



Educational Mission Statement: Barfield School will provide an outstanding educational experience of the highest quality, within a safe and stimulating environment.

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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Trustees, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

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'
- 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

Only the Headmaster, or acting Headmaster, can exclude a pupil from school. A permanent exclusion will be taken as a last resort. 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

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

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

What Behaviour Merits Exclusion?

Examples of such behaviour include:

Drug abuse
Alcohol abuse
Theft
Bullying
Physical assault/ threatening behaviour
Fighting
Sexual harassment
Racist abuse
Sexual misconduct
Damage to property
Persistent disruptive behaviour
Parental behaviour

Procedure followed in the event of behaviour that could merit exclusion

In the first instance the key considerations are as follows:

What exactly is the allegation?

What information is available and what further information is required?

Is anyone at risk (i.e. do the police or social services need to be informed?)

Guidelines suggest that, where possible, a different person should conduct each of the following stages – interviews with witnesses and general investigation of the allegations, the hearing and the appeal.

Interviews

An immediate Statement of Fact, Incident Report or a recorded meeting will take place with the pupil(s) involved to ascertain facts. These may be individual pupil meetings initially to ensure continuity of truth. Group meetings may be held subsequently if deemed necessary.

Investigation

Further investigation involves the gathering of information, usually by the Form Tutor or depending on the allegations, the Head of Pastoral Care. Before a decision can be fairly taken, it is essential to establish the facts. Statements will be taken from all pupils and staff who were involved in, or witnessed, the incident. Another adult will always be present when pupils are being interviewed by the person charged with the investigation. Parents will be informed after initial investigations have been made and sufficiently in advance of any hearing to allow them time to prepare for that hearing. Where it is deemed appropriate by the Headmaster to suspend a pupil pending the outcome of a disciplinary process, then it will be necessary to inform the parents immediately of this and discuss arrangements for their 'internal suspension' if the parents are not able to collect their child immediately. In cases where Social Services or the Police become involved, parents will be informed as soon as possible.

Hearing

Once the information gathering stage has been completed, a hearing will be held. The hearing will generally be heard by the Headmaster and attended by the pupil, parents, a note taker and any other person required (e.g. witnesses or the member of staff who carried out the investigation, Form Tutor, Head of Pastoral Care). The hearing will be conducted as follows: the evidence will be presented; pupils and parents will be given the opportunity to present their case; there will be further opportunities for the Headmaster to ask questions; he will then adjourn and inform parties of the decision in writing, preferably within one school day of the hearing. The letter will state the decision in relation to the charge, the sanction, when it takes effect, the reasons and to whom the parents may appeal and the deadline within which they must do so.

Appeal

If parents wish to appeal against the Headmaster's decision to permanently exclude, remove or withdraw a pupil from the School (but not a decision to suspend a pupil) they have the right to request a Review of the decision. The request must be made as soon as possible and in any event within seven days of the decision being notified to the parents. Parents will be entitled to know the names of the Review Panel and may ask for the appointment of an independent panel member nominated by the School and approved by the parent (approval not to be unreasonably withheld). The Headmaster will advise the parents of the procedure (current at that time) under which such a review will be conducted by a panel of up to three Prep Schools Trust members (including an independent member if requested). If parents request a review, the pupil will be suspended from School until the decision to expel or remove has been set aside or upheld. While suspended, the pupil shall remain away from School and will have no right to enter school premises during that time without written permission from the Headmaster.

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.

5. Roles and responsibilities

5.1 The Headmaster - Informing parents

The Headmaster 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 Prep Schools Trust and how the pupil may be involved in this
- Where there is a legal requirement for Prep Schools Trust 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 Headmaster 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

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 Prep Schools Trust and local authority

The Headmaster will immediately notify Prep Schools Trust 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 Headmaster 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 Headmaster will notify Prep Schools Trust and LA once a term.

5.2 Prep Schools Trust:

Responsibilities regarding exclusions is delegated to The Chief Executive of Prep Schools Trust. He has a duty to consider the reinstatement of an excluded pupil (see section 6).

Prep Schools Trust has a duty to consider the reinstatement of an excluded pupil (see section 6)

For a fixed-period exclusion of more than 5 school days, arrangements for suitable fulltime education for the pupil will be made.

This provision will begin no later than the sixth day of the exclusion. 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.

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

Prep Schools Trust 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, Prep Schools Trust 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, Prep Schools Trust will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chairman of the 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.

Prep Schools Trust can either:

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

In reaching a decision, Prep Schools Trust will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headmaster followed his legal duties. It 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.

Prep Schools Trust will notify, in writing, the Headmaster, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, Prep Schools Trust'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:
 - o The date by which an application for an independent review must be made
 - o The name and address to whom an application for a review should be submitted
 - o 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
 - o That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
 - o Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - o That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - o 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

7. An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of The Trust 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 Trust of its decision to not reinstate a pupil.

A person may not serve as a member of a review panel if he/she:

- Is a member of the local authority, or Board of Trustees of the excluding school
- Is the Headmaster of the excluding school, or has held this position in the last 5 years
- Is an employee of the local authority or the Board of Trustees, of the excluding school (unless they are employed as a Headmaster at another school)
- Has, or at any time have, had any connection with the local authority school, Board of Trustees, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about his/her impartiality
- Has 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 Board of Trustees decision
- Recommend that The Trust reconsiders reinstatement
- Quash The Trust's decision and direct that it reconsiders 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 not to 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 Trust 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.

9. Returning from a fixed-term exclusion

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

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

- Agreeing a behaviour contract
- Putting a pupil 'on report'

10. Monitoring arrangements

The Designated Safeguarding Lead (DSL) monitors the number of exclusions every term and reports back to The Trust, Headmaster and Welfare Committee. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the DSL annually. At every review, the policy will be shared with the Headmaster.

11. Links with other policies

This Exclusions Policy is linked to our Safeguarding and Child Protection Policy, School Code of Conduct, Behavioural Policy and Pastoral Care Policy are based on consideration for others at all times. This includes fellow pupils, teaching staff, domestic staff and pupils' own parents.

Appendix 1: independent review panel training

The LA 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

Appendix 1 – Example letter of notification to parents

Dear

I am writing to inform you of my decision to exclude _____ for a fixed period of _____ **day(s)**. This means that he/she will not be allowed in school for this period. The exclusion begins on _____ at _____ and ends on _____ at _____.

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

You have a duty to ensure that your child is not present in a public place in school hours during this exclusion on _____ **unless there is reasonable justification for this. I must warn you that you may be prosecuted or receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.**

We have not set work for the afternoon for _____ as we feel that he/she would benefit from some time to reflect on his/her actions and discuss them with his/her parents.

You have the right to make written representations about this decision to the governing body. If you wish to make representations please contact _____ on the school numbers or email address at the top of this letter. 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 should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to the Special Educational Needs and Disability Tribunal (SENDIST).

You are requested to attend a reintegration interview with _____ on _____. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed. Such interviews are a legal requirement and failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of _____ school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of _____ 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 wish to contact the Local Authority who can provide advice. You may also find it useful to contact the Advisory Centre for Education (ACE) — an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on exclusion from school. They can be contacted on 020 7704 9822 or at www.ace-ed.org.uk.

_____ exclusion expires on _____ at _____ and we expect _____ to be back in school on _____ at _____.

Yours sincerely

Headmaster

Appendix 2 – DATA REQUIREMENTS FOR ALL FIXED TERM EXCLUSIONS

School:	Name -
Exclusion details	
Type:	
Number of days:	
Start date:	
Reason*:	
Pupil Details	
Name:	
D.O.B:	
Gender:	
UPN:	
SEN status:	
Looked after status:	

*Standard list to be used

1	Physical assault against pupil	2	Physical assault against adult
3	Verbal abuse/threatening behaviour against pupil	4	Verbal abuse/threatening behaviour against adult
5	Bullying	6	Racist abuse
7	Sexual misconduct	8	Drug and alcohol related
9	Damage	10	Theft
11	Persistent disruptive behaviour	12	Other

The completed forms will be filed with the Front Office and the DSL for records.