



EXCLUSIONS POLICY

Owner: CEO

Date of Issue: 9th March 2019

Date of Next Review: 16th March 2021

Document Control

Version	Date issued	Author	Update information
1.0	9/3/2019	CEO	Approved version
2.0	16/3/2020	J Blaney	Minor amendment to examples of reasons for permanent exclusions, to align with Behaviour policy

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**Schools,
teachers and
pupils freed
to succeed.**
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This policy should be read in conjunction with BMAT's other policies including the Single Equality Policy and Behaviour Policy, SEND Policy and Anti-Bullying Policy. This policy reflects measures established in law through the Equality Act 2010 and emphasises that BMAT opposes all forms of racism, homophobia, prejudice and discrimination. This exclusions policy will be implemented with due regard to this commitment.

We are committed to the promotion of community cohesion at the Academy, local, national and global levels, comparing our Academy Trust community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.

In accordance with the values of BMAT we pledge:

- to respect the equal human rights of all our pupils;
- to educate them about equality; and
- to respect the equal rights of our staff and other members of the Academy community.

We will assess and analyse our current Academy practices and implement all necessary resulting actions to ensure pupils are not discriminated against because of their:

- Sex
- Race
- Disability
- Religion/belief
- Sexual orientation
- Gender re-assignment
- Pregnancy or maternity

These 'Protected characteristics' have been set out in law in the Equality Act 2010.

BMAT is committed to eliminating practices, which could result in unfair or less favourable treatment for persons with a protected characteristic.

Key definitions used in this policy

Pupils	Children and young people on roll in Trust schools/academies
School/Trust School	An Academy or school within BMAT
SENCO	The Academy's Special Educational Needs Co-ordinator
Executive Principal/Head Teacher	The Executive Principal/Head Teacher oversee the Head Teachers/Heads of School
Head of School / Head Teacher	An Academy is led by a Head of School or Head Teacher the most senior leaders in the school.
The LGB	Local Governing Board
The Trust	BMAT
The Board/Directors/Trust Board	The Board of Directors of BMAT

FW	Freshwaters Primary Academy and Nursery
LP	Little Parndon Primary Academy
MC	Magna Carta Primary Academy
RY	Roydon Primary Academy
CS	Cooks Spinney Primary Academy and Nursery
BMA	Burnt Mill Academy
FHS	Forest Hall School
SFG	Sir Frederick Gibberd
STEM	BMAT STEM
RDA	Royal Docks Academy
ESJ	Epping St John's
MHA	Mark Hall Academy

Each BMAT school is legally defined as an Academy, regardless of whether the term 'school' is used to describe it in the policy.

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1. Introduction and guiding principles

Vision and Values

BMAT's Mission is to run a community of schools which provide an outstanding education for every individual attending a Trust school. Our schools will be places of aspiration, where individuals matter and confidence flourishes so that achievement for all is outstanding.

We are courageous enough to make the tough decision, to do what's right – even if it's not what's popular. We are unwavering in expecting excellence of our teachers and expecting more of our children – for behaviours, relationships and academic results. We treat each other as peers, not as superiors, and choose to adopt a leadership style that asks: *'How can I help?'*

Maintaining outstanding behaviour is a key priority for all those associated with the school. This policy sets out the expectations and requirements for pupils, the various roles and responsibilities associated with these requirements and the steps that will be taken where poor behaviours are identified. We recognise that parents/carers have a vital role to play and we strive to establish strong home-school links and communication systems that can be utilised whenever there is concern about behaviour.

We ask parents to work with the school in support of their child's learning, which includes informing the school of any special education needs or personal factors that may result in their child displaying unexpected behaviour. We ask that parents be prepared to attend meetings at the school with staff or the headteacher to discuss their child's behaviour and to adhere to any parenting contracts put in place.

The Trust and thus relevant schools in the Trust, will have due regard to equality, as described in our single equality policy, when tackling issues of poor behaviour. Similarly, due regard will be given to issues of Special Educational Needs and Disabilities (SEND) relevant to the behaviour of particular pupils. Please see the separate SEND policy. The nature of sanctions imposed or monitoring systems put in place will take into account such issues. In short, the school will act with fairness and their actions will be proportionate.

Any support to enable all those with 'protected characteristics' under the law and/or have needs under SEND to access information will be provided e.g. alternative languages or amended text.

Scope

This policy applies to all pupils in BMAT's Academies. BMAT will ensure that the contents of this policy are communicated to all staff. All parents accept this policy when their children join our school.

BMAT publishes this policy on its website. It is also posted on the Trust's own, separate website.

2. Aims

BMAT and our Academies aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in our Academies are safe and happy
- Pupils do not become NEET (not in education, employment or training)

3. Relevant Legislation and statutory guidance

The policy complies with the following legislation relating to student behaviour:

Legislation:

Independent School Standards Regulations 2014 (Schedule 1). This is because all academies are defined as state funded/maintained but independently run schools.

School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- SEND Code of Practice: 0 to 25 years January 2015

This policy also complies with the DFE's publications:

'Behaviour and discipline in schools – advice for Head Teachers and school staff'

January 2016

'Exclusion from maintained schools, academies and pupil referral units in England – Statutory guidance for those with legal responsibilities in relation to exclusion' September 2017

This policy also complies with our funding agreement and articles of association.

4. The Decision to Exclude

The BMAT Behaviour of Pupils Policy sets out the Trusts expectations and details what is permitted or not as well as the strategies employed when managing behaviour in the school and with a view to preventing exclusion and the process of exclusion itself.

A pupil can transfer to another school as part of a 'managed move' (see the BMAT Behaviour Policy) where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion will not be used to influence parents to remove their child from the school.

Where other strategies or approaches are not appropriate or have not proved successful, this Exclusions Policy will be engaged.

Only the Head Teacher of the school can exclude a pupil and this must be on *disciplinary grounds* as outlined below. The Head of Academy will always consider a pupil's special educational needs (SEN) when taking the decision to exclude. A permanent exclusion will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the Trust/Academy's behaviour policy, *and*
- If allowing the pupil to remain in the Academy would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher / Head of Academy, will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the individual pupil/student has special educational needs (SEN) or a disability
- When establishing the facts in relation to the exclusion apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true.

The school will take due regard to the SEND Code of Practice, ensuring that any special educational needs (SEN) and disabilities are taken into account when considering whether or not to exclude a pupil. The Head of Academy will ensure that reasonable steps have been taken to respond to a pupil's SEN/disability so the pupil is not treated less favourably for reasons related to their individual needs. Reasonable steps will include:

- Differentiation in the school's Behaviour Policy
- Developing strategies to promote the right choices for a pupil
- Request support from colleagues across the Ascent Academies' Trust including the Multi- Disciplinary Team
- Requesting external help with the pupil e.g. multi-agency assessments
- Staff training

A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. For the purposes of exclusions, academy day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as an academy day.

Any exclusion of a pupil, even for short periods of time, will be formally recorded. Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Lunchtime exclusions are counted as half a school day for statistical purposes and in determining whether a LGB meeting is triggered.

See Appendix 1 for the Checklist for Heads of School/Head Teachers

Fixed term exclusion

This sanction will be issued by the Head Teacher after consultation with the CEO/Executive Head of BMAT.

It will be used if other approaches to encouraging and fostering outstanding behaviour have proved ineffective OR for very serious behaviours which might be deemed to compromise the educational climate and/or safety and well-being of the school community e.g.

- Violent conduct, including fighting
- Verbal abuse to other pupils and/or staff
- Abuse of Trust property
- The use of or selling/supplying of illegal substances or weapons
- Repeated bullying despite other interventions (see separate 'anti-bullying policy')
- Smoking
- Persistent non-engagement by pupils with the schools' report and monitoring systems

Pupils can be excluded from our school for lunch periods as deemed necessary based on their behaviour during lunch periods.

As set out in the Behaviour Policy and described separately below, poor behaviour outside school can also give rise to an exclusion being issued.

Permanent exclusion

A decision to permanently exclude a pupil permanently will only be taken:

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

In exceptional circumstances, where following a fixed term exclusion it has become necessary to issue a permanent exclusion, parents will be informed. In such cases the head teacher will write again to the parents explaining the reasons for this and providing any additional information required. This is a further sanction in order to tackle a student's poor behaviour and other means described above have proved insufficient and/or for very serious behaviours which might be deemed to compromise the educational climate, safety and well-being of the school community e.g.

- verbal abuse to staff and others
- verbal abuse to pupils
- physical abuse to/attack on staff
- physical abuse to/attack on pupils
- any form of bullying (to the extent not covered above)
- indecent behaviour

- damage to property
- misuse of illegal drugs
- misuse of other substances including “legal highs”
- theft
- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug or other substances including “legal highs”
- carrying an offensive weapon
- arson
- failure to follow social distancing rules and cleaning expectations.
- unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil’s behaviour
- malicious allegations against staff
- racist, sexist, homophobic or other forms of discriminatory behaviour
- persistent truancy/lateness
- possession of items prohibited under the school rules as set out in section 4

This sanction is implemented by the Head Teacher following consultation with the CEO/Executive Head of BMAT schools.

The Head Teacher of the Academy is not required to 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 Head Teacher will 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 Head Teacher will give particular consideration to ensuring that the decision to exclude is fair. However, the final decision on whether to exclude is for the Head Teacher to make.

The Head Teacher may withdraw an exclusion that has not been reviewed by the LGB. This will be a matter of judgement for the Head Teacher in accordance with the school’s published behaviour policy (see separate document).

5. Roles and responsibilities

5.1 The Headteacher/Head of Academy on the Executive Headteacher authority will Inform parents

Immediately provide the following information, in writing, to the parents/carer of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the local governing committee and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing committee to meet to consider the exclusion of a pupil, that parents have a right to attend this meeting, be represented at this meeting (at their own expense) and to bring a friend

The headteacher/Head of Academy will also notify parents/carers by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged (which must begin no later than the sixth school day of the exclusion), the following information will be included when notifying parents/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school will take reasonable steps to set and mark work for the pupil. Work that is provided will be accessible and achievable by the pupil outside school

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

Informing the Local Governing Committee and Local Authority

The Headteacher will immediately notify the local governing committee and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude the pupil
- Exclusions which would result in the pupil being excluded for more than 5 academy days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination or national curriculum test

For a permanent exclusion, if the pupil lives outside the LA in which the academy is located, the headteacher/Head of Academy will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the executive headteacher will notify the local governing committee and LA once a term.

5.2 The role of the Local Governing Board (LGB)

Responsibilities regarding exclusions is delegated to the Local Governing Board.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6)

Within 14 days of receipt of a request, the governing board will provide the secretary of with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil (if of compulsory school age). This provision will begin no later than the sixth day of the exclusion.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

6. The role of the Local Governing board (LGB) in considering the reinstatement of a pupil

The LGB has a duty to consider parents' representations about an exclusion. The requirements on the LGB to consider an exclusion depend upon a number of factors (these requirements are illustrated by the diagram in the appendix of this policy, "A summary of the LGB's duties to review the Head Teacher's exclusion decision").

The LGB may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of *at least three LGB members*. BMAT will follow this.

The LGB will consider the reinstatement of an excluded pupil within 15 school days if

- the exclusion is permanent; of receiving notice of the exclusion if:

- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

If requested to do so by parents, the LGB/panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination or national curriculum test there is a further requirement for the LGB, so far as is reasonably practicable, to consider the exclusion before the date of the examination or test. If this is not practicable, the chair may consider the exclusion independently and decide whether or not to reinstate the pupil. *These are the only circumstances in which the chair can review an exclusion decision alone.* Where the chair is unable to make this consideration then the vice-chair may do so instead. The following parties must be invited to a meeting of the LGB and allowed to make representations:

- parents
- the Head Teacher of the Academy

A parent may invite a representative of the local authority to attend a meeting of the LGB as an observer; that representative may only make representations with the LGB's consent. The LGB will make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties. However, its decision will not be invalid simply on the grounds that it was not made within certain time limits. In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the LGB will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Where the LGB is legally required to consider the decision of the HT to exclude a pupil they will:

- not discuss the exclusion with any party outside of the meeting
- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN)
- where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting
- allow parents and pupils to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the LGB should first seek parental consent and invite the parents to accompany their child to the meeting)
- have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of 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)

- identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding or how the excluded pupil may feed in his / her views by other means if attending the exclusion meeting is not possible.

Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the LGB will consider whether it would be appropriate to exercise their discretion to allow an excluded pupil on the premises for the sole purpose of taking the examination or test.

In the light of their consideration, the LGB can either:

- uphold the exclusion, or
- Direct the reinstatement of the pupil immediately, or on a particular date

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a fixed period exclusion or the parents make clear they do not want their child reinstated, the LGB will, in any event, consider whether the Head Teacher's decision to exclude the child was justified based on the evidence.

In reaching a decision, the LGB will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', on any evidence that was presented in relation to the decision to exclude.

See Appendix 2: Summary of the Local Governing Board (LGB)'s duty to review a head teacher's decision to exclude

The LGB will ask all parties to withdraw before making a decision. Where present the clerk to the LGB may stay to help the LGB by reference to his / her notes of the meeting and with the wording of the decision letter.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record, along with copies of relevant papers for future reference.

In cases where the LGB 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.

Claims of discrimination to the First-tier Tribunal or County Court can be made up to six months after the discrimination is alleged to have occurred. Where practicable, the School will retain records and evidence relating to an exclusion for at least six months in case such a claim is made

The LGB will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay. The LGB must also inform the pupil's 'home authority' as appropriate.

Where an exclusion is permanent, the LGB's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - a) The date by which an application for an independent review must be made

- b) The name and address to whom an application for a review (and any written evidence) should be submitted
 - c) That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - d) That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA/academy trust to appoint an SEN expert to advise the review panel
 - e) Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - f) That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - g) That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.
 - That a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded.

The LGB will provide the information above by: delivering it directly to parents; leaving it at their last known address; or by posting it to this address. Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

The LGB will set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

7. An independent review

If parents apply for an independent review, the BMAT academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 academy days of notice being given to the parents by the LGC/panel of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the LGC category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any academy in a paid capacity, disregarding any experience as a governor or volunteer
- Governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Principals / Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of the LA/academy trust, or governing committee of the excluding academy.

- Are the Executive headteacher/Headteacher/Head of Academy of the excluding academy, or have held this position in the last 5 years
- Are an employee of the academy trust, or the LGC, of the excluding academy (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the academy trust, school, LGC, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 3 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the LGC/panel's decision
- Recommend that the LGC/panel reconsiders reinstatement
- Quash the LGC/Panel decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

When considering the LGB's decision in light of the principles applicable in an application for judicial review, the panel will apply the following tests:

- Illegality – did the Head Teacher and / or the LGB act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality – was the decision of the LGB not to reinstate the pupil so unreasonable that it was not one a sensible person could have made?
- Procedural impropriety – was the process of exclusion and the LGB's consideration so unfair or flawed that justice was clearly not done?

Where the criteria for quashing a decision have not been met the panel will consider whether it would be appropriate to recommend that the LGB reconsiders their decision not to reinstate the pupil. This will not be the default option, but should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision but which the panel believe justify a reconsideration of the LGB's decision.

In all other cases the panel should uphold the exclusion.

BMAT will not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents may request an independent review panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

BMAT will take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which BMAT received the parent's application for a review (panels have the power to adjourn a hearing if required).

BMAT will arrange a venue for hearing the review, which must be in private unless the panel directs otherwise.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

BMAT will take all reasonable steps to ensure the venue for the review is appropriate, accessible to the parties, and has a suitable area for the parties to wait separately from the panel before the review.

Where the issues raised by two or more applications for review are the same, or connected, but the panel does not combine the reviews BMAT will take reasonable steps to ensure fairness and consistency.

Where possible, the same panel members will hear all related reviews.

The minutes are not public documents but will be retained by BMAT for a period of at least five years, as they may need to be seen by a court. BMAT is aware of its duties under the Freedom of Information Act 2000 and the Data Protection Act 2018 when retaining information (see separate policy document).

In the event the independent panel either Recommend that the LGB reconsiders reinstatement or they Quash the LGB decision and direct that the LGB reconsider reinstatement, the LGB will reconvene to do so within 10 school days of being given notice of the panel's decision. Notice is deemed to have been given on the same day if it is delivered directly or on the second working day after posting if it is sent by first class mail.

The LGB will then notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay:

- the parents;
- the Head Teacher of the Academy
- the local authority and, where relevant, 'home authority'.

8. School registers

A pupil's name will be removed from the academy's admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the LGC will wait until that review has concluded including any reconsideration by the LGC before removing a pupil's name from the register.

The executive headteacher will inform and discuss with the Local Authority SEN team.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agree a behaviour plan
- Agree strategies
- Agree standards of expected behavior

10. Monitoring arrangements

The Trust/Executive headteacher monitors the number of exclusions every term and reports back to the LGC/Trust Board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

11. Links with other policies

This exclusions policy is linked to our other policies as set out below:

Equality: BMAT is committed to eliminating practices, which could result in unfair or less favourable treatment for persons with a protected characteristic. **The implementation of this exclusion policy will be fair and with due regard for those with protected characteristics.**

SEND: The Head Teacher and LGB will take account of their statutory duties in relation to special educational needs (SEND) when administering the exclusion process. This includes having regard to the SEND Code of Practice and BMAT's SEND policy.

Behaviour (rewards and sanctions) policy: This exclusions policy will be consistent and in line with the behaviour policy of the school, with specific reference to the strategies employed when managing behaviour in the school with a view to preventing exclusion and the process of exclusion itself.

Anti-bullying policy: Please read in conjunction with this policy, specifically about the link between bullying and exclusion as a punishment for that bullying.

Attendance and punctuality policy: which details how, for example, to code excluded pupils on our school's register.

Staff code of conduct policy: BMAT staff should have due regard to their conduct, detailed in the code, when administering sanctions such as exclusion.

Child protection and safeguarding policy: BMAT staff should ensure that their behaviour when carrying out procedures outlined in this policy, especially with regard to administering sanctions, is in line with the school's Child protection and safeguarding policy. When implementing an exclusion of a pupil staff will ensure that pupils are not humiliated or take any action that could be perceived by any reasonable person as being cruel.

Appendix 1: Exclusions - Checklist for Heads of School/Head Teachers

Key questions	Yes/No	Evidence
Are you satisfied that pupil's had the opportunity to present their case in writing?		
Are you satisfied that adults and/or witnesses have accurately recorded incidents and followed proper procedures?		
Are you satisfied that any contributing factors have been taken into account?		
Was the pupil's behaviour a serious breach or persistent breach of the school's discipline policy?		
Would allowing the pupil to remain in school affect the education or welfare of the pupil or of others in the school?		
Does the pupil have an EHCP? If so, has an interim review been considered? Is the pupil looked after? Or there any other issues that might have affected his/her behaviour?		
Are you satisfied that there is no discrimination under the Equality Act 2010?		
Are you satisfied that the pupil received sufficient support/multi-agency support and assessments to identify and address any additional needs?		
Are you satisfied that all reasonable alternatives to exclusion have been attempted?		

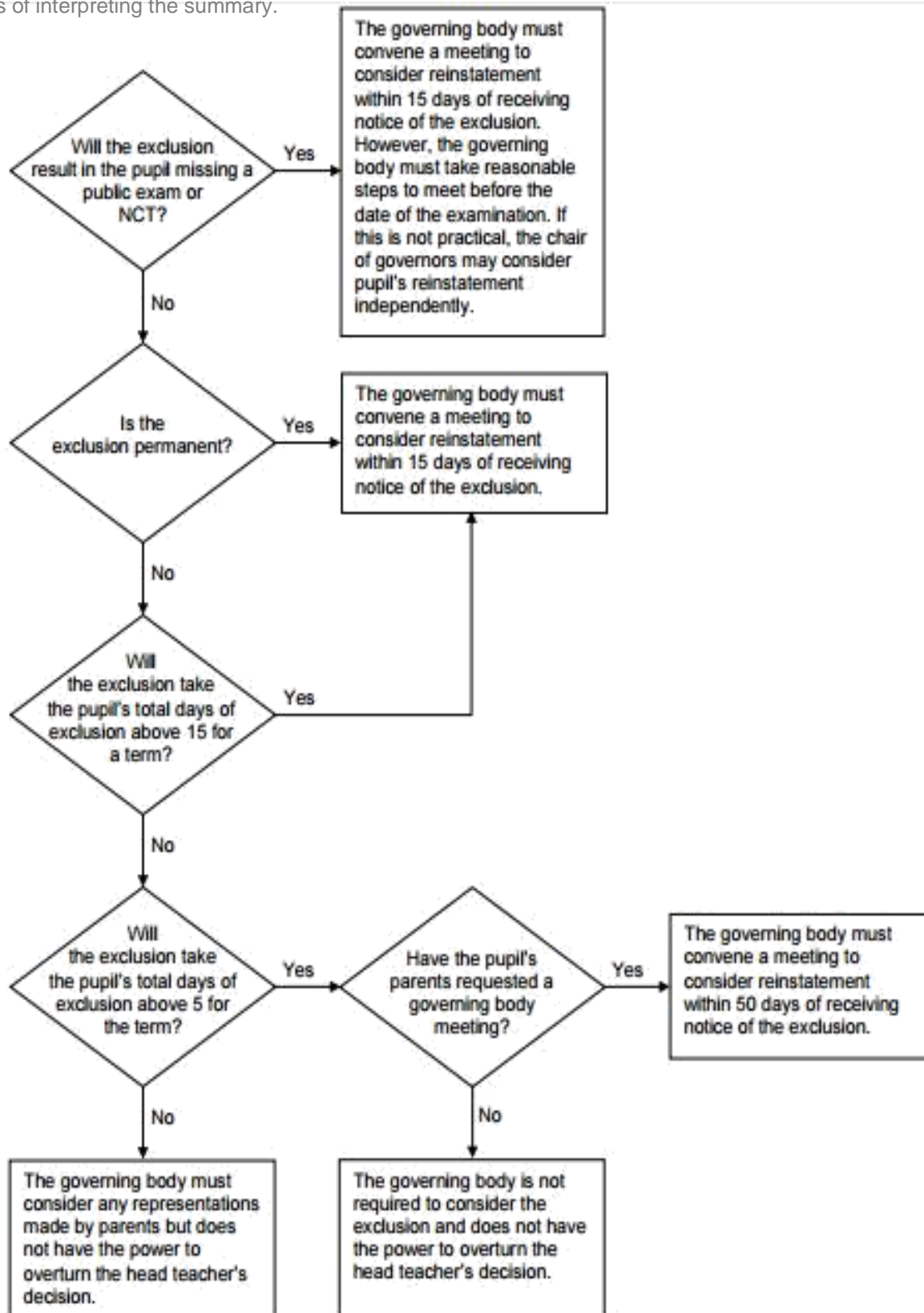
Once the decision to exclude has been approved by the Executive Head or the CEO you must:

- notify the parent, immediately, preferably by phone, of the period of the exclusion
- notify parents/carers in writing, confirming the exclusion and providing all the necessary information
- inform the LA without delay if the exclusion is permanent
- log the exclusion directly on SIMS
- make the necessary arrangements for the pupils to receive work during the exclusion period
- make the necessary arrangements for reintegrating the pupil at the end of the exclusion period

Please remember, we are not permitted to extend a fixed-term exclusion or 'convert' a fixed-term exclusion into a permanent exclusion. In exceptional circumstances, if further evidence has come to light, a further fixed-term exclusion may be issued to begin immediately after the first term ends. A permanent exclusion may be issued to begin immediately after the end of the fixed-term exclusion.

Appendix 2: Summary of the Local Governing Board (LGB)'s duty to review a head teacher's decision to exclude

Note: The 'governing body' referred to below should be considered the same as Local Advisory board for the purposes of interpreting the summary.



The governing body may delegate its functions to consider an exclusion to a designated sub-committee. References to days mean 'school days'.

Appendix 3: independent review panel training

BMAT will ensure that all panel members and clerks have received training within the two years prior to the date of the review.

This training must have covered:

- the requirements of the primary legislation, regulations and statutory guidance governing exclusions (which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making);
- the need for the panel to observe procedural fairness and the rules of natural justice;
- the role of the chair of a review panel;
- the role of the clerk to a review panel;
- the duties of head teachers, LGBs and the panel under the Equality Act 2010; and
- the effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.