



**ILKLEY GRAMMAR SCHOOL**

A MOORLANDS LEARNING TRUST ACADEMY

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# Exclusion Policy

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	Position/Committee	Date
Prepared by	Deputy Headteacher: Behaviour and Attitudes	January 2021
Approved by	Local Governing Body	February 2021
To Be Reviewed	Deputy Headteacher: Behaviour and Attitudes	February 2022

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FOR WEBSITE

**ILKLEY GRAMMAR SCHOOL**



## **PERSONAL BEST AND EXCLUSIONS**

### **RATIONALE**

Please click [here](#) to view the Personal Best Policy.

All students enjoy being effectively rewarded for their efforts but also need clear guidelines in terms of expectations and what constitutes acceptable behaviour. The Personal Best strategy supports these as well as clear and effective communication between teachers, parents, carers and students. This Exclusion Policy should be taken into consideration alongside our Personal Best Policy. Exclusion is always a last resort, and we would always seek to use alternatives, but where students repeatedly exhibit the same behaviours or compromise any aspect of safety or learning of self or others, exclusion might be a sanction we have to apply in order to formally record and address behaviour and/or actions. In issuing any exclusion Ilkley Grammar School aims to ensure that:

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

### **LEGISLATION AND STATUTORY GUIDANCE**

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#)

It also reflects the guidance from Bradford as our LA which is in part included in this documentation and can be found at

<https://www.bradford.gov.uk/education-and-skills/school-support-services/exclusion-from-school/>

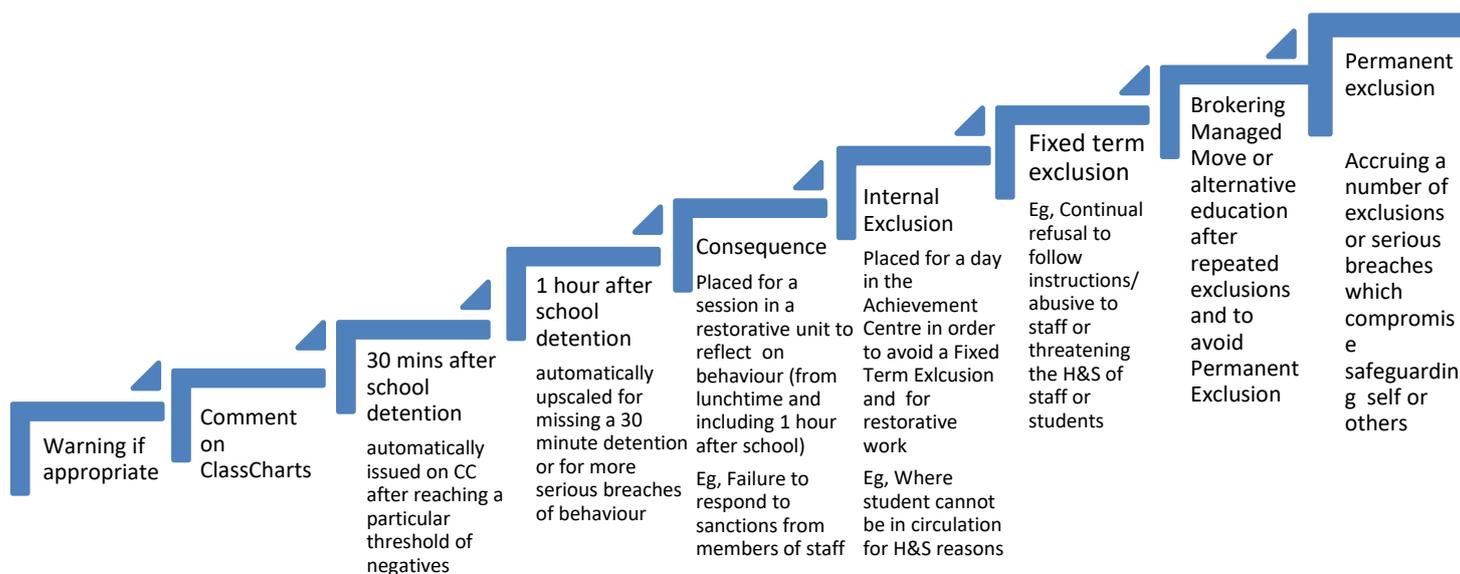
It is also based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 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](#)

The Personal Best strategy builds on good practice, is designed to give rewards a high priority and ensure consistency in these and in addressing indiscipline, in particular the lower level disruption

that interferes with effective learning. Where negative behaviours interfere with learning, or the health and safety of self or others, it is important to put into place an appropriate sanction and time for reflection in order to address issues, learn from them and move on positively. The following hierarchy explains how sanctions leading towards exclusion are considered.

## THE HIERARCHY OF SANCTIONS



The school continues to work with commitment with students and their families in order to provide suitable preventative measures to improve behaviour with a consistent approach and in conjunction with our ABC (Actions Bring Consequences) system. Our Consequences provision, based in the Achievement Centre focusses on reviewing behaviour in that students are asked to complete a reflection sheet about why they have been placed in there, and how to move forward positively after spending time within the unit.

We are part of the ‘Three Valleys Behaviour and Attendance Collaborative’ (BAC) in conjunction with other local secondary schools and we have good access to alternative arrangements for those who have received a fixed term exclusion on more than one occasion, or for whom there are significant concerns, and who therefore might benefit from other interventions and support. We are therefore able to offer a range of opportunities: for example, a fresh start at another school (managed move) or external provider (Pupil Referral Unit – PRU and Behaviour Support Unit – BSU) in addition to the supportive measures our pastoral teams can offer through making referrals to outside agencies.

In all cases of exclusion, it is absolutely essential that all appropriate members of staff in school are consulted with as far as possible in order to agree on a professional level that an exclusion is necessary. This decision will be based upon the following in liaison with the Head of Year and Assistant Headteacher KS3 or Director KS4:

- i) The seriousness of the action or behaviour demonstrated

- ii) Written statements from staff and students to gather hard evidence of events and impact
- iii) A student's past behaviour record
- iv) Possible personal or extenuating circumstances
- v) Consideration of a student's Special Educational Needs, especially those with an EHCP

After gathering the context, the Deputy Headteacher (Behaviour and Attitudes), or other DHT if not available, should review all evidence and agree the appropriate sanction considering all of the above and recommend this to the Headteacher who will decide the course of action.

The student and parents will be informed of this decision as soon as possible, and a letter will be either posted or handed to the parent/carer to outline statutory obligations and explain the process together with a pack of work to be completed at home.

Following a Fixed Term Exclusion, parents or carers are invited to attend school with their child in order to take part in a 'Return from Exclusion' discussion with notes of the meeting being recorded which will review the reason for exclusion, ways in which we can move forward positively and any further support or actions to take place to avoid any further possible exclusions at any point in the future. We value the relationships between parents and carers and want to work collaboratively and positively together in order for the support and challenge to be consistent.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. Our guidelines there closely follow those published which state that a decision to exclude a student will be taken only:

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

Before deciding whether to exclude a student, either permanently or for a fixed period, the headteacher 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 if the pupil has special educational needs (SEN)

## **Roles and responsibilities**

### **I. The headteacher**

#### **Informing parents**

The headteacher will immediately provide the following information, in writing, to the parents of an excluded student:

- 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 governing board and how the student may be involved in this

- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher, or other appropriate member of senior staff at the request of the headteacher, will notify parents by the end of 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 an exclusion is issued for more than 5 days, there is a statutory requirement for the school to provide education at an alternative provision. This is called 'Sixth day provision'. The following information will be included either when notifying parents of an exclusion or at a later date when provision has been able to be brokered and secured. This will include:

- 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 first day of exclusion, 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.

### **Informing the governing board and local authority**

The headteacher will immediately notify the governing board and the local authority (LA) of:

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

For a permanent exclusion, if the student lives outside Bradford, the headteacher will also immediately inform the 'home authority' of the exclusion and the reason(s) for it without delay.

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

### **The governing board**

Responsibilities regarding exclusion appeals are delegated to the Local Governing Body (LGB) which will convene a panel consisting of at least 3 governors.

The LGB has a duty to consider the reinstatement of an excluded student

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

## **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.

## **Considering the reinstatement of a pupil**

An LGB panel will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term. This is referred to as a PDC – Pupil Disciplinary Committee
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the LGB will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student 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 student missing a public examination, the LGB panel will consider the reinstatement of the student before the date of the examination where they can either:

- Decline to reinstate the student or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, 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', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The LGB will notify, in writing, the headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the LGB 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:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the child's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded child has recognised SEN, parents have a right to require the school to appoint an SEN expert to attend the review

- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- 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

If parents believe that the exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

### **An independent review**

If parents apply for an independent review, IGS 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 school days of notice being given to the parents by the LGB 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 school governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School 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
- Headteachers or individuals who have been a headteacher within the last 5 years

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's 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.

### **Returning from a fixed-term exclusion**

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

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

- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal isolation (*which in the case of Ilkley Grammar School is a place in our Achievement Centre*)

As a school we work in conjunction with Bradford Metropolitan District Council in order to report and record exclusions and as a school we are both held to account and supported by key staff with such responsibilities within BMDC. A copy of their centrally produced guidance is below and is also included in our Personal Best Policy:

### **Student Exclusions: Bradford Metropolitan Council Guidance**

Only the headteacher (including acting headteacher) may exclude a student. This may be for a fixed period up to a maximum of 45 days in any school year, or permanently. Lunchtime exclusions count as a half-day fixed period exclusion.

### **Students at Risk of Exclusion**

Where a student is at risk of exclusion, the headteacher should ensure that an appropriate support package and the Home/School Agreement are operational, and that parents/carers have been regularly involved. Detailed written records of any incidents involving the student must be kept.

### **Investigating the Incident Leading to Exclusion**

- Before making a decision to exclude the headteacher must have undertaken a full investigation to establish precisely what happened and the extent of the student(s)'s involvement. This may involve investigating whether the incident appeared to be provoked by racial or sexual harassment.
- The investigation will involve taking written statements from all involved and from witnesses. The statements must be signed and dated.
- It is essential that the alleged perpetrator is given the opportunity to give his/her version of events, even if s/he is out of school.
- In establishing the facts and coming to a conclusion as to the student's culpability, there must be very strong evidence that the alleged conduct occurred and that the student was responsible.

### **Excluding the Student before the Investigation is Completed**

Immediate action may be needed where a serious incident has occurred even though the investigation may still be ongoing. In these cases, it is recommended that the student be excluded for an initial fixed period to enable the investigation to be completed. If this is the case the letter to the parents must indicate this is the reason for this fixed-period exclusion. Once the investigation has been completed, the headteacher must decide whether to convert the exclusion to a permanent exclusion.

### **Police Involvement**

- Where the incident warrants police involvement, the police should be contacted as necessary. Headteachers should also consider whether or not to inform other agencies e.g. Youth Offending Team (YOT), Children's Social Care (CSC).
- It may be appropriate to initially exclude the student for a fixed period.

- Where there is a possibility that the police may take legal proceedings, the headteacher should first check with the police before interviewing the witness and student(s) suspected to be involved in the incident.

Once the extent of the student's culpability has been established it will be necessary to decide whether exclusion is the appropriate sanction. All exclusions must be in line with the School Discipline Policy (Personal Best) and any other relevant policy such as the school's published policy on drugs. If not, the exclusion may be overturned by the PDC (the Governors' Student Discipline Committee) or by the Appeal Panel.

Provided the sanction is consistent with the policy, different sanctions may be applied to different students depending on the extent of their culpability, their previous disciplinary record and any contrition they show.

Regard must also be had to the School's Equal Opportunities Policies, where applicable the Race Relations Act 1976, as amended, and the Disability Discrimination Act 1995, as amended.

## **Permanent Exclusion**

**The DfE guidance states that to permanently exclude a student is the final step in the school's disciplinary process and it should normally be used as a last resort.**

The DfE guidance acknowledges that exceptionally, permanent exclusion may be appropriate for a one-off/first time offence involving serious actual or threatened violence, sexual abuse or assault, supply or possession of an illegal drug and carrying an offensive weapon. In all other cases exclusion should only be used when other strategies and sanctions have failed.

The DfE guidance specifically states that a decision to permanently exclude a student should only be taken:

- where there has been a serious breach of the School Discipline Policy;
- where allowing him/her to remain in school would seriously harm the education/welfare of the students/staff.

## **Alternative Strategies to Exclusion**

Before excluding, in most cases, a range of alternative strategies should be tried. These strategies are mainly concerned with early intervention for disruptive, disaffected and emotionally-disturbed students. They may include:

- using a restorative justice process, which enables the offender to redress the harm that has been done to the 'victim, and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise lead to exclusion;
- internal exclusion, which can be used to diffuse situations that occur in school that require a student to be removed from class, but may not require exclusion from the school premises. The exclusion could be to a designated area within the school, with appropriate support, or to another class on a temporary basis, and may continue during break periods;
- working with parents;
- Learning or Behaviour Support Units;

- calling a multi-disciplinary meeting including outside agencies
- mentoring
- dis-applying the National Curriculum / temporary curriculum adjustment
- work-related learning and work experience for 14-16 year olds
- encouraging involvement in voluntary service and community activity;
- assessment places for Key Stage 3 students at PRUs
- involving external providers
- a managed move exploring possibilities within the Trust, with BACs or other local Red Kite Alliance schools. If a school feels that it can no longer manage the behaviour of a particular student, the school may ask another school to take over his or her education. This should only be done with the full knowledge and co-operation of all parties involved, including the parents, in circumstance where it is in the best interests of the student concerned. Parents should never be pressured into removing their child from school under threat of a permanent exclusion, nor should students be deleted from the school roll to encourage them to find another school place.

## Support Programmes / Early Help

Students who do not respond to school actions to combat disaffection may be at serious risk of permanent exclusion or criminal activity. **Teachers should actively identify such young people. Each one will need a plan worked out with external agencies and parents where possible.** It is important that students who are in this situation have a full package of support in school detailed on the school Provision Map Software in order to coordinate this effectively and communicate clearly with agencies and parents

### What is the Early Help procedure?

It is a school-led intervention programme to help individual students better manage their behaviour. A nominated member of staff should oversee this. It should identify precise and realistic behaviour outcomes for the student to work towards. It should involve outside agencies where necessary.

It should be short and practical and administration should be kept to a minimum. It does not replace an IEP or the SEN assessment process. A meeting should still be called involving all staff, external agencies, voluntary groups who have an involvement with the student, and her/his family.

### When to operate Early Help

It should be set up automatically for a student:

- who has had several periods of fixed-term exclusion; or
- who has been identified as being at risk of failure at school through disaffection;

### How to set up a Early Help

The school should invite:

- the parents;
- the nominated member of staff;
- any relevant outside agencies/voluntary groups;

to discuss the cause for concern and what action is needed. The nominated member of staff should draw up a programme with agreed and realistic targets, deadlines and timescales.

## When Not To Exclude

It is unlawful for schools:

- to send a student home unofficially and ask parents to return them to school after they have 'cooled down';
- to insist that parents attend a meeting in school prior to the student's re-admission back into school following a fixed-period exclusion. *(Please note that although this is guidance, all schools in practice follow a procedure to allow mutual understanding of behaviours presented and would hope that parents would want to work together with the school and attend a meeting with the child coming back from exclusion in order to make a fresh start on their return.)*

An example of where exclusion should not be used includes, but is not limited to:

- minor incidents such as failure to do homework or for not bringing dinner money;
- poor academic performance;
- lateness or truancy;
- breaching school uniform policy including hairstyles or wearing jewellery (unless there is persistent and open defiance of such policies);
- punishing students for the behaviour of parents, eg by extending a fixed-period exclusion until the parents agree to attend a meeting;
- refusing to sign a Home/School Agreement and failure to comply with the conditions of a Home/School Agreement.

## Types of Exclusion

Only the headteacher (or, in the absence of the headteacher or teacher in charge, the most senior teacher who is acting in the role) can exclude a student.

There are three types of exclusion:

- fixed period, lunchtime and permanent.

Fixed Period – the law allows headteachers, or teachers in charge of a PRU, to exclude a student for up to **45 school days in any one school year**. However individual exclusions should be for the shortest time necessary, bearing in mind that exclusion of more than a day or two make it more difficult for the student to re-integrate into the school.

The school should set and mark work during the period of exclusion and make appropriate arrangements with parents/carers for its collection and return. Schools must re-admit a student the day after the conclusion of a fixed-period exclusion. It is recommended, as good practice, to draw up a revised plan to highlight the particular needs of the student.

The school must provide full time education after the sixth day of a fixed term exclusion. For a permanent exclusion it is Bradford Metropolitan Council's responsibility to provide full time education. When the total number of fixed-period exclusions has reached 45 days, no further fixed-period exclusions can take place.

**Lunchtime** – students whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed period exclusion (equivalent to one half school day) and should be treated as such. Parents have the same

right to information and to make representations. A lunchtime exclusion for an indefinite period, like any other indefinite exclusion, is unlawful.

Arrangements should be made for students who are entitled to free school meals; this may mean providing a packed lunch. The Secretary of State does not expect to see lunchtime exclusion used for a prolonged period. In the long run, another strategy for dealing with the problem should be worked out.

**Permanent** – this is the final sanction available to a school. It is for schools to decide when to fixed-period or permanently exclude in accordance with the sanction set out in their Discipline/Behaviour Policy.

A decision to exclude a child **permanently** is a serious one. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies, which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.

### **‘Permanent Exclusion for Exceptional Circumstances/‘One-Off’ Offences**

There will be exceptional circumstances where, in the headteacher’s judgement, it is appropriate to permanently exclude a child for a first or ‘one-off’ offence. These might include:

- serious actual or threatened violence against another student or a member of staff;
- sexual abuse or assault;
- supplying an illegal drug;
- carrying an offensive weapon.’

Taken from the Student Exclusion Manual: Education Bradford

Schools should also consider whether or not to inform the police where such a criminal offence has taken place. They should also consider whether or not to inform other agencies e.g. Youth Offending Team, Social Workers, etc.

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being or the school community. Alternative provision will not be appropriate in these cases as the student still has the right to return to school if not permanently excluded.

The decision to permanently exclude should normally be used as a last resort – in most cases a range of alternative strategies must have been used.

Provided the exclusion is consistent with the School Discipline Policy and, where applicable, other related policies such as the school’s Drug Policy, different sanctions may be applied to different students depending on the extent of their participation, their previous disciplinary record and any contrition they show.

### **Persistent Misbehaviour**

Where persistent and defiant misbehaviour still persists despite the application of appropriate sanctions and the use of alternative strategies, then the stage may be reached when permanent exclusion is appropriate should there be further repetition of this behaviour. The headteacher may conclude that allowing the student to stay at the school would seriously harm the education (or welfare) of other students or staff.

In these cases, it is important that the final or 'trigger' incident is sufficiently serious, when taken together with the student's previous disciplinary record, to warrant permanent exclusion.

The important factors to bear in mind in these cases are as follows:

- the School Discipline Policy must specifically provide for exclusion in these circumstances;
- no assumption of culpability should be made based on the student's track record;
- as in all cases, an impartial investigation must be undertaken to determine the extent of the student's culpability;
- alternative strategies must have been explored and, and where appropriate, tried;
- full records of the previous behaviour, the sanctions applied and the strategies used must be kept;
- the decision letter must explain that the decision to exclude was based not just on the final incident but also taken into account the student's previous disciplinary record. Reference should be made to previous sanctions applied and strategies used;
- the decision letter could also specifically state that the headteacher considers that, in view of the student's persistent defiance of the School Policy, the headteacher allowing the student to stay at the school would seriously harm the education (or welfare) of other students (or staff), as the case may be.

The Secretary of State would not normally expect the Governors' Student Discipline Committee or an Independent Appeal Panel to re-instate the student where persistent and defiant misbehaviour, including bullying, or repeated possession and/or use of an illegal drug on school premises, has been established.

Permanent exclusion should not be imposed in the heat of the moment. It is advised that a student suspected of a serious offence, on the immediate evidence available, be fixed-period excluded. This will remove the threat to the safety of others in the school and allow time for a full investigation to be carried out.

## **STUDENTS AT RISK**

### **STUDENTS WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITY (SEND)**

Statutory guidance on identifying, assessing and making provision for students with SEN, including those with behavioural, social and emotional needs, is given in the Special Educational Needs and Disability Code of Practice. Schools must have regard to this guidance. School Governing Bodies have a statutory duty to do their best to ensure that the necessary provision is made for any student who has SEND.

Other than in the most exceptional circumstances, schools should avoid permanently excluding students with Statements. They should also make every effort to avoid excluding students who are being supported under the SEND Code of Practice, including those at SEN K and for those who are being assessed for a Statement or already hold an EHCP. The support in place for such students will be fully detailed on Provision Map in order to track the extra support already in place for that child in order to review this effectively. In most cases, parents will be aware that the school is having difficulty managing a student's behaviour well before the situation has escalated. Schools should try every practicable means to maintain the student in school, including seeking Bradford Metropolitan Council and other professional advice and support or, where appropriate, asking the Bradford Metropolitan Council to consider carrying out a statutory assessment.

Students with an EHCP should not normally be permanently excluded. In the first instance, schools should make a fixed-period exclusion and involve their SEND Officer to call an urgent review meeting to look at the Statement.

### **SEND Partnership**

The Parent Partnership should also be able to provide details of voluntary agencies that offer support to parents, including those that can offer advice concerning exclusions. Provision Map should help detail what is already in place within school so that further support beyond this where possible can be investigated.

### **Disabled Students**

Schools have a legal duty under the Disability Discrimination Act 1995 not to discriminate against disabled students by excluding them from school because of their disability (for a fixed-period or permanently). The definition of disability under the Act covers students with physical, sensory, intellectual or mental impairments.

Discrimination means treating disabled students 'less favourably' than other students without justification. It also means failing to take 'reasonable steps' to ensure that disabled students 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.

The Disability Rights Commission has a Code of Practice, which explains and illustrates schools' duties to disabled students, including in relation to exclusions decisions or appeals are strongly recommended to read the Code of Practice, along with the Equality Act 2010.

Appeals against permanent exclusion, where discrimination is alleged to have taken place, or the disabled student has been placed at a substantial disadvantage by the exclusion procedures, will be heard by the Independent Appeal Panel. Claims alleging discrimination in respect of fixed-period exclusions will be heard by the SEN and Disability Tribunal. Schools will be required, in disability discrimination claims to demonstrate that their actions are justified and that there are no reasonable adjustment to their policies and practice they might have made to prevent the incident which led to the exclusion. Since many disabled students will also have special educational needs, schools may wish to consider the action they have taken to address those needs in this context. Schools are strongly advised to take legal advice as a matter of urgency where discrimination is alleged.

### **Children in Public Care**

As children in public care are especially at risk of low attainment in school, schools should be especially sensitive to exclusion issues where these children are concerned. Schools should try every practicable means to maintain the child in school and should seek Bradford Metropolitan Council and other professional advice, as appropriate. Social Services should, in all cases, be involved at the earliest opportunity in working with the school to avoid the need to exclude the student.

### **Race Relations**

Schools have a legal duty to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between people of different racial groups. Support and advice is available from the Diversity and Cohesion Team at Bradford Metropolitan

Council who also monitor the Racial Incident Reporting Forms, a statutory requirement for all schools.

Schools must take steps to ensure that they will not discriminate against a student on racial grounds when making a decision about whether to exclude a student. Schools should therefore monitor and analyse exclusions by ethnicity to ensure that they do not treat some groups of students more harshly than others. Schools must assess whether policies that lead to sanctions including exclusion, have a disproportionately adverse impact on students from particular racial groups. If adverse impact is identified, then the policy and practice should be revised.

Schools should ensure that all school staff and governors are fully trained to understand how their own perceptions, values and beliefs affect their behaviour and therefore their interaction with students from minority ethnic backgrounds. Good connections between schools and community groups and open discussion within schools can greatly help to facilitate this.

Headteachers (and PDC and Appeal Panel members) are advised to read:

- The Equality Act 2010

### **Drugs Related Exclusions**

Each school's Discipline Policy or Drugs Policy should specify the sanction for possession and/or supply of illicit drugs; the policy should spell out whether the same sanctions would apply to substances purporting to be illicit drugs.

The DfE guidance "Improving Behaviour and Attendance", acknowledges that it can be appropriate to permanently exclude a student supplying an illegal drug even though this is a first or 'one-off' offence; however, this should be clearly spelt out in the School Discipline Policy or Drugs Policy.

### **Knives or other offensive weapons in or near school**

In order to keep all of our students and staff safe, we have a zero-tolerance policy of students having an offensive or harmful weapon on them whilst in school, or travelling to or from school.

### **The Law**

- It is illegal to carry any knife if there is intent to use it, even defensively, as a weapon, even if the knife belongs to someone else.
- Police can and will search someone if they believe they are carrying a knife. Police and school staff can also search young people for weapons in school.
- Carrying a knife could mean being arrested, going to court and ending up with a criminal record or even a prison sentence. This can affect the rest of someone's life. Having a criminal record can prevent that person getting a job, going to university or college or even travelling abroad to some countries.

We expect parents to support their children, and us, in helping their child make the right choice and, in talking to them, in looking out for concerning signs, and in reminding them that they should always walk away if confronted with the threat of violence.

If a student is believed to be in possession of a knife or there is sufficient evidence that they have had a knife, or any other offensive weapon (for example, a baseball bat, razor blade or even a

home styled object which could cause harm) where there is evidence that it could be or has been used to threaten or cause violence, the following guidelines will apply:

- a search will be conducted
- an investigation will be instigated to gather evidence and establish facts
- reference made to Bradford Metropolitan Council and their advice and guidance
- where there is evidence of possession, parents/carers will be contacted and the police informed and there will be a recommendation for permanent exclusion
- the Chair of Governors will be contacted and informed

### **‘Permanent Exclusion for Exceptional Circumstances/‘One-Off’ Offences**

There will be exceptional circumstances where, in the headteacher’s judgement, it is appropriate to permanently exclude a child for a first or ‘one-off’ offence. These might include:

- serious actual or threatened violence against another student or a member of staff;
- sexual abuse or assault;
- supplying an illegal drug;
- carrying an offensive weapon.’

Taken from the Student Exclusion Manual: Education Bradford

### **Drugs and Alcohol**

The policy at Ilkley Grammar School endorses the DfE line:

*‘Illegal drugs have no place in schools.*

*It is vital that schools send a clear message to the whole school community that the possession, use or supply of illegal and other unauthorised drugs within school boundaries is unacceptable.’*

DfE – Drugs: Guidance for Schools

In the case of Ilkley Grammar School, ‘school boundaries’ incorporates:

- the school site
- in the vicinity of the school
- on the way to and from school and out of school at lunchtime
- on school buses and buses/other public transport to or from school
- college and work placements, including work experience
- school visits, including those in holiday time

*‘A decision to exclude a child permanently is a serious one. Permanent Exclusion should usually be the final step in the process for dealing with disciplinary offences after a wide range of other strategies have been tried without success. Supplying an illegal drug is a serious breach of school rules and it may be one of the exceptional circumstances where the Headteacher judges that it is appropriate to permanently exclude a student, even for a one-off or first time offence.... Where students are permanently excluded for supplying an illegal drug, repeated possession and/or use of an illegal drug on school premises, the Secretary of State would not normally expect the governing body or an independent panel to reinstate the student.’*

DfE – Drugs: Guidance for Schools

Any decision will be based on a thorough investigation, the needs of any individual involved and the wider welfare interests of the student body in school.

Drugs are those that:

- ❖ are legal such as alcohol, tobacco, vapes and solvents:
- ❖ over the counter and prescribed drugs;
- ❖ controlled substances (illegal drugs or substances purporting to be illicit) such as cannabis, ecstasy, heroin, crack / cocaine and LSD

Drugs, other than those prescribed for legitimate medical use, must not be brought on to School premises and must not be bought, sold or otherwise obtained on school premises. These regulations also apply to any location on school visits.

- Possessing or using alcohol or tobacco on school premises or in the vicinity of the school is not allowed
- Students found smoking cigarettes on *or near the school premises* will be subject to investigation and will normally be placed in isolation; for repeated offences they may be excluded from school.
- Any student suspected of being part of activities involving controlled substances (illegal drugs) or found in possession of controlled substances on school premises or in the vicinity of the school will be subject to a detailed investigation and will be excluded from school. *Where there is evidence that this is not a first offence and there are no extenuating circumstances, there will be a recommendation for permanent exclusion.* A student's parent or carer will normally be informed of any drug-related incident.
- Any student found to be supplying i.e. offering to sell, giving, actually selling, obtaining on behalf of others or trading controlled substances (illegal drugs) for something of value or possessing with intent to supply another person *the student will be recommended for permanent exclusion.* The school's view of the offence is the same whether the offence occurs on school premises or not.
- The police will always be informed of any controlled substance incidents.
- The Chair of Governors will be informed.
- All the above apply to any location visited while on a school trip.
- The School will act with sensitivity towards any member of the school who wishes to seek help to overcome a drug-related problem.

## **UPDATES IN OPERATION UNDER REMOTE LEARNING AND COVID-19**

There are no changes to this policy. However, during national lockdown and at times where face to face contact needs to be minimised due to government advice, all panels, re-integration meetings, or appeals will need to be planned remotely and it is the school's responsibility to ensure that all appropriate parties are able to access these in a timely manner and that the process is not disadvantaged.