

Birmingham Independent College

Exclusion Policy

Next review: January 2026

1. Introduction

At Birmingham Independent College (BIC) we offer a specialist education for autistic children and young people. We believe that students best learn, thrive, and achieve, in a positive, ambitious, nurturing environment where all members of our college community feel safe and supported in their day-to-day participation in college life. Often young people are placed at BIC, following a breakdown in their previous setting, which has resulted in exclusion. Therefore, some of our students and their families have experience of multiple exclusions before joining the college. It is therefore all the more important that students and their families are aware that, though the Head of College retains the power to authorise suspension and permanent exclusions, the decision to exclude, whether for a suspension or permanent, is a very serious consideration which, in normal circumstances, will only be used as a last resort when a range of other strategies has been exhausted. Students at risk of suspension or exclusion are enabled and encouraged to participate at all stages of their education, including suspension or exclusion, considering their age and level of understanding.

2. Applicable Law and Guidance underpinning this Policy

The principal legislation relevant to this policy is:

- the Education Act 2002, as amended by the Education Act 2011.
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- the Education and Inspections Act 2006.
- the Education Act 1996.
- and 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.

This policy takes account of the [Statutory Guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2022](#) and the [DfE Guidance on Behaviour in Schools \(Sept 2022\)](#),

Additionally, BIC is aware of its duties under the following:

- The Equality Act 2010
- The Children and Families Act 2014
- Keeping Children Safe in Education 2022
- Working to Safeguard Children 2023

3. Links with other College Policies and Procedures

This policy should be read alongside the following policies:

- Behaviour Policy
- Safeguarding and Child Protection Policy
- Equity, Diversity and Inclusion Policy
- Anti-bullying Policy

4. Understanding Exclusions and Suspensions

An exclusion or suspension (formerly known as a fixed term exclusion) is a disciplinary sanction where the student is not allowed on the college premises. There are two types of exclusion:

- a suspension (previously known as a fixed term exclusion) where the student is not allowed on the college premises for a fixed period of time.
- Permanent exclusion where a decision has been made that the student is not permitted to attend the college.

4.1 Suspension

A decision to suspend a student will only be taken as a last resort (see Section 5). Where the Head of College issues a suspension:

- The college must inform the parents/carers explaining the reason for the suspension and the period of the suspension (see Section 7);
- For the first five days of the suspension the college should provide resources/activities for the pupil/learner;
- If a suspension is longer than five days the Proprietors will ensure arrangements are made for alternative education from the sixth day. Alternative education in this policy refers to suitable education that is arranged for a student during a suspension;
- During the suspension the student must not be in a public place during college hours except where there is reasonable justification. Parents/carers are responsible for the whereabouts of their child/young person;
- Prior to returning to college there will be a reintegration meeting planned (see Section 8).

4.2 Permanent Exclusion

A decision to permanently exclude a student will only be taken exceptionally and as a last resort. Where the Head of College permanently excludes a student:

- The college must notify the student's parent/carer of permanent exclusion and the reasons for the decision (see Section 7 below);
- The college may consider offering to provide resources or activities for the first five days;
- It is the duty of the Local Authority to provide an appropriate education for the pupil to begin no later than the sixth day after the exclusion;
- The responsible Local Authority will amend an EHC plan to change the placement in Section I. The Authority is also required to identify an appropriate educational placement. Parents retain the right to express their preference for a school or college in line with the Children and Families Act 2014.

4.3 Cancelling exclusions

The Head of College may cancel an exclusion where it has not been reviewed by the Proprietorship. Where this occurs the parents, Proprietorship, social worker (where there is one) and Virtual College Head (VSH) will be informed without delay. Further, the parents/carers will be offered the opportunity to meet the Head of College to discuss the circumstances that led to the exclusion being cancelled.

5. The Decision to Suspend or Exclude

A decision to suspend or exclude a student permanently will only be taken as a last resort:

- In response to serious or persistent breaches of the school's behaviour policy; and/or
- Where allowing the student to remain in college would seriously harm the education or welfare of the students or others in the college including staff;

Serious breaches are those that have a significant impact on others in the learning environment. Examples include:

- Physical assault against a pupil;
- Physical assault against an adult;
- Verbal abuse or threatening behaviour against a pupil;
- Verbal abuse or threatening behaviour against an adult;
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by the School;
- Extreme bullying;
- Racist, sexual or other abuse;
- Damage to property;
- Persistent absconding
- Smoking, illegal drugs (possession and/or use) or alcohol (consumption or possession)

Only the Head of College (or acting Head) or, in their absence, a member of the college senior leadership team, acting with the authority of the Head of School, can suspend or exclude a pupil/learner. Before deciding whether to suspend or exclude a student the Head will:

- Consider all the relevant facts and evidence relevant to the incident and events leading up to it;
- Allow the student to give their version of events and provide the necessary support to help them do so as necessary;
- Consider the nature of the student's SEND and specifically their competence and level of understanding in relation to their own conduct.

When establishing the facts and making any decision, the Head of College must apply the standard of proof in civil legal cases which is on 'a balance of probabilities' i.e. it is more likely to be true than not.

A suspension cannot be changed to a permanent exclusion unless, exceptionally, new relevant information comes to light.

6. Values Approach

Aligned with the college's values to provide a high-quality education for autistic children and young people, is the commitment to support them remain in education. Students are never excluded on the basis their special educational needs cannot be met.

Where a college has concerns about a student's behaviour it will work quickly to identify whether there are any causal factors and will intervene using a range of measures to provide appropriate support. The college will ensure early intervention is in place to address any underlying causes of disruptive behaviour to seek to reduce the risk of exclusion or

suspension. Parents/carers will be proactively involved in this process and kept informed of progress. Typical intervention and support involves:

- Discussions with parents/carers and local authority;
- Implementation of targeted support and monitoring ;
- More intensive work within the pupil/learner's trans-disciplinary team to provide more targeted support, interventions, programmes and monitoring;
- Increased review and reporting of progress;
- Working in partnership with external professionals;
- Holding an early annual review of the pupil/learner's EHC plan to consider whether the needs, provision and support levels are appropriate or need amending.

However, there are rare circumstances where an exclusion may be necessary as an immediate response to a sudden extreme event which requires urgent action to protect the safety and welfare of other students and staff.

BIC is aware of the duty of its schools under the Equality Act 2010 to prevent discrimination and to ensure reasonable adjustments are made for disabled students. The Head of College and Proprietorship Body also ensure college policies and practices do not discriminate against students by unfairly increasing their risk of exclusion.

The Head of College and Proprietorship Body are aware that 'informal' or 'unofficial' exclusions such as sending a student home to 'cool off' or reducing the length of a child's day in college are unlawful whether they occur with the agreement of the parents or carers. Any exclusion of a pupil/learner, even for short periods of time, must be formally recorded.

7. Roles and Procedures

7.1 *Informing parents/carers*

If the Head of College makes a decision to exclude, they must inform the student's parents/carers without delay by telephone or in person. This must be followed up in writing. The following information must be provided in writing. This information can be sent electronically where permission has been given for this form of communication, or sent to the usual or last known address:

- The reason for the suspension or permanent exclusion;
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- The parent/carer's¹ right to make representations about the suspension or permanent exclusion to the Proprietorship Body, and who these should be sent to and how;
- The right of parents/carers to request the meeting be online;
- The arrangements for the student to continue their education during the first five college days of the exclusion;
- Any arrangements in respect of national curriculum tests or public exams;
- Where the student is of compulsory school age the Head of College must notify the parents/carers of the days on which they must ensure their child/young person is not present in a public place during the college day unless there is a reasonable

¹ In this policy the term parents/carers can also be taken to mean a student who is 18 or over with mental capacity.

justification. These days are the first five days of a suspension or permanent exclusion or earlier if full time alternative provision is in place.

- If alternative provision has been arranged in time for the notice, then details of the times, location and any other key information should be included (this information should be provided in a separate notice where it is not available within the time frame of sending the first notice).
- Confirmation that the responsible Local Authority has been notified of the suspension/exclusion.

The Head of College will be mindful in all communication with parents/carers that they fully understand the reasons why the decision has been made. In ensuring clear communication, the Head of College will consider any additional needs of parents/carers with whom they are discussing the suspension or exclusion.

7.2 Informing the student's social worker and/or Virtual College Head

Where the student has a social worker and is at risk of suspension or exclusion, the Head of College must contact the social worker. Where the student is a child that is looked-after and is at risk of suspension or exclusion, the Virtual College Head (VSH) must be informed as well as the social worker.

Where a decision is made to suspend or exclude a student with a social worker or VSH they must be informed without delay of the following:

- The decision to suspend or exclude
- The reason for the decision
- The length of the suspension or the fact that the exclusion is permanent
- Where the suspension or exclusion affects the pupil/learner's ability to sit a national curriculum test or public exam, the fact this will occur.

The social worker/VSH will be invited to any meeting of the Proprietorship Body about the suspension or permanent exclusion.

7.3 The Proprietorship

The Head of College will, without delay, notify the Chair of Proprietorship of any permanent exclusion or suspension and report on this termly to the Proprietorship Body.

The legal duty rests with the Proprietorship Body to ensure to arrange a suitable full-time education for pupils of compulsory school age on the sixth day of their suspension. This duty will be carried out by the Head of College who will keep the Proprietorship Body informed.

The Proprietorship Body has various duties in relation to hearing representations from parents and pupils (see Section 9).

7.4 The Local Authority

The Head of College will ensure the relevant Local Authority responsible for maintaining the EHC plan is advised immediately about a student's suspension or exclusion.

In the case of a student who is permanently excluded, the Local Authority is responsible for arranging a suitable full-time education to begin no later than the sixth day of the exclusion.

8. Reintegration Following Suspension

A programme of reintegration will be put in place following a suspension to successfully support the student back into class full-time and reduce the risk of further suspension. The details of the programme will be discussed with pupils/learners/parents/carers at or prior to the reintegration meeting.

The reintegration meeting will be held with college staff, parents, the student and any internal or relevant external professionals to discuss how to support the student on their return to college. This will include considering what measures can be introduced to prevent further suspension or exclusion. The meeting will be conducted by a member of the Senior Leadership Team on or before the student returns to college.

Following the meeting, a programme of reintegration will be developed and agreed to support the pupil/learner's return to college. Reintegration programmes are likely to include input from a number of college professionals and may comprise:

- A phased transition back into college;
- Having one-to-one provision made on-site with gradual reintegration into class. This will usually be reviewed on a weekly basis;
- Placing the student on an amended, individualised timetable. This will be regularly reviewed on a weekly basis.

9. The Proprietorship Body's Duty to Consider Reinstatement of a Student

The Proprietorship Body has a duty to consider a parent/carer's representations about a suspension or exclusion. The extent of this duty and how it is exercised depends on the length and nature of the exclusion.

The Proprietorship Body must consider the reinstatement of an excluded student ideally within 15 college days of receiving notice of the exclusion if:

- the exclusion is permanent;
- it is a suspension which would bring the pupil's total number of college days of exclusion to more than 15 in term; or
- it would result in a student missing a public examination or national curriculum test²

If the student has been suspended for a period of more than 5 college days but not more than 15 in a single term, the parent/carer can request that the governing body consider reinstatement. The Proprietorship Body must consider the reinstatement within 50 college days of receiving notice of the suspension. Whilst reinstatement may occur after the suspension has been completed, the college records should be amended to show the student's suspension had been overturned.

Where a suspension which does not bring the student's total number of days of suspension to more than five in a term, the Proprietorship Body must consider any representations

² Where an exclusion would result in a student missing a public examination or national curriculum test, there is a further requirement that the Proprietorship Body consider exclusion before the date of the examination or test. If this is not possible, the Chair of Proprietorship may consider the exclusion independently and decide whether or not to reinstate the student.

made by parents, but it cannot directly reinstate and is not required to arrange a meeting with parents.

The Head of College will provide an exclusion report for the committee chair. This will include:

- The pupil/learner's name, age, gender and ethnicity;
- The length of the exclusion;
- The reason for the exclusion and any associated reports;
- Whether or not the student is a child that is looked after;
- For a suspension of students of compulsory college age, where the exclusion is for more than five college days, what alternative provision has been put in place for pupil/learner.

The Proprietorship Body will consider the parent/carer/Local Authority's representations at a meeting within 15 college days of receipt of the representation(s).

The Proprietorship Chair will determine the date to meet and ask the parent/carer/Local Authority to provide any written statements one week in advance of the meeting. Parents/carers can be accompanied by a friend or advocate if they wish. The meeting can be online if this is the parent/carer's preference. The committee chair will circulate the Head of College's report and any written statements prior to the meeting.

9.1 Meeting to consider a LA or parent/carer representations about an exclusion.

Below is a description of the process where the Proprietorship Body is holding a meeting to consider reinstating the pupil/learner.

The meeting will be convened by the chair within the agreed time limits or as soon as possible thereafter by mutual agreement. The following people are invited to the meeting to make representations:

- The parents/carers;
- Head of College;
- Social worker for a child who is looked-after;
- VSH.

The Proprietorship Body is required to:

- ask for any written evidence in advance of the meeting
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 college days in advance of the meeting;
- allow parent/carer's to be accompanied by a friend or representative;
- identify the steps taken to ensure the student is encouraged to attend the meeting to speak or participate by other means if attending the meeting is not possible.

The Proprietorship Body will consider the following:

- the interests and circumstances of the excluded student;

- the circumstances in which the student was excluded; and
- the interests of other students and people working at the school.

When establishing the facts in relation to an exclusion decision, the Proprietorship Body will apply the civil standard of proof 'on the balance of probabilities' i.e. it is more likely than not that a fact is true. In reaching a decision on whether to reinstate a student, the Proprietorship Body should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Head of College's legal duties.

The Proprietorship Body should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Proprietorship Body. These minutes should be made available to all parties on request and the record of discussion should state clearly how the decisions have been reached.

Following consideration of the evidence the Proprietorship Body can either uphold the exclusion/suspension or direct reinstatement of the student immediately or on a particular date. Where reinstatement is not practical the Proprietorship Body must still consider whether the Head of College's decision to exclude the student was justified based on the evidence.

Following the decision, the Proprietorship Body will notify parents, the Head of College and the Local Authority of the decision in writing and without delay, giving reasons. In the case of a permanent exclusion, the Proprietorship Body's notification must also advise the parent/carer of the fact the exclusion and decision is permanent and include information that 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.