pupils who are excluded. This is usually organized by the Pastoral Support Assistants. It is the responsibility of the parent/person with parental responsibility to ensure the work is sent back to the School.

Schools have a statutory duty to arrange and provide full-time education from the 6th day of any period of fixed-term exclusion of 6 days or longer. This is from day 1 for Looked After Pupils. This is arranged at local provision. Parents/carers must also ensure that their child attends the suitable full time education.

When a pupil is permanently excluded it the responsibility of the school to set and mark work for the first 5 days. This is usually organized by the Home School Workers. It is the responsibility of the parent/person with parental responsibility to ensure the work is sent back to the School. From the 6th day onward it is the responsibility of the local authority to make full-time provision.

For pupils with SEND, the LA must ensure an appropriate full time placement is identified in consultation with the parents.

Looked After children receive education provision for day 1 of the exclusion and this is arranged with the Virtual School.

The school will inform parents immediately by phone call when the decision has been taken to ‘Fixed-term Exclude’ a pupil. This will be followed, subsequently by a letter (Appendix Two) in which the terms of the Exclusion are set out, together with the time and date of the re-admission meeting. Parents/Carers are also informed that they have a right to make representations to the Head teacher if they wish to challenge the terms of the exclusion.

A pupil returning from exclusion is seen with her parent/carer with parental responsibility by a member of the Senior Leadership Team where the consequences of further unacceptable behaviour are explained. This re-integration meeting is recorded, where appropriate, a Pastoral Support Plan which includes agreed additional targets, to the



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parent confirming what had been agreed at the meeting. A referral to the Behaviour Mentor will also take place as outlined in the Waves of Intervention document including a two week report.

Re-Admission Meetings and Re-Integration

Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed period exclusion of more than five days. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority chooses to apply for one. At Frederick Bremer, parents/carers are expected to attend a reintegration interview following any length of exclusion. These are led by the STIL and Senior Team line manager and the Parent Meeting Record in Appendix Three and the Positive Behaviour Contract in Appendix Four needs to be completed. If parents/carers do not attend this meeting, a variety of strategies will be put in place which may include a home visit.

If a pupil has served a fixed term exclusion of greater than five days or has a second Fixed term Exclusion, a Pastoral Support Plan will always be drawn up by the Behaviour Manager as per the Behaviour Triangle. This will be agreed with the school, pupil and parents/carers.

Exclusion will not be considered for:

- Minor incidents such as failure to do homework or eating in class
- Poor academic performance
- Lateness or truancy (unless the pupil is persistently late or truanting despite previous support or sanctions, thereby causing a health and safety risk)
- The behaviour of parents, relatives or friends
- Breaches of school uniform rules (including jewellery and hair) except where these are persistent and in open defiance of such rules

Permanent Exclusion

The decision to exclude a pupil 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 pupil's life chances. In addition, Permanent exclusion will not be sought, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

There are two main types of situation in which permanent exclusion may be considered:

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies (including 'Managed Move', see above). It is an acknowledgement that all available strategies outlined in the Behaviour Policy have been exhausted and is used as a last resort. This would include persistent and defiant misbehavior including bullying or possession and/or use of an illegal drug on School premises.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another pupil or a member of staff.
 - Sexual abuse or assault.
 - Supplying an illegal drug.
 - Carrying an offensive weapon such as a knife*
 - Arson.
 - The School will consider police involvement for any of the above offences.

** Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the School.



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Before deciding whether to exclude a pupil either permanently or for a fixed period the Head teacher 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 and Equality Policies.
- The pupil has been allowed to give her/his version of events.
- Evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment is considered as a potential mitigating factor.

If the Head teacher is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion will be the outcome.

In reaching a decision on implementing a fixed term exclusion or permanent exclusion, the Head teacher will always look at each case on its own merits and the school tariff system only includes this outcome as one of the options. In considering whether permanent exclusion is the most appropriate sanction, the Head teacher 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 pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, 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 involve the Police.

The school will inform parents immediately by phone call when the decision has been taken to seek 'Permanent Exclusion' for a pupil. This will be followed, subsequently by a letter (Appendix Five) 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.

When a pupil is permanently excluded it the responsibility of the school to set and mark work for the first 5 days. This is usually organized by the Home School Workers. It is the responsibility of the parent/person with parental responsibility to ensure the work is sent back to the School. From the 6th day onward it is the responsibility of the local authority to make full-time provision.

For pupils with SEND, the LA must ensure an appropriate full time placement is identified in consultation with the parents.

Looked After children receive education provision for day 1 of the exclusion and this is arranged with the Virtual School.

In line with its statutory duty the Governor's Discipline Committee will apply the same two tests of appropriateness and will form the basis of the deliberations of the Governors Discipline Committee when it meets to consider the Head teacher's decision to permanently exclude. This Committee will require the Head teacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to permanent exclusion. Parent/carers will have the opportunity to make representation to the Governor's Discipline Committee. The Governing Body must consider any representations made by:

- Parents
- Representative of the local authority
- The Head Teacher

And they should be invited to the meeting. There is further statutory guidance on p.12/13 of the DfE guidance.

Outside agencies such as the Educational Psychology Service, Social Services or other organisations which support specific groups involved during the exclusion process wherever appropriate.



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In incidents where a criminal offence has taken place, the police (usually the Safer Schools' Partnership attached officer) may be informed by the Headteacher.

Permanent Exclusion and SEN Pupils

As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with statements of special educational needs (SEN) and looked after children. The school will, as far as possible, avoid excluding permanently any pupil with a statement of SEN or a looked after child and will seek to find attendance solutions with the Local Authority.

Concerns about the behaviour, learning or wellbeing of pupils with an EHCP/SEN Statement, including the suitability of the setting, should be raised with the relevant SEN Officer as they arise and during scheduled reviews so any changes can be made in a planned way.

If concerns arise suddenly, escalate quickly or a serious incident occurs which leads you to consider exclusion, you should first seek an early or emergency annual review to consider what additional support or alternative placement may be required. Contact the relevant SEN Officer for the pupil to request an emergency annual review and make clear the concerns you have including where the pupil is at risk of permanent exclusion.

Exclusions, including permanent exclusions, are not considered unless in exceptional circumstances. These could be those where the safe management and supervision of the pupil requires resources and levels of training beyond those the school and EHC Plan has at its disposal. Alternatively or additionally these may be considered where, beyond a reasonable temporary intervention period, the required provision for a pupil ceases to be in line with the school's inclusive vision for pupils with SEN. Even in these circumstances the school will seek to manage the change to the pupil's provision through an emergency review of their EHCP.

Looked After Pupils

Concern about the behaviour, learning or wellbeing of pupils who are Looked After should be raised with the pupil's Carers, Social Worker and the Virtual School for Looked After Children (VSLAC) as they arise and during scheduled LAC Reviews and Personal Education Plan (PEP) meetings.

If concerns arise suddenly, escalate quickly or a serious incident occurs which leads you to consider exclusion, you should first seek an urgent review by contacting the pupil's Social Worker and the Virtual School for Looked After Children (VSLAC) to consider what additional support or alternative placement may be required.

Where the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with a statement of SEN or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN with the Local Authority. Where a pupil has a statement of SEN, the school will always request an early annual review or interim / emergency review.

Whether or not the school recognises that a pupil has special educational needs (SEN), all parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

Permanent Exclusion and Children who are Looked After

The school will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to children who are looked after, the school will co-operate proactively with foster carers or children's home workers and the Local Authority that looks after the child.

Behaviour Outside School

Pupil behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or a work experience placement are subject to the school's Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school.

Serious infringements of the school's Behaviour Policy that occur 'outside of' the school may lead to a fixed term or permanent exclusion.



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In addition, pupils are subject to school sanction if they are involved in any negative behaviour outside of school and identifiable as a member of Frederick Bremer School regardless of whether they are in uniform or not.

Drug Related Exclusions

In making a decision on whether or not to exclude for a drug-related offence the Head teacher/Principal will have regard to the school's published policy on drugs and will also seek advice from the Local Authority. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term exclusion will be more appropriate than permanent exclusion. The Head teacher will make a judgment set against the criteria in the school's Drug, Alcohol and Substance Misuse Policy.

Managed Move

When a pupil is in serious danger of permanent exclusion, we will endeavour, if appropriate to liaise with local schools to arrange a managed move. This will then be referred by the school to the Local Authorities Fair Access Protocol (A statutory body that all LAs are required to have) to acknowledge the managed move as an allocation to the receiving school. This is a process used to avert permanent exclusion, as recommended by the DFE.

Fair Access Panel

Pupils may be referred to the Fair Access Protocol for allocation to the Pupil Referral Unit as agreed by the panel. This would be used as a last measure when all other input has failed or there is a one off serious incident that did not lead to a permanent exclusion. The pupil would be removed from roll and placed on roll at the PRU. We endeavor to work with parents to agree such a referral, although in rare cases, the Governing Body may direct a pupil to attend.

5. Roles and responsibilities

5.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- 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 headteacher 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 included when notifying parents of an exclusion:

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

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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 headteacher 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 pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA 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.

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

5.2 The governing board

The Governing Body review all permanent exclusions from the school and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

The Governing Body review all fixed term exclusions of between 5-15 days in a single term where a parent/carer has expressed a wish to make representations. **Appendix Six** shows this in a diagram.

Pupils on fixed term exclusion will not be allowed to attend school, or be in the vicinity of school for the term of their exclusion. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is excluded 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, the school or local authority may issue a penalty.

The school will send appropriate work home for pupils who are excluded. This is usually organized by the Home School Workers. It is the responsibility of the parent/person with parental responsibility to ensure the work is sent back to the School.

Schools have a statutory duty to arrange and provide full-time education from the 6th day of any period of fixed-term exclusion of 6 days or longer. This is from day 1 for Looked After Pupils. This is arranged at local provision. Parents/carers must also ensure that their child attends the suitable full time education.

When a pupil is permanently excluded it is the responsibility of the school to set and mark work for the first 5 days. This is usually organized by the Home School Workers. It is the responsibility of the parent/person with parental responsibility to ensure the work is sent back to the School. From the 6th day onward it is the responsibility of the local authority to make full-time provision.

For pupils with SEND, the LA must ensure an appropriate full time placement is identified in consultation with the parents.

Looked After children receive education provision for day 1 of the exclusion and this is arranged with the Virtual School.

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.

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5.3 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.

6. Considering the reinstatement of a pupil

The governing body 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 fixed-term exclusion 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

If requested to do so by parents, the governing body 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 exclusion would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The governing board 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 governing body 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.

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

Where an exclusion is permanent, the governing body 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
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the London Borough of Waltham Forest 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

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discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the London Borough of Waltham Forest will arrange for an independent panel to review the decision of the governing board 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 governing body 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 of the London Borough of Waltham Forest or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the London Borough of Waltham Forest, 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 London Borough of Waltham Forest, school, governing board, parents or pupil, 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.

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, the governing board 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.

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9. Returning from a fixed-term exclusion

Under current legislation, parents/carers are expected to attend a reintegration interview following any fixed period exclusion of more than five days. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority chooses to apply for one. At Frederick Bremer, parents/carers are expected to attend a reintegration interview following any length of exclusion. These are led by the STIL and Senior Team line manager and the Parent Meeting Record in Appendix Three and the Positive Behaviour Contract in Appendix Four needs to be completed. If parents/carers do not attend this meeting, a variety of strategies will be put in place which may include a home visit.

If a pupil has served a fixed term exclusion of greater than five days or has a second Fixed term Exclusion, a Pastoral Support Plan will always be drawn up by the Behaviour Manager as per the Behaviour Triangle. This will be agreed with the school, pupil and parents/carers.

10. Monitoring arrangements

The School will monitor and analyse its exclusion statistics in relation to the following:

- The number of fixed term/permanent exclusions;
- Whether the exclusions are being administered within school policy;
- The distribution of exclusions across year groups;
- The distribution of exclusions across ethnic or other specific groups;
- Any identifiable factors relating to disproportionate representation;
- Any evidence of discrimination in policy or practice;
- The reasons for exclusions.

The School will submit a report to the Governing Body annually. This report details the data pertaining to exclusions, an analysis of the data and specific points which arise. There is further statutory guidance on p.18-28 of the DfE guidance.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Frederick Bremer School – Exclusions Policy

Appendix 1 – Exclusion Reason Coding

Physical assault against pupil Includes:

- fighting
- violent behaviour
- wounding
- obstruction and jostling

Physical assault against adult Includes:

- violent behaviour
- wounding
- obstruction and jostling

Verbal abuse / threatening behaviour against pupil Includes:

- threatened violence
- aggressive behaviour
- swearing
- homophobic abuse and harassment
- verbal intimidation
- carrying an offensive weapon

Verbal abuse / threatening behaviour against adult Includes:

- threatened violence
- aggressive behaviour
- swearing
- homophobic abuse and harassment
- verbal intimidation
- carrying an offensive weapon

Bullying Includes:

- verbal
- physical
- homophobic bullying

Racist abuse Includes:

- racist taunting and harassment
- derogatory racist statements
- swearing that can be attributed to racist characteristics
- racist bullying
- racist graffiti

Sexual misconduct Includes:

- sexual abuse
- sexual assault
- sexual harassment
- lewd behaviour
- sexual bullying
- sexual graffiti

Drug and alcohol related Includes:

- possession of illegal drugs
- inappropriate use of prescribed drugs
- drug dealing
- smoking
- alcohol abuse
- substance abuse

Damage Includes damage to school or personal property belonging to any member of the school community:

- vandalism
- arson
- graffiti

Theft Includes:

- stealing school property
- stealing personal property (pupil or adult)



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- stealing from local shops on a school outing
- selling and dealing in stolen property

Persistent disruptive behaviour Includes:

- challenging behaviour
- disobedience
- persistent violation of school rules

Other Includes incidents which are not covered by the categories above but this category should be used sparingly. This is not an exhaustive list and there may be other situations where the Head teacher makes the judgment that exclusion is an appropriate sanction.

Ratified



Frederick Bremer School – Exclusions Policy
Appendix 2 – Fixed Period Exclusion Letter

Date

Dear

Re: Pupil Name **Date of Birth:**

Fixed Term Exclusion – *days

I am writing to inform you of my decision to exclude **Pupil Name** for a fixed period of * day(s) pending an investigation. This means that he will not be allowed in school for this period. The exclusion is on **date of Exclusion**.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude **Pupil Name** has not been taken lightly. **Pupil Name** has been excluded for this fixed period because of:

- **Reason for Exclusion**

You have a duty to ensure that your child is not found in a public place during this exclusion on date unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is found in a public place during normal school hours on the specified dates without reasonable justification.

We will set work for **Pupil Name** to be completed on the days specified in the previous paragraph as days during the period of his exclusion when you must ensure that he is not found in a public place without reasonable justification.

Please ensure that work set by the school is completed and returned to us promptly for marking. Work is also available on SAM Learning and Show my Homework.

You have the right to make representations to the governing body. If you wish to make representations please contact:

Tahira Ahmed - Exclusions Caseworker
Social Inclusion Team,
99 Leyton Green Rd,
Leyton, E10 6DB
Tel: 0208 496 1782
Email: Tahira.Ahmed@walthamforest.gov.uk,

The Exclusions Caseworker can provide advice as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You also have the right to see a copy of **Pupil Name's** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **Pupil Name's** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to contact Tahira Ahmed as she will be able to provide advice about your child's exclusion. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal



Frederick Bremer School – Exclusions Policy Appendix 3 – Parental Meeting Record

Frederick Bremer School - Parental Meeting Record

| | | |
|---------------------|-------|-------|
| Name: | Form: | Date: |
| Reason for meeting: | | |

| |
|------------|
| Attendees: |
|------------|

| Recommended data to present at the meeting | | | |
|--|-----------------|--------------------------|-----------------|
| Behaviour Log | Achievement Log | Registration Certificate | Academic Report |

| |
|-----------------------------|
| Agreed actions for student: |
|-----------------------------|

| |
|-----------------------------|
| Agreed actions for parents: |
|-----------------------------|

| |
|----------------------------|
| Agreed actions for School: |
|----------------------------|





Frederick Bremer School – Exclusions Policy
Appendix 4 – Positive Behaviour Contract

Frederick Bremer School
Positive Behaviour Contract

Contract between Frederick Bremer School and

I agree to the following in respect of my future conduct:

1. I will make every effort to make the expected academic progress in all of my lessons, remaining focused and engaged in all learning activities
2. I will complete all learning activities including homework
3. I will ensure that my **behaviour meets with the school expectations, including:**
 - Ensuring learning comes first
 - Treating everyone with respect: keep hands, feet and objects to yourself
 - Follow instructions of teachers the first time and at all times
 - Be on time: learning will start within 90 seconds of entering the classroom
 - Move around the school safely and quietly

I understand that my failure to follow the expectations above will lead to appropriate sanctions being applied (as per the School Behaviour Policy) and may result in exclusion(s) or a referral to the Fair Access Panel

DECLARATION: I confirm that I understand and accept the School’s expectations set out in my Positive Behaviour Contract and acknowledge that the consequences of breaking the contract.

SIGNED [signature of pupil] DATE.....

SIGNED [signature of parent /carer] DATE.....

SIGNED [On behalf of the School] DATE.....





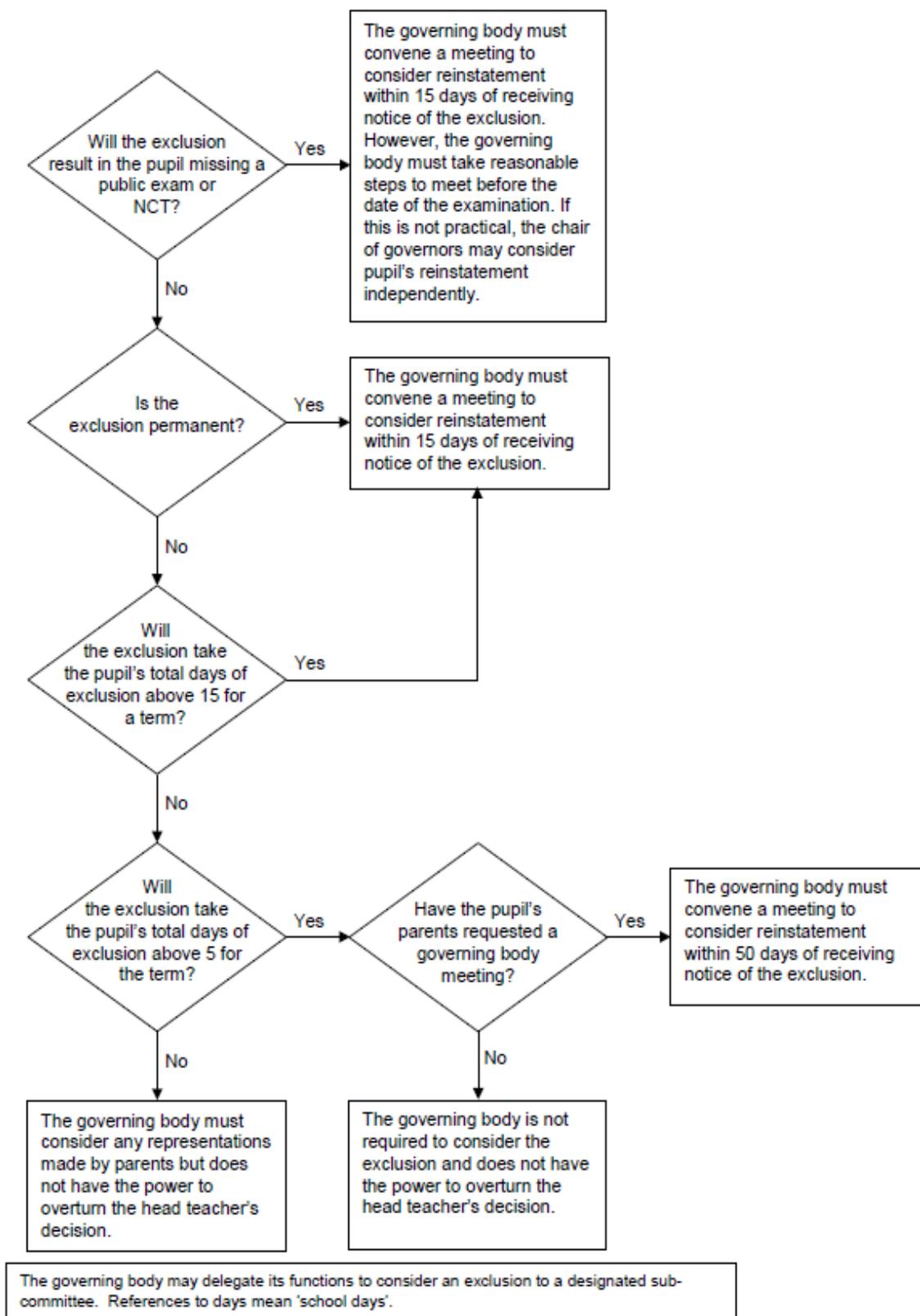
Frederick Bremer School – Exclusions Policy
Appendix 5 – Permanent Exclusion Letter

A large, empty rectangular box with a black border, intended for the content of the Permanent Exclusion Letter.

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Appendix 6 – Summary of Governing Body Review

A Summary of the Governing Body’s Duties to Review the Head Teacher’s Exclusion Decision



Appendix 7 - Independent review panel training

The London Borough of Waltham Forest must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Ratified

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Appendix 8 - Permanent Exclusion hearing protocol

Purpose of the hearing

Governors meet to hear representations from the school and pupil's parents to determine whether to uphold the decision to permanently exclude.

Formal Exclusion meeting – guidance for the Chair

The Chair is responsible for ensuring that:

- The structure of the meeting is adhered to
- The tone of the meeting remains appropriate and respectful
- At no point is personal or abusive language used. All contributions should be relevant to the case directly.

Should any of the above not be the case the Chair may end the hearing and instruct the panel to reach a decision based on the written evidence presented.

Any questions of either the school or the parents will be communicated by email by the panel and a decision will be reached within a week of the hearing and communicated to all parties in writing by the Chair.

Formal Exclusion meeting – guidance for parents

Whilst we appreciate that this is a potentially sensitive issue it is important to recognise and respect both the structure of the meeting and the normal expectations for conduct.

- You have the right to make written representations in advance
- Your right to appeal is explained in the letter notifying you of the decision to permanently exclude
- Your right to request that the case be referred to an Independent Review Panel is explained in the same document and further advice on this is available from the Local Authority representative in attendance at the hearing
- The LA representative will confirm the legal processes and thresholds for permanent exclusion have been adhered to and duly considered by the panel respectively
- The structure of the hearing will ensure that all parties have a fair chance to make their case clearly and ask any questions they feel are necessary about the other's case

Formal exclusion hearing – order of proceedings

Exclusion hearings follow a formal procedure as follows:

1. The Head Teacher, the parent(s)/carer(s) and the excluded pupil and/or their representatives (if present), the excluded child (if present) and a representative of the Local Authority (if present) are invited into the meeting room by the Clerk and enter the room together.
2. Introduction and brief explanation of procedures by the Chair of the Governors' Disciplinary Committee/Management Committee.
3. The Head Teacher presents his/her reasons for the exclusion and calls such witnesses as he/she considers appropriate*.
4. The Head Teacher and his/her witnesses are questioned by the parent(s)/carer(s), or the excluded pupil if over 18 years of age, or their representatives, and also by the Committee.
5. A representative of the Local Authority (if present) may ask questions and draw attention to any area where there is a lack of clarity or where more information may be needed or where guidance appears not to have been adhered to. **(For Academies** – the Local Authority representative is acting as an observer at the request of the parent and therefore can only ask questions / makes comments if asked to do so by the governing body of the academy).
6. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives, may make representations to the Governors' Disciplinary Committee/Management Committee. Unless there are strong reasons to refuse, the Chair of the Governors' Disciplinary Committee/Management Committee

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should allow the excluded pupil to make a statement if he/she wishes. The excluded pupil should not be questioned unless he/she is over 18 years of age. Any witnesses who are pupils at the school may only appear voluntarily and with their parents' consent.

7. The parent(s)/carer(s), or the excluded pupil if 18 years of age or over, and/or their representatives and/or any witnesses may be questioned by the Governors and the Head Teacher.
8. The representative of the Local Authority (if present) can make a statement. (**For Academies** – the Local Authority representative can only make a statement if asked to do so by the governing body of the academy).
9. Following the Local Authority statement, the representative may be questioned by the head teacher, parent(s)/carer(s) and governors.
10. Summing up by the Head Teacher.
11. Summing up by the parent(s)/carer(s), or the excluded pupil if over 18 years of age.

At the end of the hearing all parties, except the members of the Governors' Disciplinary Committee/Management Committee and the clerk leave the meeting before the committee considers its decision.

The Clerk will notify the parent(s)/carer(s), or the excluded pupil if 18 years of age or over, of the committee's decision in writing within one school day and send copies to the Head Teacher and ESBAS.

*Witnesses may remain in the room after giving their evidence or leave after any questions have been asked of him/her, but should not be present before giving their evidence.