



# EXCLUSIONS POLICY

Purpose of this statement	To detail the exclusions policy for Buttershaw Business and Enterprise College
Dated	November 2023
Review	November 2024
Contact	Headteacher

## THE ETHOS OF BUTTERSHAW BUSINESS AND ENTERPRISE COLLEGE



AMBITION RESILIENCE COURTESY KINDNESS

At Buttershaw Business and Enterprise College our values are:

- **Ambition** – We set ourselves challenging goals
- **Resilience** - We give it a go
- **Courtesy** – We are polite to everyone
- **Kindness** – We show we care about those around us.

*Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities. (DFE Exclusions Guidance 2023)*

### The Need for a Policy

Buttershaw Business and Enterprise College promotes positive behaviour through the example set by adults and student role models, the behaviour policy and by having high expectations. Learning that there are consequences to inappropriate behaviour is an important aspect of education and the behaviour strategy has clear sanctions for when expectations are not met.

There are occasions when it is necessary and appropriate to exclude students for a fixed period, or, in very rare cases, permanently. In most cases exclusion will be the last resort after a full range of measures has been tried to improve student’s behaviour and engender a sense of personal responsibility. Whenever exclusions are used the Government Guide to Exclusions (DFE 2023) is followed.

At Buttershaw Business and Enterprise College students identified as being at risk of exclusion are provided with strategies to meet individual needs so that we can support the student and their family as much as possible. Exclusion is viewed as the strongest sanction possible and is available to the school only through the authority of the Headteacher (or designated Deputy in their absence).

A decision to exclude a student from the school should be taken only

- a) in response to serious breaches of the school's behaviour policy and
- b) if allowing the student to remain in school could seriously harm the education or welfare of the student or others in the school.

### **Purpose**

The purpose of this policy is to set out the process for fixed term suspensions and permanent exclusions for the benefit of parents, staff and students so as to ensure a consistent and fair process for all concerned.

### **Parents**

The definition of a parent for the purposes of the Education Act is broadly drawn. In addition to the child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

### **Prevention of Exclusion**

1. The behaviour and attitudes of students is monitored frequently by pastoral staff, the daily behaviour log on SIMS and Power BI indicates students who are gaining large numbers of negative comments. Once identified, students are given a variety of support, including, behaviour watch, mentoring, or time in the LDC, TICTAC or Connect and Bridge where appropriate. Identified students may also be referred to external agencies such as CAHMS and Early Help.
2. SIMS and Power BI will be used to indicate the stages the student is reaching and the support offered. When a student reaches a particular points threshold they may be referred to the BACS panel for consideration of a managed move to avoid permanent exclusion. (This is dependent on a host school being able to offer a manager move to a student) This offers the student a fresh start in a new school, which, if successful, will lead to the permanent transfer to the new school.

Where appropriate, and in line with the Positive Attitude to Learning (PA2L) Policy, the school will use the sanction of internal isolation for a fixed number of days whereby students will be placed in the isolation room and kept out of circulation with quality and relevant work provided. Parents/carers will always be informed of this sanction at the earliest opportunity.

### **A. Fixed Term Suspension**

Fixed-term suspension means that a student is not allowed to come to the school for a certain number of days. Students can also be suspended for lunchtime periods if behaviour at lunchtime is disruptive. A fixed term suspension can be for a fixed period of 1 to 45 days in an academic year but any suspensions over 15 days in a term must be referred to the Governors' Pupil Discipline Committee and this committee must convene within 50 school days if parents/carers request a meeting of this committee for any suspensions amounting to 6 days or over.

### **Situations leading to fixed term suspension**

The school's PA2L Policy clearly states the situations which will normally lead to fixed-term suspension but it is also at the discretion of the Headteacher (or the Designated Deputy in their absence) to suspend for an incident which may not be covered by the PA2L policy and which is deemed to be of equal seriousness. Suspension will not be used for minor incidents; poor academic performance, punctuality concerns or breaches of uniform rules (except where the latter is resulting in persistent and open defiance of such rules). The length of fixed term suspension is at the discretion of the Headteacher but will be for the shortest time deemed appropriate.

### **Procedure after a decision to fixed term suspend a student has been made**

1. Parents/carers will be informed by telephone where possible that a decision to suspend has been made. This will be followed by a letter of confirmation outlining the reasons for the decision and the appeal process.
2. Any suspension over 15 days in a term must be referred to the Governors' Pupil Discipline Committee (PDC). This committee must convene if parents/carers request such a meeting for any suspensions amounting to 6 days or over. If the suspension is for less than 6 days parents/carers can make representation to the Pupil Discipline Committee but it is not obligatory for them to meet. The Pupil Discipline Committee must meet within 50 days of the committee being notified of a hearing.
3. Before a meeting of the Pupil Discipline Committee (PDC) the School will send all the relevant material to the parents/carers and the governors on the panel. Parents/carers have the right to be accompanied by a friend or representative.
4. Students will have a return to education meeting after a fixed-term suspension (normally with the Senior Deputy Headteacher or Assistant Headteacher's for behaviour) where it is expected that parents/carers will attend with the pupil in question. The purpose of the meeting is to promote an improvement in behaviour, to emphasise the joint responsibility between school and parents/carers regarding the student and to explore measures to prevent further misbehaviour.
5. The student may be required to sign a formal behaviour contract.
6. The school will keep a formal record of all fixed-term suspensions.

### **Student welfare during suspension.**

1. The parents have a legal responsibility to ensure that the pupil is not present in a public place e.g. outside school, parks, shopping centres at any time during school hours. (Bradford Council may issue fines to parents if this is breached.)
2. The school will set work (either paper based or online) but it is the parent/ carers' responsibility to collect the work and return it to school.
4. After day 5 of suspension the school will arrange for alternative temporary education – usually at a different local school.
5. If a student is suspended at lunchtimes and is entitled to Free School Meals then the school can make arrangements for a packed lunch to be provided if parents/carers wish.

### **B. Permanent Exclusion**

The decision to permanently exclude a student is never taken lightly. A permanent exclusion means that a student is never allowed to come back into the school; the responsibility for finding the student his or her next educational establishment lies with the Local Authority.

### **Situations leading to permanent exclusion**

After all other initiatives to improve behaviour have been exhausted permanent exclusion may result from serious on-going behaviour problems such as repeated defiance of other PA2L phases and strategies, the failure of a managed move, or failure of an offsite alternative provision placement. There will, however, be exceptional circumstances where, in the Headteacher's judgment, it is appropriate to permanently exclude a student for a first or 'one-off' offence. These may include:

- Serious, actual or threatened violence against another student or a member of staff.

- Sexual abuse, assault or harassment of staff or students.
- Supplying or being in possession of drugs or illegal substances (including alcohol) on the premises or with them on the way to or from school in the community.
- Students who have a dangerous weapon on the premises or with them on the way to or from school in the community.
- Students who purposely tamper with or set off the fire alarm.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community. The decision to permanently exclude a student is never taken lightly.

DFE statutory exclusions guidance (2023) also states on page 11 that ‘the behaviour of a pupil outside school can be considered grounds for a suspension or permanent exclusion.’

### **Procedure for decision making**

The decision to permanently exclude may only be taken by the Headteacher. The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Headteacher may exclude the student.

Permanent exclusion will not be imposed in the heat of the moment and it may be that a student will be suspended pending enquiries and a final decision whilst further investigation takes place. Before deciding whether to exclude a student permanently the Headteacher will:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations, taking account of the school’s PA2L and equal opportunities policies, and, where applicable, Race Relations legislation and Disability Discrimination legislation;
- Allow the student to give their version of events where possible or appropriate;
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment;
- If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher’s decision, for example a member of the Governing Body.

### **Procedure after a decision to permanently exclude has been made**

- Parents/carers will be informed without delay that a decision to permanently exclude has been made – either by telephone or in a meeting with the Headteacher. This will be followed by a letter of confirmation outlining the reasons for the decision and the appeal process (sent electronically or via the post).
- The school will inform the parent/carer of the date of a Governors’ Pupil Discipline Committee (PDC) meeting at which governors will hear the school’s case and representation from parents/carers and the student.
- Before the meeting the school will send all the relevant material to the parents/carers and the Governors on the committee.
- The Governors will hear the case, at which parents/carers may be accompanied by a friend or representative, and come to a decision which they will inform parents/carers and governors of within 24 hours.
- Parents/carers do have a right of appeal to an independent panel in the event the Governors uphold the exclusion and information regarding this will be included in the letter sent to parents/carers. However under

the Education Act 2011 this panel can only suggest a reinstatement of the student and not overturn the Governors' decision.

### Student welfare following a permanent exclusion

1. The student may not come to the school or into the school grounds unless invited in.
2. The parents have a legal responsibility to ensure that the pupil is not present in a public place e.g. outside school, parks, shopping centres at any time during school hours. (Bradford Council may issue fines to parents if this is breached.)
3. From day 6 onwards of exclusion the Local Authority will arrange for alternative temporary education – usually at a Pupil Referral Unit

### Independent Review Panel

In the extremely rare event of a pupil being permanently excluded, parents have the right to ask the Trust to convene an independent review panel, regardless of whether or not they have appealed to the governing body. Parents must make this request within 15 school days of receiving notification of the governors PDC decision, and the panel should meet to review the case within 15 days of the notification. Parents have a right to require the Trust to appoint an SEN expert to attend the review, regardless of whether the pupil has recognised special educational needs.

The panel may make one of three decisions:

- uphold the governing board's decision not to reinstate
- To recommend that the governing body reconsiders reinstatement
- To quash the governing board's decision and direct that the governing board reconsiders reinstatement.

The panel may only quash a governing board's decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (statutory guidance on this consideration is provided in paragraphs 199 to 230 of the DFE Suspensions and Exclusions Guidance 2023).

Named Governor:	Neil Margerison
Monitoring of the Policy:	M Colman
Reporting to:	A Taylor
Date of Submission:	November 2023
Next Review Date:	November 2024

### Appendix

The Exclusions Policy is part of a suite of policies and documents which include the following:

Positive Attitude to Learning (PA2L) Policy

Exclusions Policy

Anti-bullying Policy

E-Safety Policy

Additionally reference should be made to documents published by DFE including:

[Exclusion from maintained schools, academies and pupil referral units in England](#)

[Use of reasonable force in schools](#)

[Preventing and tackling bullying](#)