



BREDON

SCHOOL

EXCLUSIONS POLICY

Date of issue: March 2023
Author: Headmaster
Review Cycle: Annual
Next Review Date: March 2024

Bredon School is owned and operated by Cavendish Education.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values: At Bredon School we aim to focus on promoting positive behaviour, helping to build self-discipline and encouraging respect for others.

While this current policy document may be referred to elsewhere in Bredon School documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility](#) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.



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The school employs the services of the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)
- Atlantic Data (DBS)
- Educare (online CPD)

Bredon School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Bredon School.

The policy documents of Bredon School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Management Team, that the details of any policy document are still effectively current at a particular moment.

1 Exclusion Definitions

An exclusion may be “temporary-restricted”, “temporary-up-to-45-days” (as explained below) or “permanent”.

- A **temporary-restricted** exclusion is the requirement for a pupil not to attend the School for a defined period of time, usually counted in full days.
- A **temporary-up-to-45-days** exclusion is one that has an end date at an accumulated 45 school days’ exclusion for the individual pupil in a school year, the aim of which is to allow for the conclusion of more complex investigations or other necessary activities the length of which cannot be defined, and which will be concluded within that period of an accumulated 45 days at the earliest practicable opportunity. The purpose of utilising such an exclusion is to avoid having to use multiple, shorter temporary exclusions, where this would create additional uncertainty for those involved.
- A **permanent** exclusion is the required ending of a pupil’s place at the School marked by the removal of their name from the School roll.



'Informal' or 'unofficial' exclusions: the school does not adopt the practice of 'Informal' or 'unofficial' exclusions, such as requiring a pupil to go home 'to cool off'. Such exclusions do not feature in this Policy.

The policy does not apply to a so-called "internal exclusion", in which a pupil who is attending school is temporarily restricted in where they may be or what activities they may participate in.

For clarity, the government document 'Exclusion from maintained schools, academies and pupil referral units in England' does not apply to independent schools.

2 The Decision to Exclude: Introduction

Bredon School is mindful that, nationally, young people with certain characteristics (e.g., gender, ethnicity or the presence of additional needs) experience a disproportionately high rate of school exclusion, and so seeks to avoid exclusion wherever possible.

The school believes that exclusions should be considered only as a last resort and that the decision to exclude, even for short periods, is to be taken deliberately.

Only the Headmaster or, in their absence, a member of staff acting formally as their deputy can temporarily or permanently exclude a pupil.

A decision to exclude a pupil is considered only:

- in response to a serious concerns or repeated significant concerns regarding the school's Behaviour Management Policy
- if allowing the pupil to remain in School would significantly and unreasonably harm the education or welfare of the pupil or others in the School
- where there is no reasonably practicable or suitable alternative

To consider excluding a pupil permanently is regrettable but is characteristically the final step in a sustained process of responding to significant matters of concern following a period where a wide range of other strategies, designed to stabilise and sustain the place in the school have been tried without success.

There may be rare circumstances where, in the Headmaster's judgement, it is appropriate to consider the permanent exclusion of a pupil for a highly significant first or 'one off' offence.



3 Factors considered before making a decision to exclude

Pupil behaviours that may trigger an exclusion rarely occur 'out of the blue'. The school endeavours to identify and engage with the early stages of a pupil's changing presentation, with the aim of proactively modifying approaches to meet need.

In cases of consideration of any exclusion, the Headmaster will appropriately consult within the school and (if relevant) beyond before making any decisions. This consultation may include school and governance colleagues and relevant external professionals or agencies. Particular attention is given where there are specific vulnerabilities (such as a child who is looked after by a Local Authority) that mean an exclusion will have a more significant impact upon the pupil and their family.

Whilst every effort will always be made to minimise exclusions and to sustain every school place, where a pupil's needs change such that there is a prospect that their place in the School may or has become less appropriate, this will be addressed jointly with the pupil, parents and (if relevant) the Local Authority and other appropriate professionals or agencies.

If it is concluded by the school that a place cannot be sustained, where reasonably practicable this should be managed in a planned and constructive way.

Unless there is an immediate and/or significant risk to the safety or education of others in the School or of the pupil concerned, before deciding whether to consider the exclusion of a pupil, whether permanently, or for a temporarily, the Headmaster will reasonably endeavour to:

- ensure that an appropriate fact-finding exercise has been carried out
- consider the evidence available to establish the facts, including taking account of the school's behaviour management and equality and diversity policies, and, where applicable, the Equality Act 2010.
- consider a pupil's EHCP (if applicable) and the way in which any of the needs outlined therein may have impacted the matter of concern
- allow the pupil the opportunity to give their version of events through their preferred method of communication, with support in line with their needs if necessary
- check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment; it should be noted that, while provocation may sometimes result in an amended consequence, it will not necessarily do so
- as appropriate, consult others, where possible avoiding detailed consultation with anyone who may later have a role in reviewing the decision
- take into account both the best interests of the pupil concerned and the best interests of other members of the school community and the school community as a whole



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If satisfied that on the balance of probabilities the matter(s) of concern did happen, after due and careful process the Headmaster may decide to exclude the pupil “temporarily-defined” or “temporarily-up-to-45-days”.

The school is obliged to consider whether to inform the police where a criminal offence appears to have potentially taken place, and has regard to [*When to call the police*](#), non-statutory guidance from the National Police Chiefs’ Council.

The Headmaster need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headmaster will need to take a decision on the evidence available to them at the time. Where the evidence is limited by a police investigation or criminal proceedings, the Headmaster should consider any additional steps they may need to take to ensure that the decision to exclude is fair.

Where appropriate, the School considers whether to inform other agencies e.g. Children's Services, the Local Authority, Police etc.

Where the incident has safeguarding implications, the school follows its Safeguarding Policy and KCSiE.

4 Length and character of exclusions

Whilst exclusions are a last resort at our school, regulations allow the Headmaster to exclude a pupil permanently or for one or more fixed periods not exceeding 45 school days in any one school year. Individual exclusions are for the shortest time appropriate in the judgement of the Headmaster. After a cumulative 45 days of exclusion in any one school year, the School is required to either permanently exclude the pupil involved or readmit them.

It is unusual for the school to issue a fixed period exclusion for longer than one or two days. A fixed period exclusion is not a punitive action but rather is a formal marker of concern to the pupil and those with responsibility for them, and an opportunity for the pupil to reflect constructively upon and learn from their situation.

In cases of more than a day’s exclusion, where practicable, work is set and marked. It is the parent’s responsibility to ensure that work sent home is completed and returned to school.

The Headmaster may, at their complete discretion, issue a “partial exclusion”, for example by excluding a pupil from some or all regular aspects of school but allowing them to attend for public examinations under regulated circumstances, or by making certain “internal exclusion” arrangements. Any such



“partial exclusion”, with its detailed information, is recorded clearly as such in the school’s Exclusion Log.

The Headmaster may, at their complete discretion, attach conditions to a pupil’s return to school.

Following an exclusion, the pupil, who may be accompanied by a parent, has a reintegration meeting with the Headmaster or a member of the Senior Leadership Team prior to returning to lessons.

A pupil who receives a succession of fixed period exclusions can reasonably expect to have their place at the school reviewed.

Any exclusion of a pupil, even for short periods of time, is formally recorded in the school’s Exclusion Log.

5a Potential permanent exclusion of a pupil with an EHCP

In the event of an incident (or a series of incidents) occurring that may potentially trigger a permanent exclusion for a pupil wholly or partly funded by a Local Authority via an EHCP (Education, Health and Care Plan), the Headmaster will call an EAR (Emergency Annual Review), if necessary excluding the pupil “temporarily-up-to-45-days” pending the outcome of the EAR.

The aim of this approach is to formally consider the matter within a multi-professional setting and to ensure due exploration of strategies that could still stabilise and sustain the school place.

The school will immediately notify in writing the Director of Compliance of Cavendish Education of the intention to call any such EAR. The school will actively keep the Director of Compliance aware of the development of the case, but the Director of Compliance will not take part in any decision-making in the matter.

5b Potential permanent exclusion of a pupil without an EHCP

In the event of an incident (or a series of incidents) occurring that may trigger a permanent exclusion for a pupil without an EHCP (Education, Health and Care Plan), if necessary excluding the pupil “temporarily-up-to-45-days” pending the outcome of this process, on the earliest mutually convenient occasion the Headmaster will ask the parents and the pupil to discuss the matter(s) of concern and the continuation or otherwise of the pupil’s place in the School, ensuring that the family’s views have been properly heard when the place is reviewed.

The aim of this approach is to formally consider the matter in a collaborative way and to ensure full exploration of any strategies that could still stabilise and sustain the school place.

The school will immediately notify in writing the Director of Compliance of Cavendish Education of the intention to call any such exclusion. The school will actively keep the Director of



The school will approach the EAR with openness and will be receptive to consider the views of relevant parties.

At the end of the EAR, after due consideration of the views shared, the School will clearly communicate whether they can or cannot meet needs, which will be recorded clearly in the meeting notes. The ideal scenario is that a unanimous decision is reached in the EAR regarding the best way forward.

Following the EAR, the responsibility for decision-making over the pupil's school place at the school will sit with the relevant Local Authority.

If the LA concludes that the pupil requires a new placement, the school will support that decision and will assist the family and LA in facilitating the move.

During the interim period, whilst a new placement is found by the LA, the school may decide to:

- allow the pupil to return to school temporarily (but only if a safe and workable plan can be agreed with relevant parties).
- work with parents and other agencies to implement temporary arrangements whereby the pupil does not attend the school campus but remains on roll (e.g. alternative provision, remote learning or elective home education).
- end the placement, meaning the pupil's educational provision will become the responsibility of the LA in this interim period.

Compliance aware of the development of the case, but the Director of Compliance will not take part in any decision-making in the matter.

Importantly, no decision is made at this stage.

Following this meeting, if any further fact-finding exercises are needed, they are undertaken; the meeting with parents and the pupil may be reconvened if appropriate.

The Headmaster considers the facts of the matter and the representations that have been made, consulting and otherwise taking advice as appropriate.

The Headmaster will notify the parents of the decision, which may be one of:

- exoneration and immediate return to school
- return to school under certain conditions following temporary exclusion, with right of appeal for an exclusion of more than 15 school days
- permanent exclusion with right of appeal

A permanent exclusion is not finalised until any invoked appeal process has been completed.



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Whichever option is chosen, care is taken to consider all relevant factors, particularly those surrounding safeguarding.

If the LA decides that the pupil should return to the school and that a new placement is not required, the “temporary-up-to-45-days” exclusion will end. The School will decide whether to conclude the “temporary-up-to-45-days” exclusion by supporting a return to School for the pupil or if this is incompatible with the Headmaster’s assessment of the school’s capacity to maintain the school place and the views shared at the EAR, the “temporary-up-to-45-days” exclusion will be concluded and a permanent exclusion will be implemented.

6 Procedures for review and appeal

Parents of an excluded pupil have the right to appeal a permanent exclusion or a fixed period exclusion in excess of 15 school days. The parents must request the appeal, by writing to the Directors of Cavendish Education at the school’s address, within three calendar days of receipt of notification of the exclusion.

Regardless of whether an appeal is invoked, Directors of Cavendish Education operate arrangements to review promptly all permanent exclusions from the school, and all fixed period exclusions that would lead to a pupil being excluded for over 15 days in a school term, or missing a public examination.

They consider whether or not to reinstate the pupil is appropriate, whether the Headmaster’s decision to exclude the pupil was justified or whether to adjust any conditions attached to the return of a pupil to the school.

7 Admissions register procedure following permanent exclusion

In the case of a permanent exclusion the pupil remains on the school roll until

- an invoked appeal is determined
- the time limit for an appeal has expired without an appeal being brought
or

- the parent has informed the school that no appeal is to be brought

8 Behaviour outside School

Pupils' behaviour outside school while under the authority of the school (e.g. on school business, school trips, "away" School sports events, or work experience placements) is subject to the school's Behaviour Management Policy. Behaviour in these circumstances is dealt with as if it had taken place in school.

For behaviour outside school but not on school business, the Headmaster may exclude a pupil if there is a link between that behaviour and maintaining good order and discipline among the pupil body as a whole or parts thereof. This is a matter of judgement for the Headmaster.

Pupils' behaviour in the immediate vicinity of the school or on a journey to or from school, or behaviour anywhere which is capable of bringing the school into disrepute, can be grounds for exclusion.

9 Disabled pupils

The school is mindful of its duty under the Equality Act 2010 not to discriminate against disabled pupils by excluding them because of their disability.

This applies to permanent and fixed period exclusions. The definition of disability under the Act covers pupils with certain physical, sensory, intellectual or mental impairments.

Discrimination means treating disabled pupils less favourably than other pupils without justification. It also means failing to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage compared to their non-disabled peers.

What constitutes a reasonable step will depend on the circumstances of each case.

10 PROCEDURE FOR CONSIDERING EXCLUDING A PUPIL

10a Informing parents about a "temporary-restricted" and "temporary-up-to-45-days" exclusion

Whenever the Headmaster temporarily excludes a pupil, the parent is notified at the earliest opportunity, usually by telephone by the Headmaster or a member of staff acting on their behalf, followed up by an emailed letter from the Headmaster or their Deputy as soon as possible and within one working day.

10b Forming the Exclusion Appeal Panel

The Headmaster informs the Directors of Cavendish Education of all exclusions at the earliest opportunity within one school day.

All serious sanctions are reported to the Directors of Cavendish Education on a termly basis as part of the school's governance arrangements.

Exclusion reports include:

- the pupil's name
- the length of the exclusion
- the reason for the exclusion
- the pupil's age, gender and ethnicity
- whether the pupil has an EHCP, together with a summary of its details, or is being assessed for one
- a brief behaviour management history

11 Expectations of parent and pupil during temporary-restricted or temporary-up-to-45-days exclusions

In line with the government document [School discipline and exclusions](#), parents have a duty to ensure that their child is not present in a public place in school hours during a "temporary-restricted" or "temporary-up-to-45-days" exclusion, unless there is reasonable justification for this. Parents are advised that they may receive a penalty notice from the Local Authority if their child is present in a public place during school hours during the exclusion. If so, it will be for the parent to show reasonable justification.

The school will set work for the pupil to be completed on the days specified in the exclusion notification. In order to support the pupil's engagement, the school asks that the work set is completed by the pupil and returned promptly to the relevant member of staff for marking.

12 Review of implementation

The implementation of this Policy is reviewed annually by the school's Senior Leadership Team in consultation with staff and a report is made to the Governance Body.

The school may submit to Cavendish Education proposals for amendments to this Policy.



Annex B POTENTIAL PERMANENT EXCLUSIONS

Summary Procedure for parents, in the event of a pupil's "temporary-up-to-45-days" exclusion because of a prospective permanent exclusion

The decision to consider moving towards the permanent exclusion of a pupil or the request for their withdrawal is never taken lightly, and is always set in the context of the situation of the pupil involved and their family, other pupils and their families, the staff (teaching and non-teaching) staff and the wider community.

Before this decision is made, the school will endeavour if and when possible to explore other appropriate alternatives. This takes place in response to serious, repeated or persistent breach(es) of the school's expected standard(s) of behaviour. The aim of the School is to act in a way that respects the dignity of those involved.

If, in the Headmaster's opinion, there is a prospect of a pupil's permanent exclusion, the Headmaster or another member of staff acting on their behalf will promptly contact the parent(s) to discuss their concerns, together with any actions they are either required to take or feel are necessary and appropriate.

The Headmaster may, if the circumstances are sufficiently serious, immediately exclude the pupil for either a specific restricted period or for a period-up-to-45-days [that is, an exclusion that has an end date up to an accumulated maximum of 45 days' exclusion for the individual pupil in a school year, the aim of which is to allow for the conclusion of fact-finding exercises or other necessary activities the length of which cannot be defined].

The purpose of the exclusion may be to allow adequate time for a full fact-finding exercise and consideration of the facts. During such exclusion, the school endeavours to make whatever arrangements are practicable to minimise the impact on the pupil's educational progress.

When the Headmaster is confident that the relevant facts have been ascertained, they will consider these, form a preliminary judgement after taking advice from relevant staff and / or other relevant authorities, and arrange a meeting with the pupil's parent(s) to acquaint them of their findings and of the possible outcome(s).

The Headmaster will take due account of the parent(s)' views. They will advise them that their decision will be notified in writing, if appropriate after due consultation with a Director of Cavendish Education or their nominated deputy. The decision is nevertheless the Headmaster, acting on behalf of the school, and not the Director's.



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The Headmaster will advise the parents of the school's decision in writing.

If this involves either permanent exclusion or a requirement of the parent(s) for the pupil's withdrawal, the school uses its best endeavours to advise and assist parents in finding alternative schooling, seeking to minimise the impact on the pupil's educational progress.

At the same time the Headmaster will advise parent(s) of their right, if in disagreement with the school's decision, to appeal, in writing, to the Cavendish Education Directors, by writing to info@cavendisheducation.com within three working days of receipt of the exclusion decision. An appeal against an exclusion falls outside the School's Complaints Procedure. Parents should note that at the conclusion of their deliberations the Exclusion Appeal Panel may reduce, ratify or increase an exclusion sanction imposed by the Headmaster

On receipt of notice expressing an intention to appeal against the School's decision, the Exclusion Appeal Panel will acquaint themselves with the relevant facts. The parent(s) may make additional representations in writing to the Panel in advance of their meeting. They will take due account of the interests of the pupil, their parent(s), the School and any other relevant parties; if necessary, they will consult more widely before reaching a conclusion.

The conclusion of the Exclusion Appeal Panel may include:

- reinstatement of the excluded pupil
- confirmation of the exclusion of the pupil
- an increase of the excluded pupil's exclusion sanction

Having reached a conclusion, the Exclusion Appeal Panel will advise parent(s) in writing of their conclusion, which shall be added to the school record of the pupil, along with a copy of relevant documentation; such conclusion is considered final, as far as the school procedures are concerned.



Annex C GUIDANCE NOTES FOR THE PANEL HEARING OF EXCLUSION APPEALS

A Director of Cavendish Education assembles an Exclusion Appeal Panel, normally comprising three members but in any event not less than two.

A member of the school's administrative department is normally the Secretary to the Exclusion Appeal Panel.

The Panel does not include a member who has been substantively part of the original exclusion decision.

On receipt of a parental request for an Appeal Hearing the Panel receives and reviews relevant documentation from the Headmaster. Prior to the Hearing the Secretary ensures that copies of such documentation are provided to the parent of the pupil.

A date, time and location for the Appeal Hearing is agreed with the parent of the pupil, normally with at least three working days' notice.

Prior to the Hearing the Secretary invites the parent to make any further representations to the Panel.

The parent may be accompanied by a companion at the Hearing, but the Panel would not expect them to be formally or legally accompanied or represented other than in exceptional circumstances and by prior agreement.

Procedure at the Hearing

The Chair of the Panel shall:

- thank the parent for coming, and explain that this is an Appeal Hearing following the Headmaster's exclusion decision
- formally introduce him/herself and the other Panel members
- if applicable, note that the parent is accompanied, by whom, and in what capacity their companion is present
- advise the parent of their rights, namely:
 - to present their Appeal
 - to ask questions on matters of fact
 - to take notes
 - to consult with their companion, and
 - to request adjournments



- note that at the conclusion of their deliberations the Exclusion Appeal Panel may reduce, ratify or increase an exclusion sanction imposed by the Headmaster

During the Hearing

- The Chair of the Panel shall:
 - ensure that documentation relevant to the Appeal has been copied to the parent(s)
 - avoid reference to any matter that is not directly related to the Appeal
 - maintain an open mind
 - summarise factually and briefly the events that lead to the exclusion, and the reason given by the Headmaster for the exclusion
 - ask if the parent(s) need further explanation of any point of fact
 - ask the parent(s) to amplify the grounds of the Appeal, if they have any other questions relating to the Headmaster's decision, and to submit any further information
 - ensure that adequate notes are taken of the representations of the parent(s)
 - not hesitate to adjourn at any time (and to take advice where necessary) to consider any complex or unusual points raised by the parent(s), or to research any issue on behalf of the pupil; an adjournment can be for a few days if necessary
 - when the points have been aired, ask the Headmaster and the parent(s) if they wish to add anything further before the Hearing is closed and the Panel consider their decision
 - explain that the decision of the Panel may include:
 - reinstatement of the excluded pupil
 - confirmation of the exclusion of the pupil
 - an increase of the excluded pupil's exclusion sanction
 - explain that the Panel will communicate their decision in writing to the parent(s) within five working days
- explain that that decision is considered final, as far as the School procedures are concerned

After the Hearing

- The Chair of the Panel shall:
 - ensure that the notes of the meeting fairly reflect the matters raised
 - after due consideration by the other Panel Members and after a conclusion has been reached, draft, agree and send a letter to the parent(s) communicating the Panel's decision; the letter should include brief reasons for the decision, and be copied to the Headmaster
 - arrange for the conclusion of the Exclusion Appeal Panel to be added to the school record of the pupil, along with a copy of relevant documentation



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Note: Nothing which is undisclosed to the parent(s) may be taken into account by the Panel in reaching their decision, and in the event that anything comes to light prior to the decision being made that the Panel regards as relevant to their decision such information must be disclosed to the parent(s) who should be given the opportunity to comment.

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