



MISSION STATEMENT

Bristol Cathedral Choir School is a Church of England Academy with an ethos reflecting the Christian faith and with music and mathematics as its specialisms.

It aspires to be a learning community where all achieve their full potential in a supportive and tolerant environment, so that they can contribute fully to the society in which they live.

Name of policy	Exclusion Policy
Author of policy	Kings Educational Consultants Ltd
Governing group responsible for the policy	
Date adopted by academy	
Date approved by Governors	
Date to be reviewed	

INTRODUCTION

The use of exclusion is governed by the provisions of the Education (No. 2) Act 1986 as amended by the Education Act 1993. This policy should be read in conjunction with the School Behaviour Policy and the SENCO Policy.

AIMS & OBJECTIVES / RATIONALE

This is an equal opportunity school and our aim is to ensure that all pupils achieve the highest standards of work and behaviour, in a stimulating and challenging environment which promotes and celebrates achievement.

PROCESS / PROCEDURE

The Principal (or a nominated person in the Principal’s absence) is legally the only person who can exclude a pupil either for a fixed term, or permanently, from school. Except in exceptional circumstances the decision to permanently exclude may only be taken by the Principal.

GUIDELINES

- To exclude a pupil for a fixed term is a serious sanction and should not be used lightly.
- To exclude a pupil permanently from school is the ultimate sanction, and one that should be avoided if at all possible.
- There are a few actions which will result in an automatic exclusion (fixed term or permanent). Pupils should be made aware of these. Please see appendix A.
- In most cases the decision whether to exclude, for how long, takes into account cumulative unacceptable behaviour, and the response of the pupil to the support and advice offered.
- Parents should always be warned if their child’s behaviour is such that it is likely to lead to an exclusion. Parents should be involved in preventative strategies.
- Use should be made of the observations of the Student Support Services Team to signify that a pupil’s behaviour, unless altered, is likely to lead to permanent exclusion.

- Most pupils who are excluded have a history of unacceptable behaviour. The school tries to support pupils to help them improve their behaviour and focus on their work.
- Support available from the SENCO Department will normally include writing of individual education plans (IEPs) focusing on improving behaviour.
- The School Behaviour Policy sets out the strategies used and the context in which exclusion is used.

RECOMMENDATIONS FOR EXCLUSIONS

The following procedures must be followed:

- The decision to exclude is most likely to follow a particular incident. This may be serious enough to justify exclusion or be the culmination of a series of events.
- Statements must be taken from at least two reliable pupils who witnessed the incident(s), preferably not close friends of the culprit or victim (where a victim exists).
- Statements are usually given in confidence. These must not be directly quoted or shown to other pupils, or their parents, without the permission of the pupil who made the statement.
- Statements from adults who have witnessed the incident must also be taken if possible.
- An Assistant Principal, who is the line manager, will discuss what is the most appropriate action to be taken. If a pupil is the subject of an IEP discussions should include the SENCO. If possible the tutor will also be consulted at this stage.
- If they decide to recommend to the Principal that the pupil should be excluded, they prepare the appropriate documentation.
- If the recommendation is to permanently exclude the Assistant Principal (and SENCO) must prepare the documentation to support the case. This will include a full past history of the pupil including information on attainment. Where appropriate, a full report from SEN must be included. The documentation must be compiled within five working school days of the exclusion.
- The Principal makes the final decision (or the nominated person in his absence).
- Every effort must be made to contact parents by phone by the Assistant Principal. The pupil must be seen by the Principal (or nominated person in his absence) to explain the punishment and arrangements for re-admission.
- The standard letter must be used. The reasons for the exclusions must be explained and a copy of the letter handed to the pupil to take home. (See appendix for standard letters)
- One copy of the letter is posted to the parents and another is placed on the pupil's file.
- Further copies are given to the Principal, sent to the SEN and to the Chair of the Exclusion Panel.
- During the period of exclusion it is the responsibility of the Assistant Principal (Teaching & Learning) to provide work to be done at home by the pupil.
- The parent must be asked to accompany the pupil on return to school following a fixed term exclusion. (This interview may take place during the period of exclusion. The pupil should usually be present). They will normally be seen by the Principal and the Assistant Principal.
- Agreements to avoid a repeat of unacceptable behaviour must be agreed and documented.

- This may take the form of a behaviour contract or Pupil Support Plan. (See appendix E.)- The pupil may be placed on report. It must be made clear that failure to abide by the agreement will lead to further exclusion. Where appropriate, copies are sent to student support services so that support can be organised.

ADMISSION OF PUPILS EXCLUDED FROM OTHER SCHOOLS

Any pupil joining Bristol Cathedral Choir School following exclusion from another school will be considered for admission via the Negotiated Transfer Scheme operated by Bristol City Council. The Assistant Principal will attend all Admission Forums and Fair Access Panels as part of this commitment by the Academy.

MONITORING EXCLUSIONS

The Assistant Principal will keep a record of all exclusions. Exclusions are reported to the Governors at their full meeting every term.

Any exclusion of more than five days in aggregate in any one term, or one that would cause a pupil to miss a public exam, must be reported immediately to the Chair of Governors. The Governors can direct that excluded pupils be re-instated either immediately or on a fixed date. At any stage during the process the Principal can decide to convert a fixed term to a permanent exclusion or a permanent exclusion to a fixed term.

MEETINGS OF GOVERNORS

The decision to exclude permanently, or for five days or more, or for an accrued number of exclusions of 15 days or more over the Academic Year must be followed by a meeting of Governors to consider the case.

RIGHT TO APPEAL

Parents/Carers have the right to appeal against the Principal's decision to exclude their child from school. A meeting is organised by the Clerk to the Governors. The Assistant Principal would normally attend this hearing to present evidence. At the end of the meeting the Governors must decide separately whether they agree with the decision of the Principal. For a fixed term exclusion they must consider whether the length is appropriate. The Principal must abide by the decision. Parents/Carers have a further right to appeal to an independent committee.

Resources

Appendices

- A. Exclusion offences – See Behaviour Policy
- B. Fixed term exclusion standard letter.
- C. Permanent exclusion standard letter.
- D. Student Support Plan
- E. Behaviour Contract
- F. Process for Exclusions

Appendix A

Temporary exclusion (suspension) will be invoked for serious offences such as bullying or theft. It may also be used for more minor offences after warnings and other sanctions have been tried and failed. Permanent exclusion (expulsion) from School is rare and will only be invoked for very serious offences or after two suspensions within a reasonable time frame have failed to produce the required satisfactory level of behaviour.

Although this is not an exhaustive list, very serious offences include:

- Serious actual or threatened violence (including bullying) against another pupil or a member of the teaching or non-teaching staff
- Involvement in the possession of or supply of illegal drugs
- Sexual abuse or assault
- Carrying an offensive weapon
- Persistent and defiant misbehaviour
- Any breach of discipline that the Head considers to be serious whether contrary to the school's Code of Conduct, Rules or otherwise

APPENDIX F

PROCESS FOR EXCLUSIONS

Exclusion should be a last resort. Strategies of early intervention, multi-agency assessment and the implementation of the school's behaviour policy may be sufficient to deal with disruptive behaviour.

However, good discipline in schools is essential so that all pupils can learn, therefore the government supports Principals in using exclusion as a sanction when warranted.

The legislation on exclusions applies to maintained schools, academies, free schools and pupil referral units.

The decision to exclude a pupil must be

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

Informal or unofficial exclusions are unlawful; all exclusions must be formally recorded.

A lunchtime exclusion must be officially recorded as a half day exclusion.

Schools behaviour policies should include policy and procedure on exclusions.

The Process

Key People are:

- Principals
- Governing Bodies
- Local Authorities
- Academy Trusts
- Independent Panel review members
- Special Educational Needs Experts

When considering exclusion, schools must not discriminate on

- Sex
- Race
- Disability (including a duty to make reasonable adjustment)
- religion or belief
- sexual orientation
- pregnancy/maternity
- gender re-assignment

Schools must consider their statutory duties in line with Special Educational Needs.

Only the Principal can exclude a pupil and this must be on disciplinary grounds. The Principal has a duty to notify parents and governors. The parent will be notified about their right to make representation to the Governing Body.

The behaviour of pupils outside school can be grounds for exclusion (the school's behaviour policy needs to include the school's approach to behaviour outside school)

Schools may provide off-site education if this is deemed appropriate or transfer to another school as part of a managed move. This must be with the consent of all parties (including parents/carers).

The Principal must inform the Governing Body without delay of any of the following:

- A permanent exclusion
- Exclusions of more than 5 days in a term
- Exclusions that would result in a pupil missing a public examination or national curriculum test

For all other exclusions the Principal must notify the Governing Body once a term including information on the reasons and duration of the exclusions.

The Governing Body must submit to the Secretary of State and the Local Authority information about exclusions annually.

Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking into account their age and understanding.

Fixed Period Exclusions

A fixed period exclusion does not have to be for a continuous period.

A fixed period exclusion may be extended or converted to a permanent exclusion but only in exceptional circumstances (e.g. if new evidence has come to light).

An exclusion cannot be extended for a non-disciplinary reason. For example, the failure of parents/carer or pupil to meet certain conditions such as attending a re-integration meeting cannot be used to prolong the exclusion.

For the first five days of an exclusion, schools should take steps to set and mark work for the pupil. After the 6th day alternative provision must be made.

The legal limit for fixed term exclusions is 45 days in one year.

Re-integration strategy (see below):

Schools should have a strategy for reintegrating pupils after a fixed period exclusion and for managing their subsequent behaviour.

Permanent exclusion should:

- be in response to **persistent** or **serious** breaches of the school's code of behaviour and be implemented when allowing the pupil to remain in school would seriously harm the education or welfare of other pupils.

Governors' duties:

The Principal must inform the Governing Body without delay of any of the following:

- A permanent exclusion
- Exclusions of more than 5 days in a term
- Exclusions that would result in a pupil missing a public examination or national curriculum test

For all other exclusions the Principal must notify the Governing Body once a term including information on the reasons and duration of the exclusions.

The Governing Body must submit to the Secretary of State and the Local Authority information about exclusions annually.

Re-integration strategy:

Schools should have a strategy for reintegrating pupils after a fixed period exclusion and for managing their subsequent behaviour.

For a fixed period of exclusion of more than 5 days the Governing Body must arrange suitable full time education for the pupil.

The Governing Body has a duty to consider parents' representations about an exclusion.

If the exclusion will result in a pupil missing a public exam or National Curriculum test the Governing Body must convene a meeting to consider reinstatement - within 15 days, but take reasonable steps to meet before the examination. If this is not practicable the Chair of Governors may act independently. The governors will consider whether an excluded pupil should be allowed on site for the sole purpose of taking the test or examination.

If the exclusion is permanent, or the fixed period will take the pupil over 15 excluded days for the term, the Governing Body must convene a meeting to consider reinstatement within 15 days of the exclusion.

If the exclusion takes the excluded days for the pupil above 5 for the term the governors must convene a meeting within 50 days of the exclusion if the parents request it.

The Governing Body may delegate its functions to a designated sub-committee.

For an exclusion of less than 5 days the governors must consider any representations made by parents but cannot overturn the Head's decision.

The meeting with parents will consist of the Head, the designated governors (and a representative of the Local Authority for maintained schools and PRUs).

Governors' Roles and Responsibilities

The Governor's Meeting

In preparing for a consideration of exclusion meeting Governors should

- Not discuss the exclusion with any other party
- Try to arrange the meeting at a convenient time for all parties taking account of statutory time limits
- Circulate written evidence before the meeting
- Allow parents and pupils to be accompanied by a friend
- Make reasonable adjustments as appropriate for people attending the meeting
- Take steps to enable the excluded pupil to attend the meeting, taking into account their age and understanding

Governors should identify the steps they will take to ensure all parties are supported to participate and their views properly heard. Minutes should be taken and made available to all parties on request.

Governors should ask all parties to withdraw before making a decision.

They must take into account the Head's legal duties and consider whether the exclusion was

- Legal
- Reasonable
- Procedurally fair

Governors must consider the interests and circumstances of the excluded pupil and listen to representations of the pupil, parents, the Principal and, if a maintained school or PRU, the Local Authority.

They must apply the civil standard of proof 'on the balance of probabilities.'

The governors must consider whether the Head's decision to exclude was justified. They can either

- Uphold the exclusion
- Direct the reinstatement of the pupil either immediately or on a specific date

The outcome should be noted on the pupil's educational record along with copies of all relevant documents.

If governors do not have the power to reinstate (for an exclusion of less than 5 days) they should consider whether they should place a note on the pupil's record.

Governors must notify all parties of their decision and reasons in writing and without delay. If the exclusion is permanent they must include information about the right for parents to have the decision to be reviewed by an independent review panel and the right to require the Local Authority/Academy Trust to appoint a SEN expert to attend.

Where parents dispute the decision of the governors not to reinstate a permanently excluded pupil they may ask for this decision to be reviewed by an

independent review panel, even if they did not attend the exclusion meeting or make any representations.

The role of the independent review panel is to review the Governing Body's decision. It does **not** have the power to reinstate a permanently excluded pupil.

The panel can:

- Uphold the decision
- Recommend that the Governing Body reconsider their decision
- Quash the decision and direct the Governing Body to consider the exclusion again

Whether or not the school recognises that an excluded pupil has Special Educational Needs, parents have the right to request the presence of a SEN expert. Their role is to provide impartial advice as to how SEN could be relevant to the exclusion. Where the SEN expert is present, the panel must seek, and take into account, their evidence.

The Local Authority/Academy Trust must constitute the panel with 3 or 5 members representing:

- A lay member to chair the panel who has not worked in a school in a paid capacity apart from any experience as a governor or volunteer
- School governors who have served for at least 12 consecutive months during the last 5 years though have not been a teacher or Principal during this time
- Principals or people who have been a Principal within the past 5 years

Appeals Against Permanent Exclusion

Panel members and clerks must have undertaken appropriate training within 2 years of the review.

The panel members must NOT:

- Be members of the Governing Body or Academy Trust of the excluding school
- Principal or former Principal (within the past 5 years) of the excluding school
- An employee of the excluding school
- Have connections with the exclusion which might influence their impartiality
- Have not had the required training within the past 2 years

Where a panel directs a Governing Body to quash the decision and reconsider the exclusion it can order a readjustment of the school's budget of £4000 if the Governing Body does not reinstate the pupil within 10 days.

This does not apply if the panel has only directed the Governing Body to reconsider their decision.

Reconsidering an exclusion following a review

The Governing Body must reconvene within 10 days. If they do not offer to reinstate the pupil within 10 days an adjustment of £4000 may be made to the

school's budget. An Academy would be required to make an equivalent payment to the Local Authority.

In the case of a recommended or directed reconsideration the Governing Body must inform parents, the Principal and the Local Authority of their reconsidered decision without delay.