



BIRCHWOOD

CHILDREN'S SERVICES

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Exclusion Policy

Contents

1. Ethos	2
2. Aim	3
3. Explanation of terms	4
4. Roles and Responsibilities	4
5. Factors that the Head Teacher should consider before taking the decision to suspend/exclude.	5
6.0 Procedure	6
7. Reintegration meeting	9
8. Equality and diversity	9
9. Multi-agency partnership	9
10 Seeking the views of children, parents, carers, local authorities and staff	9
11. Safeguarding	9
12. Complaints	10
13. Review	10

Birchwood School is committed to safeguarding and promoting the welfare of children and requires all staff to act in the best interests of our children at all times.

‘Inspiring a better future’

1. Ethos

The Birchwood Children’s Services recognises its duty under the Education and Inspections Act 2006 that good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Government supports the Head Teacher in using exclusion as a sanction where it is warranted. However, permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The decision to suspend/exclude a student must be lawful, reasonable, and fair. Birchwood Children’s Services has a statutory duty not to discriminate against students based on protected

characteristics, such as disability or race. Birchwood Children's Services should consider the fair treatment of students from groups who are vulnerable to exclusion.

Disruptive behaviour can be an indication of unmet needs, and this is particularly true for the students in our school. Where Birchwood School has concerns about a student's behaviour it should try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent exclusion. In this situation schools should consider a multi-agency assessment that goes beyond the student's educational needs.

This policy and procedures apply to all staff and children and should be read in conjunction with other policies (not an exhaustive list):

- Preventing bullying
- Compliments and Complaints Policy
- Safeguarding Policy
- Rights, equality and advocacy policy
- Online safety policy
- Health and Safety Policy
- Behaviour management policy
- Off site visits policy
- Whistle blowing policy

Failure to comply with these policies may result in disciplinary action which might include summary dismissal (and referral to the Disclosure and Barring Service where appropriate).

This guidance refers to the following legislation.

- The Education Act 2002 (as amended by the Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Educations for Excluded Pupils) (England) (Amendment) Regulations 2014

2. Aim

Birchwood Children's Services recognises that firm and fair sanctions are essential in ensuring that all individuals feel secure in the knowledge that they, and their personal property, are protected from harm. This policy aims to ensure that all serious breaches of the school's Behaviour Policies are dealt with lawfully, fairly, consistently, promptly and in accordance with statutory procedures and guidance. Furthermore, it aims to support staff in their work with students to ensure that teaching and learning can continue unhindered, and that children and young people are protected from disruption and are in a calm, safe, and supportive environment.

3. Explanation of terms

3.1 A Suspension – this is for a set number of days (at most 45 days in any one school year). The student will be given a date when they will be able to return to school and will not be allowed to return to school until that date. A suspension can also be for parts of the school day.

3.2 Permanent Exclusion – this is a final step used to permanently remove a student from the school. The student's name will be removed from the school register.

3.3 Managed Moves – this is where the school, student or parents feel that the school can no longer meet the needs of a student, the local authority (LA) may be asked to identify another school to take over the education. This will only be done with the full knowledge and co-operation of all parties involved and the school will fully support the student and the family through this transition.

4. Roles and Responsibilities

4.1 Birchwood Children's Services Proprietorial Body responsibilities:

- Ratifying and regularly reviewing this policy to ensure that it conforms to relevant law and guidance.
- Will monitor its implementation in Birchwood School

4.2 The Head Teacher's responsibilities

- Ensuring that all staff are aware of this policy, receive appropriate professional development are followed.
- Provide professional leadership, vision, and direction to the school so that the staff work together to provide the highest standard of education enabling all staff, students, and families to work towards the prevention of fixed term or permanent exclusion.
- Ensuring all staff have the appropriate training to enable them to understand and implement this policy and its procedures.
- Informing the Proprietorial Body of any intention to issue a suspension.
- Follow the suspension procedure detail in paragraph 6 of this policy.
- Ensure that he/she acts in accordance with all the relevant statutory guidance.
- Ensure that suitable education is provided to the student during the period of the fixed term exclusion (suitable education refers to suitable to the age, ability and aptitude and any special educational needs).
- Ensure that parents are notified in without delay. If a young person has a social worker, they must also be notified.
- Ensure that Local Authority are notified without delay.

4.3 Responsibilities of School Staff

The Head Teacher of Birchwood School has delegated to School Staff responsibility for:

- Valuing every young person even if their behaviour needs a higher level of support.
- Monitoring and reporting any escalation of behaviour that they find challenging to support and that may lead to circumstances where exclusion may be considered.

- Reviewing and revising the student's Behaviour Support Plans in partnership with senior staff during regular meetings.
- Enabling and supporting students to recognise a range of feelings, both positive and negative and to develop their skills of emotional self-regulation.
- Providing suitable educational work for the period of the fixed-term exclusion.

4.4 Expectation of Parents and Carers

Birchwood Children's Services expect parents and carers to be responsible for:

- Keeping the school informed about concerns, problems and family circumstances which may affect a young person's behaviour or well-being.
- Working with school staff to plan and implement individual Behaviour Support Plans.
- Attending meetings called by the school to discuss concerns about a young person and/or meetings to discuss fixed term or permanent exclusion.
- Informing the Proprietorial Body if they want to make representation against a decision made by the Head Teacher of the school.
- Ensuring that they comply with all the guidelines set out for suspended/excluded students.

5. Factors that the Head Teacher should consider before taking the decision to suspend/exclude.

The decision on whether to suspend/exclude is for the Head Teacher to take and is a last resort. However, where practical, the Head Teacher should give students an opportunity to present their case before taking the decision to suspend/exclude.

Whilst suspension/exclusion may still be an appropriate sanction, the Head Teacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a student has suffered bereavement; has mental health issues or has been subject to bullying.

Early intervention to address underlying causes of disruptive behaviour should include as assessment of whether appropriate provision is in place to support any SEN or disability that a student may have. The Head teacher should also consider the use of a multi-agency assessments for students who demonstrate persistent disruptive behaviour. Such assessments may pick up unidentified special educational needs, but the scope of the assessments could go further for example, by seeking to identify mental health or family problems.

Where a student has received multiple exclusions or is approaching the legal limit of 45 school days of suspension in an academic year, the Head Teacher should consider whether suspension is providing an effective sanction.

The decision to exclude a student permanently should only be taken after a full range of alternative strategies have been tried and have failed or would be likely to fail, and only:

- In response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- Where allowing the student to remain in school would seriously harm the education or welfare of the students or others in the school.

The law does not allow for ‘converting’ a suspension into a permanent exclusion. The school may issue a suspension pending investigation and where further evidence has come to light, issue a further suspension to begin immediately after the suspension ends; or a permanent exclusion to begin immediately after the end of the suspension.

Permanent exclusions may only be in response to persistent breaches of the school’s behaviour policy or for a ‘one-off’ serious breach of the behaviour policy, where allowing the pupil to remain in the school will be detrimental to the education and welfare of the pupil and/or others at the school.

On the sixth day of an exclusion, the school must arrange suitable full-time education for any pupil of compulsory school age.

Where a pupil receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. The Proprietorial Body must review permanent exclusions and any suspensions which result in the pupil being excluded for more than 15 school days (singly or cumulatively) within one term. Birchwood School is responsible for recording suspensions/exclusions on the Behaviour Tracker in a timely manner and keeping careful track of suspensions that total more than 15 days in a term.

6.0 Procedure

Students attending Birchwood School are particularly vulnerable to the impacts of suspension/exclusion. Accordingly, the Head Teacher should, as far as possible, avoid excluding permanently any student with a Education Health Care Plan (EHCP) or a looked after child (LAC).

6.1 Suspensions

In the event of an incident that potentially requires the use of a suspension as a sanction, the Head Teacher will conduct the relevant fact-finding exercise to obtain a good understanding of the incident, ensuring all appropriate strategies have been considered before using a suspension.

The Investigation will include taking written accounts from all relevant witnesses (students and staff) and where practically possible, the student themselves as it is important that they have the opportunity to represent themselves fully. Birchwood Children’s Services recognise that the nature of some student’s autism may make it difficult to obtain their account of events. Birchwood School recognises that the student may not be willing to give an account at all and the decision to suspend may need to be taken without it.

6.1a Head Teacher’s Decision

Following the investigation into an incident the Head Teacher will consider all of the facts and must then make the decision to suspend based on the evidence. Once the Head Teacher has concluded that the appropriate action to take is to suspend, the Head Teacher should then share this decision to suspend with the Executive Head Teacher providing a rationale for the suspension.

6.1b Informing the Proprietorial Body and the Local Authority

The Head Teacher must immediately inform the Proprietorial Body and the Local Authority of all suspensions. Where a student resides outside the Local Authority in which the school is located, the Head Teacher will also notify the student’s ‘home authority’ of the suspension without delay.

6.1c Notifying Parents/Carers

The Head Teacher must ensure that parents/carers are notified of the decision to suspend their child without delay by telephone which will be followed by a formal letter, which sets out the period of the suspension and the circumstances leading to the suspension. If a child has a social worker they too must be informed.

The Head Teacher will also notify the student's parents that, during the first 5 days of the suspension, they must ensure that the pupil is not present in a public place at any time during school hours, unless there is good reason. Any parent/carer who fails to comply with this duty, without reasonable justification, commits an offence and may be given a fixed penalty notice or be prosecuted.

The Head Teacher will use the suspension letter templates of the Local Authority in which the school is physically located. The Head Teacher will ensure that parents are informed of their right to appeal and will draw their attention to the relevant sources of free and impartial information.

6.2 Permanent Exclusions

In the unlikely event that may require the use of a permanent exclusion, the Head Teacher will conduct the relevant fact-finding exercise to obtain a good understanding of the incidents that have led to a permanent exclusion being considered, ensuring all appropriate strategies have been considered before permanently excluding a pupil.

6.2a Head Teacher's Decision

Following the investigation, the Head Teacher will consider all of the facts and must then make the decision to permanently exclude based on the evidence. Once the Head Teacher has concluded that the appropriate action to take is to permanently exclude, the Head Teacher should then share this decision with the Executive Head Teacher and relevant board members providing a rationale for this decision.

6.2b Informing the Proprietorial Body, parents and the Local Authority

The Head Teacher must immediately inform the Proprietorial Body and the Local Authority of any pupil who is at risk of permanent exclusion at the earliest point possible. Where a student resides outside the Local Authority in which the school is located, the Head Teacher will also notify the student's 'home authority' of the risk to permanently exclude a pupil without delay.

If a pupil is at risk of losing their placement at the school then they must be identified on the at risk list within the weekly report to the exec team. Any pupil where the Head Teacher feels a permanent exclusion is required must get approval by the Proprietary Board first. Once approval is granted (due to all parties agreeing that all potential solutions have been exhausted) then an emergency interim review is to be arranged. Within this meeting the reason for the need for a permanent exclusion will be discussed with evidence of this presented.

- Why the Head Teacher has concluded to permanently exclude the pupil.
- Discuss and demonstrate all strategies have been implemented and exhausted.
- Review if there are any further strategies that could be tried.

- Development of a transition plan to support the pupil whilst they are not in school and transitioning to a new provision.

6.2c Notifying Parents/Carers

The Head Teacher must ensure that parents/carers are notified of the decision to place a child's placement at risk and the reason for this. Prior to any child being placed on the at risk list, meetings to discuss any incidents including strategies to try and prevent incidents from reoccurring should have already taken place. Following panel approval of a permanent exclusion parents/carers should be informed immediately and invited to a formal meeting to discuss the reasons for this decision as well as informing them of the next steps (interim review) as well as discussing what strategies will be in place until the interim review is completed (this could include the need to suspend or an individualised learning programme).

The Head Teacher will also notify the student's parents that, during the first 5 days of the suspension, they must ensure that the pupil is not present in a public place at any time during school hours, unless there is good reason. Any parent/carer who fails to comply with this duty, without reasonable justification, commits an offence and may be given a fixed penalty notice or be prosecuted.

The Head Teacher will ensure that parents are informed of their right to appeal and will draw their attention to the relevant sources of free and impartial information.

6.3 Proprietorial Body responsibility.

The Proprietorial Body has a duty to consider parents' representations about any suspension or permanent exclusion being made.

6.4 Meeting of Proprietorial Body to consider a decision to exclude permanently.

Written evidence supporting the Head Teacher's decision will be circulated to all parties at least five working days in advance of the meeting.

The Proprietorial Body will allow parents and students to be accompanied by a friend or representative.

The Proprietorial Body should normally satisfy itself that for a one-off serious breach of behaviour the offence took place on the balance of probabilities or for persistent bad behaviour, all reasonable strategies to improve a student's behaviour were tried without success.

The Proprietorial Body will consider the suspension/exclusion and decide whether to uphold the Head Teacher's decision to suspend/exclude or whether the student should be reinstated immediately or on a particular date. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance. The Proprietorial Body may not attach conditions to the re-instatement of a student.

In reaching their decision the Proprietorial Body will ask all parties to withdraw before making their decision and will consider whether the decision to suspend/exclude the student was lawful, reasonable, and procedurally fair. They will also take into account the Head teacher's legal duties.

If the Proprietorial Body upholds the Head Teacher's decision to exclude a student permanently, they will write on behalf of the committee to the parent/carer using the template letter used by the Local Authority in which the school is located.

7. Reintegration meeting

The Head Teacher will arrange a reintegration meeting at a time, date and location that is convenient to parents/carers. This must not cause unnecessary delay in reintegrating the child into school.

The purpose of the meeting is to:

- Talk about why the student was suspended and the steps taken to try and avoid it.
- Discuss ways in which the student can be supported to change their behaviour.
- Seek the views of the parents/carers, student, and local authority representatives; and
- Agree a strategy for reintegrating the child into school and for managing their future behaviour.

8. Equality and diversity

The decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. Our exclusion criteria are applied consistently to every child, irrespective of any protected characteristic including disability, gender reassignment, pregnancy and maternity, race, religion, belief, sex or sexual orientation. Equality Act 2010.

9. Multi-agency partnership

We are committed to working with parents, carers, local authority representatives, the police, and other interested parties in a positive and constructive relationship to support children who may be at risk of exclusion.

Where we have concerns about a child's behaviour, we will seek to identify any contributory factors and intervene as early as possible, to reduce the need for exclusion.

We take appropriate steps to escalate concerns, including with the placing and host local authority and the child's allocated social worker (where appropriate) and the police.

10 Seeking the views of children, parents, carers, local authorities and staff

Regular enquires are made of all children as to how safe they feel at Birchwood School and ways in which services and outcomes can be improved. The views of parents, carers, local authorities, and staff are also sought through existing mechanisms for consultation and feedback. Records are kept of these enquiries and any actions taken.

11. Safeguarding

Birchwood School will always consider whether a child's behaviour gives cause to suspect that they are suffering, or is likely to suffer, significant harm; or whether their behaviour might be the result of

unmet educational or other needs. All child protection concerns will be addressed in accordance with our 'Safeguarding and Child Protection Policy'.

12. Complaints

Children, staff, parents, carers, and any other adult with parental responsibility (e.g. social worker) or other local authority representatives are all able to complain to Birchwood School if they are unhappy with any aspect of the education or care provided (including exclusions). All complaints are taken seriously and will be dealt with without delay. For further information see our 'Complaints for Parents Policy'

13. Review

This policy document will be reviewed and publicised in writing, at least annually and, if necessary, more frequently in response to any significant incidents or new developments in national, local, and organisational policy, guidance and practice.

Date	Changes made	Signature
Oct 2020	No changes necessary	DC
Dec 2020	Ratified by Proprietorial Body	GovCom
Dec 2022	No changes required	DC
Oct 2023	Changes linked to DFE update (V2)	DC
March 2024	Reviewed	RH
January 2025	Changed Gov Com to Proprietorial Body (V3) Amended the process for suspension and permanent exclusions	DC/SP
January 2026	Reviewed	DC

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