

# Brine Leas School

## An Academy

### **EXCLUSION POLICY**

#### **RATIONALE**

New arrangements for school exclusion came into force in September 2017. Brine Leas School policy works in accordance with these arrangements.

The rules governing exclusions from schools, academies and pupil referral units in England can be found at "<http://www.legislation.gov.uk/ukpga/2002/32/section/52>" [s52 Education Act 2002](#).

*Note: A 2014 version of the Exclusions Guidance was issued by the Department for Education earlier this year before being withdrawn to address issues with process. The current guidance to be followed is the above Guidance, which was last updated in September 2017.*

Brine Leas School recognises that in order to ensure a positive atmosphere based on a sense of community and shared values it may, on occasions, be necessary to exclude an individual or individuals either for a fixed period, not exceeding forty five days in any one academic year, or, in some circumstances, permanently.

Such exclusions should only be resorted to when the school can demonstrate with adequate evidence that all reasonable steps have been taken and/or that the presence of the students is likely to be severely detrimental to themselves, other students or staff. There may also be occasions when a short-term exclusion is appropriate because of unacceptable behaviour. This will involve a back to school meeting to reintegrate the students and clear targets can be set in a behaviour contract.

#### **PURPOSE**

1. To maintain an environment where students can develop academically, morally and socially.
2. To maintain the highest standards of behaviour.
3. To protect the well-being of all students and adults within the school.
4. To meet statutory requirements, in particular to confirm with the DFE Exclusion from maintained schools, Academies and pupil referral units in England. September 2017.

#### **GUIDELINES**

1. Students demonstrating poor behaviour should move through the hierarchy of sanctions outlined in the policy included within the BLS Student Behaviour Code. However, exclusion will always be considered in the case of students involved in violent behaviour or other Level 4 behaviours explained in the behaviour code.

2. Only the Head, or a Deputy/Assistant Headteacher in their absence, may exclude.
3. Students and their parents will be given an opportunity to express their view and give their account of an incident.
4. All exclusions must be formally notified in writing to the parents and the LA indicating brief details of the offence, the period of exclusion, the right of parents to appeal, details of work set and the date for re-admission. If a permanent exclusion is being considered, this must be stated on the fixed term exclusion letter to parents/carers. The LA and Chair of Governors should be informed of a permanent exclusion within one school day.
5. Parents will be invited into school to discuss with an appropriate member of staff the criteria by which a student may be re-admitted, where possible on the first day the student returns to school. In more severe cases, a Governor may also be asked to attend.
6. In all cases parents will be informed of their right to make representations to the Governing Body (via the Clerk).
7. Support will be provided for excluded students during exclusion (e.g. by the provision of work and homework) and at re-entry to the school. It is the responsibility of parents/carers to return work to school to be marked. For students with special educational needs, this should be matched appropriately to their statement.
8. In cases of exclusion that are permanent, or result in a student missing a public examination, the Discipline Committee of the Governing Body will meet within 15 school days. Such hearings will follow the procedures recommended in the LA and DFE Guidelines on Student Exclusions.
9. Where a student is given a fixed period of exclusion of a duration of 6 days or longer, the school will arrange suitable full time educational provision from and including the 6<sup>th</sup> day of the exclusion.
10. During the initial period of up to 5 school days, the parents/carers of the excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent(s). The LA has the right to issue a penalty notice if a student is seen in a public place during school hours.
11. The Governing Body has indicated that the punishment of permanent exclusion may be applied to the possession or supply of illegal drugs on school premises or if a student comes to school under the influence of drugs or alcohol.
12. The Governing Body has the right to direct the Headteacher to reinstate a student that has been permanently excluded.
13. Parents have the right to contest the decision of a Governing Body by contacting an independent review panel through the Brine Leas Academies Trust. When requested by a parent, this panel may need to appoint a Special Educational Needs expert. It is left to the Governing body to decide whether or not they act on the advice of the independent panel.

**It is usual that exclusion will occur on the following grounds:**

1. In response to a one-off misbehaviour which is so serious that it cannot be adequately dealt with by allowing the student to continue to attend school.
2. An unprovoked act of violence (verbal or physical) involving another student or member of staff.
3. A criminal or serious act which requires investigation.
4. A series of behavioural problems which culminates in the decision to exclude a child because he or she is beyond the control of the school.
5. Possession or supply of illegal drugs on school premises; or if a student comes onto the premises under the influence of drugs or alcohol.

N.B. As not every eventuality can be foreseen, this is not an exhaustive list and Brine Leas School reserves the right to exclude for reasons deemed appropriate.

**Duration of Exclusions**

1. The Headteacher may exclude a student for one or more fixed periods, not exceeding a total of 45 days in any one school year.
2. If a student is excluded for lunchtimes only, each lunchtime counts as half a day.
3. The Headteacher must notify Governors in order to convene an Appeal Meeting if the decision is taken to exclude a student for more than 15 days.

N.B. Local Authorities need to oversee adjustments to a school budget where a school does not reinstate following a direction by a panel to reconsider its decision to permanently exclude. This is payment towards the cost of alternative provision.

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| <b>Compiled by:</b> L Darling                                | <b>Date:</b> 5 <sup>th</sup> February 2018 |
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