



BURY
GRAMMAR SCHOOL

Exclusion Policy

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Author: Senior Deputy Head (Pastoral)

This policy is for Bury Grammar School

This policy has been written to meet the standards as set out in the Education (Independent Schools Standards) Regulations 2014 (ISSR) as amended under section 94 of the Education and Skills Act 2008 and has particular regard for the interpretation of these as set out in paragraphs 324 to 330 of the Commentary on the Regulatory Standards September 2022.

Policy Statement

At Bury Grammar School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy or Parent Contract. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils will only be used as a means of last resort.

The school has created this policy to provide clarity on when the school's right to exclude a pupil may be exercised, and to ensure that our procedures are fair and promote natural justice. This policy does not apply to instances when a pupil must leave the school due to non-payment of fees or withdrawal by their parents.

Principles

1. The school will act fairly, reasonably and proportionately in its application of sanctions which includes exclusions.
2. This policy should be read in conjunction with our Behaviour Policy.
3. The aim of this policy is to ensure procedural fairness and natural justice and to promote co-operation between the School and parents when it is necessary for a pupil to leave earlier than expected.
4. Bury Grammar School is fully committed to ensuring that the application of this policy is non-discriminatory, in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.
5. Pupils returning to school after a fixed term exclusion will attend a reintegration meeting with a member of the SLT.
6. Members of staff who teach excluded pupils will provide work for these pupils to do at home. Where an exclusion becomes permanent, the school will cease to set work on the date that the permanent exclusion is confirmed.
7. An appeals process is available for any exclusion by the parents following the complaints policy.
8. This policy is available to parents and prospective parents on request.

Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Parent Contract
- Behaviour Policy
- Anti-bullying Policy
- Pupil Code of Conduct
- SEND Policy
- Social, Emotional and Mental Health (SEMH) Policy
- Child Protection and Safeguarding Policy

Grounds for Temporary or Permanent exclusion

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy and in line with the Parent Contract, have failed to be successful.

The following examples of pupil behaviour may underline the school's decision to Temporarily exclude or permanently exclude a pupil:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying (including cyber bullying), harassment or abuse (including on the grounds of gender identity, race, ethnicity, religion or sexual orientation).
- Sustained challenge to the authority of a member of staff.
- Persistent defiance of school authority or disruption of teaching and learning.
- Acts of vandalism or minor physical violence.
- Drugs and alcohol misuse.
- Theft.
- Persistent poor attendance/ punctuality.
- Sexual Harassment and Misconduct.
- Conduct likely to bring the School's reputation into disrepute.
- Malicious allegation against a member of staff.
- Major breach of pupil AUP.
- Accumulation of misconduct referrals.

The above list is not intended to be exhaustive, and it will remain at the discretion of the Principal to determine if exclusion is an appropriate disciplinary action in response to an incident or series of incidents.

Pupils can be suspended on a fixed-period basis or permanently. Similarly, pupils can be permanently excluded following a fixed term exclusion, where further evidence is presented.

In all cases, the Principal will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.

The Principal will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

The Principal's power to Temporarily and Permanently exclude

Only the Principal has the power to exclude a pupil from the school, which is derived from the Parent Contract, and they will decide whether a temporary or permanent exclusion is appropriate.

The Principal is able to suspend pupils from the premises where their behaviour is disruptive during lunchtime.

The Principal is able to consider a pupil's disruptive behaviour outside of the school premises as grounds for temporary or permanent exclusion, in accordance with the school's Behaviour Policy.

Any decision made to exclude a pupil will be lawful, proportionate, and fair, with respect to the school's wider legal duties. At all times, the Principal will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

When sending a pupil home following a temporary or permanent exclusion, the Principal will ensure that they exercise their duty of care at all times and will always inform the pupil's parents.

The Principal will apply the civil standard of proof when responding to the facts relating to a temporary or permanent exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The Principal will not issue any 'informal' or 'unofficial' temporary exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this.

The Principal will not use the threat of temporary or permanent exclusion as a means of instructing parents to remove their child from the premises.

All temporary or permanent exclusions will be formally recorded on the Serious Sanctions Log

Factors to consider when excluding a pupil

A temporary or permanent exclusion will only be imposed instantly if there is believed to be an immediate threat to the safety of staff and pupils in the school or the pupil themselves.

When considering the exclusion of a pupil, the Principal will:

- Ensure an appropriate investigation and evidence-recording process is carried out.
- Allow the pupil the opportunity to present their case, accompanied by a member of staff or a parent if requested.
- Give adequate consideration to contributing factors that are identified after a case of poor behaviour has occurred, e.g. the pupil's SEND, or if the pupil's wellbeing has been compromised, or they have been subjected to bullying.

The Principal will consider what extra support may be available for vulnerable pupil groups, e.g. pupils with SEND, whose temporary or permanent exclusion rates are higher, to reduce their risk of exclusion.

The Principal will consider avoiding permanently excluding LAC, pupils with SEMH issues and pupils with an EHC plan.

Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Principal, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational and mental health needs, or other needs and vulnerabilities.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then temporary or permanent exclusion may be considered.

In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is permanently excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The Principal will work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.

The length of a temporary exclusion will be proportionate to the gravity of the offence and will usually last between 1–5 days. In exceptional circumstances it may be appropriate for a pupil to serve a temporary fixed term exclusion of more than 5 days.

Duty to inform parents

A member of SLT will inform the parents of a pupil under investigation for an incident that may result in temporary or permanent exclusion as soon as is reasonably practical.

When a decision is made to temporarily or permanently exclude a pupil, the SLT member will immediately inform the parents, in person or by telephone, of the period of the temporary exclusion, or of the permanency of the exclusion and the reasons behind this.

The Principal will inform the pupil's parents via written communication of the following:

- The reason(s) for the temporary or permanent exclusion
- The length of the temporary exclusion or the permanency of the exclusion
- The arrangements to allow the pupil to work at home, where appropriate
- The pupil's rights to enter the school premises during the temporary or permanent exclusion
- Their right to raise any representations about the temporary or permanent exclusion the governing body, including where a deadline applies, how the pupil will be involved in this and how the representations will be made
- Relevant sources of free, impartial information

If the Principal has decided to temporarily exclude the pupil for a further fixed period following their original temporary exclusion, or to permanently exclude them, they will notify the pupil's parents without delay and issue them with a new exclusion notice.

If a pupil with SEND has been excluded, the Principal will ensure that:

- Any alternative provision is arranged in consultation with the pupil's parents, who can request preferences.
- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents.

Procedure to be followed where there is a question of permanent exclusion

- If the behaviour, conduct or continued failure to meet expectations may result in a decision to permanently exclude a pupil then a disciplinary meeting will be arranged.
- A decision to permanently exclude is not taken lightly and before it is reached the Principal will have given careful consideration to any representations by the parents. In the process, they will consult the Chair (or in his/her absence, the Deputy Chair) of Governors and agree the issues relating to permanent exclusion.
- Parents may, if they wish, appeal the Principal's decision to permanently exclude a pupil by following stage 3 of the School's complaints policy.

Investigation

- The investigation will not be undertaken by the person who will decide on exclusion unless circumstances dictate this;
- Where appropriate witness statements will be taken, and then signed and dated;
- Anonymity will not be promised unless this is the only way to obtain a statement. The statement will be signed and dated in the normal way but the name will be withheld.
- It is important that all parties recognise that less reliance can be placed on anonymous statements and hearsay evidence;
- The person accused of any offence will be given the opportunity to give his/her own side of the story and respond to statements made by others.

Disciplinary Meeting

The Principal will decide if a disciplinary meeting is required to address breaches of the school's Behaviour Policy or Parent Contract where exclusion is considered necessary.

- A disciplinary meeting, chaired by the Principal, Deputy Principal or Senior Deputy Head will be scheduled if a permanent exclusion is likely or a possibility.
- The pupil will be required to attend the meeting and may be accompanied by a parent or other appropriate adult who has been approved by the school. It would not be appropriate for the pupil to be accompanied by a solicitor.
- The investigating member of staff will also attend the meeting.
- Witness statements and any other evidence will be presented and both parties will have the opportunity to present their case and ask questions.
- The Chair of the meeting will not be required to share confidential information, or the identities of pupils or others who have provided information that has formed part of the evidence against a pupil, with parents.
- The Chair will hear the evidence, ask any relevant questions, consider mitigating circumstances and reach a decision.
- The decision will be taken on all the evidence available at the time; and the decision will be taken on the balance of probability.

At the meeting, the Chair will ensure the following documents are available:

- A statement detailing the incident(s) and complaints against the pupil

- The report compiled as part of the investigation
- Any relevant correspondence, e.g. written statements
- Relevant documents from the pupil's school file
- A copy of this policy

Meeting Agenda

- All parties will be welcomed to the meeting and will introduce themselves and outline their role during the meeting.
- The investigating member of staff will be asked to present the case for the offence which resulted in the exclusion.
- The investigating member of staff will invite questions.
- The pupil will be asked to provide their explanation of events.
- The pupil will receive questions. Care must be taken to safeguard the pupil and ensure questioning is not oppressive. The purpose of the questions are simply to establish the facts.
- The Chair will sum up the evidence which has been presented to ensure that he/she has an accurate understanding.
- The Chair may then adjourn the meeting before proceeding to the Informing Stage (see below).

Informing

- Parents or guardians will normally be informed of the decision at the disciplinary meeting; it will be confirmed in writing within **48 hours**.
- In some circumstances it may be necessary to adjourn the decision-making process or to take more time to reach a decision.

Appeals

- If parents/guardians wish to appeal a decision that has been made to permanently exclude, the Chair should invite them to write to the Chair of Governors via the Clerk to the Governors within seven term-time working days and follow Stage 3 of the Complaints Policy.
- Parents / guardians are not able to appeal against a fixed term exclusion.
- The parents' representation will state the basis on which they are seeking a review and the resolution they want.
- The governing body will decide if a review is warranted based on the representation – a simple disagreement with the Chair's decision will not typically be considered sufficient grounds for a review.
- The Principal will ensure appropriate arrangements are in place for the review if the pupil has SEND or the parents have any disabilities that necessitate additional facilities or adjustments.
- When a review is granted, the Governing Body will select a three-member panel. The members of the panel will not have prior knowledge of the details of the case or be familiar with the pupil or their parents.
- The pupil's parents will be notified before the review of the chosen members for the panel, and the governing body will consider any objections raised.

- The review will take place within 10 working days of submission of the parents' representations during term time.
- The chair of the panel will decide if new information provided by either side is allowed to be considered.
- The panel will examine the evidence provided by both sides and the representations made and will decide if the original decision stands or whether the Chair of the disciplinary meeting should reconsider their decision with recommendations made, e.g. to reduce the severity of the punishment.
- A review meeting is a private procedure and all those involved will keep the proceedings confidential, subject to law.
- In attendance at the review meeting will be the members of the panel, an appointed clerk, the Principal, the pupil and their parents, and any relevant staff member agreed upon by the Principal.
- The procedures of the review meeting will be informal, fair and follow the requirements of natural justice.

Reaching a decision

- The panel will consider how the decision was reached and if the facts of the case were sufficiently proved – the civil standard of proof will apply.
- The panel will decide if the disciplinary action was proportionate to the complaints made against the pupil.
- The pupil and their parents will be informed that if they are unhappy with the procedure of the review, they should raise their concern to the Chair of the panel at the time and ask the Clerk to note their concern.
- Once all issues have been considered, the panel will reach its decision and make its recommendations, which will be communicated in writing, with justifications, to the Principal and the pupil's parents by the chair of the panel within three days of the meeting.
- The Principal will respond to the recommendations within 24 hours of notification. This decision will be final.
- The Principal will consult with the pupil's parents before determining the leaving status of the excluded pupil, in line with the Parent Contract, and any additional arrangements, e.g. the form of reference which will be supplied for the pupil.

Provision of information regarding exclusions

For certain excluded pupils, information which will be supplied on request to prescribed bodies or persons is:

1. the exclusion start date;
2. the type of exclusion;
3. the reason for the exclusion; and
4. the number of sessions to which the exclusion applies.

Information regarding exclusions is held securely.

Monitoring and review

This policy will be reviewed annually. All members of staff will be required to familiarise themselves with this policy as part of their induction programme.

Exclusion Policy Issues and Updates

Date	Policy version	Summary of key change(s)
23/08/23	1	Updated language relating to temporary and permanent exclusion and additional information and guidance added relating to school procedures and pupils with and school procedures and factors to consider when excluding a pupil.
21/03/24	2	Updated disciplinary meeting procedure to amend possible chairs.