

**Brixham College**

# Exclusion Policy

DATE: Academic Year 2021 - 2022

Date Adopted	September 2021
Prepared by	Mark Eager, Principal
Ratified by	The Trustees
Review date	September 2022



A Values Led College

The Principal and the Trustees believe in the principle of inclusion and supports all measures to allow students to remain within the College community. Nevertheless there are occasions when the behaviour of an individual and its' impact on other students and members of staff means that he/she is excluded for a short term or, rarely, on a permanent basis. This document sets out the procedures which the College will adopt and the principles on which they are founded to ensure fairness, consistency, openness and legality in the process.

### **Fixed Term Exclusion (FTE)**

We will endeavour to avoid exclusion wherever possible. A decision to exclude a student for a fixed period is taken only in response to very serious breaches of the College's Behaviour Policy, including persistent disruptive behaviour, or where such breaches are neither serious enough to merit permanent exclusion nor minor enough for isolation to be appropriate.

After a Fixed Term Exclusion there must be a reintegration meeting with a designated staff member, parent/carer and student. The re-integration meeting will:

- Be used to understand the student's reflection upon the incident and the exclusion and the attitude of the parents.
- Be used to establish whether the student is ready to return to College and follow the College's Behaviour Policy.
- Be used to make the student aware of the potential consequences of repeating the behaviour that led to the exclusion.

Several fixed term exclusions, a five-day exclusion or persistent breaches of the Behaviour Policy will result in a Principal's review meeting and a warning of Permanent Exclusion being a possible sanction.

### **Permanent Exclusion (PTX)**

A decision to exclude a student permanently should be taken only:

- A. in response to serious breaches of the College's behaviour policy; and
- B. if allowing the student to remain in College would seriously harm the education or welfare of the students or others in the College.
- C. if, from a Managed Move, the student due to return to College has failed to demonstrate significant/sustained improvement at the host College or if the criteria for A and B are met.

The College follows the latest DfE guidance regarding exclusions from schools for both fixed term and permanent exclusions to ensure that students are treated fairly and not discriminated against.

Statutory Guidance: Exclusion from maintained schools, academies and student referral units in England

<https://www.gov.uk/government/publications/school-exclusion>

If a decision to permanently exclude a student is made by the Principal, the Trustees will be required to follow the latest guidance, as above, and set up a Disciplinary Hearing to review the Principal's decision.

The Trustees' panel will comprise of three members of the Trustees and they should not be parent or staff Trustees. They should have had sufficient training to be able to effectively challenge the Principal's decision and ensure all necessary evidence is considered appropriately. One member of the panel should be elected to chair the hearing. The Chair/Principal will be responsible for providing a letter detailing the panel's decision and also sign and date the hearing minutes as accurate.

The following people should be invited to attend and every effort made by the College to enable them to attend:

- parents/carers (the student may also attend)
- the Principal and other relevant representatives from the College

Prior to the hearing, the College will also provide a body of evidence which contains the following reports/statements to all parties prior to the disciplinary panel hearing.

1. A log of behaviour incidents and associated sanctions
2. The letter from Principal to parent/s confirming exclusion and stating the reason/s for exclusion
3. Details of any previous exclusions
4. Previous correspondence between College, parents and other agencies (if involved)
5. Staff and any other witness statements regarding the incident/s, which led to the permanent exclusion. (The College will anonymise or summarise student statements to protect the identity of those providing statements.)
6. Reports of any counselling undertaken
7. Details of any support provided the student prior to the decision to exclude.
8. A statement from the SENCo, if relevant, detailing the student's needs and the College's adjustments to meet these needs, and any additional reports from other professionals such as Educational Psychologists where available.
9. A copy of the College's policies on behaviour and up to date DfE guidelines.
10. A record of the student's attendance/absence
11. A copy of any external or other reports by other agencies that may be appropriate
12. A report of action taken against other students who may have been involved in the incident/s

The typical structure for the hearing is set out below, however the order may be varied at the discretion of the Chair of the panel.

- Introductions and initial questions
- Principal's report and presentation of College evidence
- Questions of the Principal from the panel members
- Questions of the Principal from the others represented at the hearing
- Presentation from the parents/carers
- Questions of parents/carers from the panel
- Questions of the parents or carers from others represented at the hearing
- A short final statement from the Principal
- A short final statement from the parents or carers
- The hearing will then be suspended to allow the Trustees to decide.
- Once a decision has been agreed, the Trustees will reconvene the hearing and inform all parties of their decision.
- At the Trustees Review Hearing, the Trustees Disciplinary Panel will decide whether to uphold the exclusion or direct reinstatement of the student immediately or on a particular date.
- Should further information be required to make the decision the Disciplinary Panel may adjourn the meeting to a later date agreed by all parties.
- A letter detailing the Disciplinary Panel's decision should be sent to all relevant parties

The minutes taken from the hearing should be signed as accurate by the Chair of the Panel and retained on file at the College.

### **Applications for an independent review**

The deadline for applications for an independent review in relation to exclusions occurring between 1 June 2020 and 24 March 2021 will be 25 school days from the date on which notice in writing of the governing board's decision is given to parents, or directly to the pupil if they are 18 or above.

Schools must wait for the extended period of 25 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register, in accordance with the Education (Pupil Registration) (England) Regulations 2006 as amended.