



Exclusions and Suspensions Policy

1. PART 1: GENERAL APPROACH TO BEHAVIOUR AND EXCLUSIONS

1.1 The Main Board of the Diocese of Bristol Academies Trust (“**DBAT**”) is ultimately accountable for the behaviour and safety of all pupils at the academies run by DBAT (the “**Academies**”).

1.2 Day-to-day responsibility for the behaviour and safety of pupils within each of the Academies is delegated to the Academy Council or Principal/Head of School (as appropriate). This includes:

- preparing and/or implementing an effective behaviour policy and relevant related policies and procedures e.g. Anti-Bullying, Attendance, Drug Misuse, Equality and Diversity, Special Educational Needs (SEN) and Spiritual Moral Social and Cultural policies
- monitoring the effectiveness of the Academy’s behaviour policy and related policies

1.3 DBAT Academies have strong values that are taught and referred to regularly. Respect for others features strongly: it protects individuals and is based on Christian principles that feature in many aspects of social life. DBAT Academies seek to be inclusive whenever possible. Poor behaviour may be the result of inappropriate provision so faced with persistent poor behaviour an Academy should do its utmost to establish and address the cause rather than applying sanctions to the symptoms.

1.4 DBAT Central Team and our Academies, believe that, in general, exclusions are not an effective means to help a pupil adjust their behaviour to enable learning and provide a safer environment within the Academy. However, DBAT supports its Academies in using formal exclusion where it is warranted. Part 5, below, details some situations that may give rise to an exclusion being considered. This is always as a last resort, when there is clear evidence that systematic approaches have been tried without achieving the necessary results.

1.5 **The responsibilities of the Principal/Head of School/Head of School**

Below are some key points from the DfE Advice on Exclusions (Exclusions from maintained schools Academies and pupil referral units in England - September 2017):

- Following consultation between the Principal/Head of School or someone acting in the role of Principal/Head of School, only the Chief Executive Officer (CEO) or Executive Director of Learning (EDL) can approve the exclusion of a pupil;
- a pupil can only be excluded on disciplinary grounds in response to a serious breach or persistent breaches of the Academy’s behaviour policy, where allowing the pupil to remain in the Academy would seriously harm the education or welfare of the pupil or others in the Academy;
- a pupil whose disruptive behaviour takes place at lunchtime may be excluded for the lunchtime period only;
- behaviour out of school can be grounds for exclusions;

- it is essential that the Principal/ Head of School conducts a thorough investigation of the case to establish the facts, including giving the pupil an opportunity to provide their account of what has taken place, before consulting with the CEO/EDL who will make a decision;
- in establishing the facts, the Principal/Head of School/Head of School must use “on the balance of probability it is most likely the facts are true” as the burden of proof rather than “beyond reasonable doubt”;
- the decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Principal/Head of Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion not only in the conduct of the case but ensuring that behaviour policies do not discriminate against such pupils.
- before exclusion, the Principal/Head of School must check and inform CEO/EDL that the pupil is not subject to a Child Protection Plan, Early Help or social worker involvement; careful consideration will be given as to whether the level of risk to the pupil could be increased by exclusion. If the pupil does have social worker involvement, then the social worker should be part of any discussions about possible exclusion
- in considering the exclusion of a pupil with special educational needs, the Principal/Head of School must ensure they fulfil their duties under the SEND Code of Conduct, must ensure all such background information is shared with the CEO/EDL and make every effort to engage the parents in the process;
- the Principal/Head of School may, in consultation with the CEO/EDL, withdraw an exclusion that has not been reviewed by the Academy Council; this might occur if new information comes to light that may cause a review the original decision;
- If the CEO/EDL, in consultation with the Principal/Head of School, wishes to send a pupil home from the Academy they must take account of their legal duty of care.
- The Principal/Head of School should follow any Local Authority procedures that apply in their area in terms of notification and involvement of external services and support

1.6 Permanent exclusion will only be authorised where it is used as a last resort, in response to a serious breach, or persistent breaches, of the Academy’s behaviour policy and where allowing the pupil to remain in the Academy would seriously harm the education or welfare of the pupil or others in the Academy.

1.7 Under no circumstances will DBAT sanction an Academy’s use of ‘informal’ or ‘unofficial’ exclusions, such as sending a pupil home ‘to cool off’. Such exclusions are

unlawful, regardless of whether they occur with the agreement of the pupil's parents/carers.

1.8 DBAT, the Academy Council and the Principal/Head of School shall follow and have regard at all times to the latest guidance on behaviour and exclusions issued by the Department for Education currently "Exclusions from mainstream schools, Academies and pupil referral units in England" (September 2017).

1.9 In this document the term 'Fixed Term Exclusion' is to be taken as the same as the term 'suspension' as used in DfE documents September 2021 onwards.

PART 2: INFORMING PARENTS ABOUT EXCLUSION

2.1 Following agreement from the CEO/EDL, the Principal/Head of School must inform the parents in writing without delay:

- the reason for the exclusion;
- whether it is a fixed term exclusion, and if so for how long, or a permanent exclusion;
- the parents' right to make representations to the Academy Council and how they can do so;
- where there is a legal right for Academy Councils to consider the exclusion the parent's legal right to attend the meeting and bring a friend;
- what arrangements will be made for the pupil to continue their education during the period of exclusion including any alternative provision;
- if the excluded pupil is of compulsory school age then for the first five days of the exclusion or until a the pupil returns to school or alternative provision starts the parent is responsible for ensuring that the pupil is not present in any public space during school hours.

A model letter for this is provided in Appendix 1.

2.2 This written notification may be delivered to the parent at their last known address or posted to it. Principal/Head of Schools are encouraged in addition to the written communication to phone, text or email to ensure the information reaches parents quickly. The information should be clear, easy to understand and should take account if the parents' first language is not English. It should also draw their attention to the sources of free and impartial advice outlined in the guidance.

PART 3: NOTIFICATION OF BOARDS ABOUT EXCLUSIONS

- 3.1 The Principal/ Head of School shall, prior to any decision on whether a pupil should be given a Fixed Term or Permanent Exclusion, consult with the CEO/EDL, who, under the Scheme of Delegation, are the only officers of the Trust who can authorise exclusions.
- 3.2 Following a decision given under 3.1 above, the Principal/ Head of School of an Academy shall, without delay, notify the Chair of the Main Board; the Chair of the Academy Council of the Academy; any Local Authority contact as deemed necessary following Local Authority procedures:
- a permanent exclusion (including where a fixed period exclusion is made permanent)
 - exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term
 - exclusions which would result in the pupil missing a public examination or national curriculum test
- 3.3 For all other exclusions the Principal/ Head of School must provide a written report to the Chair of the Main Board and the Chair of the Academy Council of the Academy once a term.
- 3.4 This report must include the reasons for the exclusion, the duration of any fixed period exclusion, the age, gender and ethnicity of a pupil and whether they would be considered disadvantaged e.g. in receipt of the Pupil Premium or have a degree of Special Educational Needs.

PART 4: DUTY TO ARRANGE EDUCATION FOR EXCLUDED PUPILS

- 4.1 DBAT believes in the importance of minimising the disruption that exclusion can cause to a pupil's education. We therefore strongly encourage our Academies to take all possible steps to set and mark work for excluded pupils, regardless of the length of the exclusion. We also encourage our Academies to exercise their discretion to allow an excluded pupil on to the Academy's premises for the purpose of undertaking public examinations or national curriculum tests, unless doing so would seriously harm the education or welfare of the pupil or others in the Academy.
- 4.2 For a fixed period exclusion of more than 5 school days, the Academy Council has a legal duty to arrange suitable fulltime education for any pupil of compulsory school age. This provision must begin no later than the 6th day of the exclusion.
- 4.3 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the 6th day of the exclusion.

PART 5: ACADEMY COUNCIL REVIEW PANEL

Responsibility to convene an Academy Council Review Panel

- 5.1 It shall be the responsibility of the Clerk to the Academy Council to convene a Review Panel within 15 school days of a request being made by parents.
- 5.2 Whether or not it is requested by the pupil's parents/carers, a Review Panel must be convened to consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion where:
- a permanent exclusion (including where a fixed period exclusion is made permanent)
 - exclusions which would result in the pupil being excluded for more than 15 school days (or more than 10 lunchtimes) in a term
 - exclusions which would result in the pupil missing a public examination or national curriculum test
- 5.3 If requested to do so by the pupil's parents/carers, a Review Panel must be convened to consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if a pupil would be excluded for more than 5 school days, but not more than 15, in a single term.
- 5.4 In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than 5 in a term, a Review Panel must be convened to consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.
- 5.5 Where exclusion would cause a pupil to miss a public examination or a national curriculum test the Academy Council is required to consider the case before the date of the examination or test if at all possible. If this is not practicable then the chair of the Academy Council may consider the exclusion independently and decide whether or not to reinstate the pupil.

Members of the Review Panel

- 5.6 Unless otherwise specified by the Main Board, a Review Panel convened under paragraph 5.2 above shall be made up of two Academy Council members and where possible one DBAT Director, none of which have had any prior involvement in the matter. If no Director is available their place may be taken by a DBAT officer or failing that a Local Foundation Academy Council Member. A Review Panel convened under paragraphs 5.3 and 5.4 above shall be made up of three Academy Council Members only, with no prior involvement in the matter. The Clerk shall appoint one of these members to be the Chair of the Board Review Panel.

5.7 Members of the Review Panel should be advised not to discuss the exclusion with any party outside of the meeting or to ask for any additional written evidence in advance of the meeting.

Parties attending Review Hearing

5.8 The parents/carers of the pupil and the Principal/Head of School of the Academy shall be invited to the Review Meeting and allowed to make representations.

5.9 Parents/carers should be informed of their right to be accompanied to the meeting by a friend, relative, advocate or interpreter.

5.10 Where possible, the excluded pupil should be enabled and encouraged to attend the meeting and speak on his/her own behalf, taking into account the pupil's age and understanding. Where this is not appropriate, the excluded pupil should be given the opportunity to feed in his / her views by other means such as setting their views out in writing.

5.11 The Review Panel is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. Should either party wish to bring witnesses to the hearing, the names of these witnesses shall be provided to the Clerk to the Academy Council at least 5 school days before the hearing. The party calling the witness is responsible for informing the witness of the time, date and location of the hearing.

5.12 Where a pupil under the age of 18 is invited to be a witness, the party seeking to bring the witness should first seek the consent of that pupil's parents and confirm to the Clerk that consent has been given. The Clerk should ensure that the parents are invited to accompany their child to the hearing.

5.13 Every effort will be made to arrange the meeting for a time and date that is convenient to all parties but in compliance with the relevant statutory time limits set out above.

5.14 The Clerk to the Academy Council is responsible for ensuring that reasonable adjustments are made where needed to support the attendance and contribution of all parties at the meeting (for example where a parent or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations).

Information to be provided in advance

5.15 As soon as reasonably practicable and in any event at least 5 school days before the hearing, the Principal/Head of School and parents of the excluded pupil shall be sent written notification of the date, time and place of the hearing, together with brief details of the Review Panel members who will be present.

5.16 The Principal/Head of School and the parents of the excluded pupil should provide to the Clerk the names of all witnesses and copies of all documents, written evidence or information which they wish the Panel to consider at least 7 school days before the hearing. The Panel reserves the right not to consider any documentation presented by either party less than 5 school days prior to the hearing. This information and copies of these documents shall be provided to the other party at least 5 school days before the hearing.

Conduct of the hearing

5.17 The Clerk to the Academy Council shall ensure that clear minutes are taken of the hearing as a record of the evidence that was considered by the Review Panel. Copies of these minutes shall be made available to all parties on request.

5.18 The hearing will be conducted in such a way as to ensure that all those present have the opportunity to present their case, ask questions and make comments in an appropriate manner. The meeting will allow for:

- The Principal/Head of School to explain the reasons for the exclusion and the parents to set out their response
- The opportunity for both parties to ask questions of each other about the exclusion
- Panel members to have an opportunity to question both the Principal/Head of School and the parents
- Any party to call witnesses (subject to the prior approval of the Panel) and all parties having the right to question any witnesses
- Final statements by both the Principal/Head of School and the parents

5.19 When establishing the facts in relation to an exclusion decision the Review Panel must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'.

5.20 The Review Panel should consider:

- whether the Principal/Head of School's decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the head teacher's legal duties
- the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded
- the interests of other pupils and people working at the school

5.21 After the hearing all other parties will withdraw, the Review Panel will then consider their decision and inform all parties of their decision in writing

without delay and within at least 5 school days. The Panel can (by a majority if necessary):

- Uphold the exclusions; or
- Direct reinstatement of the pupil immediately or on a particular date

5.22 The Panel must write to the parents without delay ensuring that the reasons for their decision are set out in sufficient detail to enable all parties to understand why the decision was made. When the Panel upholds an exclusion it must draw the parents attention to their right to appeal to an Independent Review Panel and the free sources of information to enable them to decide whether to do this. In the case of a permanent exclusion the letter to the parents must also include the prescribed information as set out in the Department for Education guidance, including the deadlines for lodging an appeal and the parents' right to have an SEN expert appointed to attend the Panel.

5.23 When a permanent exclusion has been upheld then a Principal/Head of School must remove the pupil's name from Academy's admissions register if 15 days have elapsed since the parents were notified and no appeal has been lodged or they have indicated in writing they do not wish to appeal. If an appeal is lodged the pupil must remain on the register until the appeal has been reviewed using code B or D if they are attending alternative provision and E if they are not.

5.24 In cases where the Academy Council considers parents' representations but does not have the power to direct a pupil's reinstatement, they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

PART 6: INDEPENDENT REVIEW PANELS

6.1 If applied for by parents within the legal time frame, the Trust must, at their own expense, arrange for an independent review panel hearing to review the decision of an Academy Council not to reinstate a permanently excluded pupil.

6.2 If this situation were to arise the Principal/Head of School must immediately contact DBAT's Governance Officer who will arrange for the panel to be set up.

6.3 Detailed guidance on the operation of Independent Review Panels is set out in Part 8 of the DfE Guidance "Exclusion from maintained schools, Academies and pupil referral units in England" (2017).

PART 7: MONITORING EXCLUSIONS

6.4 Under the Equality Act 2010 Academies must not discriminate against pupils. Certain groups of pupils appear to be statistically more likely to be excluded. It is very important for Academies to keep and analyse accurate data about the pupils they exclude. The Principal/Head of School should use the termly reports to present to the Academy Council an annual analysis of exclusions with an explanation of way any groups might appear to be over-represented. This will provide important evidence for the Academy's compliance with the Equality Act.

Appendix 1
Example of a letter informing parents of a fixed-term exclusion

Re: [Name of pupil/ student] Date of Birth: [DOB] Year: [Year group]

Dear [name of parent/carer],

I am writing to inform you of my decision to exclude [name] for a fixed period of [x] day(s). The exclusion begins on [day and date of the start of the exclusion] and ends [day and date of the end of the exclusion]. S/he will be able to return to school on [day and date of readmission].

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

(Description of the incident below is an example)

- An escalation of challenging behaviour, including violence towards members of staff: biting, kicking and scratching, resulting in bruising and scratches on an adult;
- Throwing a chair towards a member of staff;

We can set work for [name] for the period of the exclusion should you wish. Please let us know if you require this and arrangements will be made for you to collect it.

It is my responsibility to make you aware that during this period of exclusion as the parent you are legally required to ensure that [name] is not present in a public place during school hours without reasonable justification and that you may be given a fixed penalty notice or prosecuted you fail to do so.

You have the right to make representations about this decision to the Academy Council. If you wish to make representations, please contact the Chair of the Academy Council, [Name] c/o [school name] CE Academy as soon as possible. Whilst the Academy Council 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 SEN and Disability Tribunal (SENDIST). Their contact details can be found here <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability> and the address to which appeals should be sent is:

First-tier Tribunal (Special Educational Needs and Disability)
1st Floor, Darlington Magistrates Court
Parkgate
Darlington
DL1 1RU

Involving the SENDIST does not affect your right to make representations to the Academy Council.

There are a number of sources of information you may find useful:

Local Authority SEND team	<i>[Provide the details of whom appropriate to contact at your Local Authority]</i>
Local authority Education Welfare Officer	<i>[Provide the details of whom appropriate to contact at your Local Authority]</i>
Advisory Centre for Education (ACE) - an independent national advice centre for parents of children in state schools	0300 0115 142 or at www.ace-ed.org.uk

We would like to meet you again on [day, date and time of the readmission meeting] to discuss reintegration and the next steps. It is essential that we work together to ensure we are able to provide [name] with the best possible support and for us to understand the underlying reasons why this situation arose.

Yours sincerely

[Name]

Principal/ Head of School

History of most recent Policy changes

Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
Oct 2021	All	Changes to names for Head of School, Academy Council Updates from 2017 guidance	DBAT Scheme of Delegation DfE Guidance 2017
Jan 2022	P2. Sect 1.4	Changed to reflect approach and language outlined in Behaviour Policy	Behaviour Policy 2021 and Pivotal approach to language used
	P2/3. Sect 1.5 P4. Sect 3	Changed to reflect Scheme of Delegation – only CEO/EDL can approve exclusion	SoD 2021
	All	Changes to name governors to Academy Council Members	Consistency of terminology
	p3 1.5	Added phrase to highlight that Local Authority procedures must also be followed in terms of involvement and notification	DfE Guidance 2017
	p4 1.9	Added clause which states that Fixed Term Exclusion is the same as suspension	DfE terminology change September 2021.
	p13	Level of policy set to Level 1	As per CEO Guidance
	p9	Changed name to Academy Council from Governing body	Consistency

Policy Owner	Education Directorate
Date Adopted	February 2022
Review Date	February 2023
Level	Level 1
<i>DBAT Policy levels:</i>	
LEVEL 1	DBAT policy for adoption (no changes can be made by the Academy Council; the Academy Council must adopt the policy)
LEVEL 2	DBAT policy for adoption and local approval, with areas for the Academy to update regarding local practice (the main body of the policy cannot be changed)
LEVEL 3	DBAT model policy that the Academy can adopt if it wishes
LEVEL 4	Local policy to be approved by the Academy Council