



**THE BRITISH
INTERNATIONAL SCHOOL
BUDAPEST**

A NORD ANGLIA EDUCATION SCHOOL

Exclusion Policy

Exclusion Policy 2022

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Responsibility: Principal

Related policies: Terms and Conditions of Enrolment; Complaints; Student Conduct; Academic Honesty; Student Support Policies; Our Approach to Student Behaviour; Safeguarding.

1. Rationale and Aims

- 1.1. The School encourages the establishment of good relationships and support for the **School's values through a system of recognitions and rewards which are designed to** promote a calm, focussed learning environment.
- 1.2. Schools have the right to impose reasonable sanctions if a student demonstrates poor conduct in school or outside school.
- 1.3. Sanctions for poor conduct that a school might use include: a reprimand; a letter to parents or guardians; loss of privileges; confiscation of a possession that is inappropriate in the classroom; or in serious cases or persistent incidents of misconduct, exclusion.
- 1.4. Exclusion, whether internal or external, temporary (fixed-period) or permanent, is used as a last resort. Permanent exclusion is used only in the most serious circumstances.
- 1.5. **Where a student's behaviour falls below the standard expected or a student fails to comply with the School's conduct policies, restorative approaches are applied.**
- 1.6. In cases where the misbehaviour is persistent or serious, an appropriate sanction will be applied.
- 1.7. The aims of this policy are:
 - 1.7.1. To support the School's codes of conduct as specified in the Student Conduct Policy;
 - 1.7.2. To ensure procedural fairness and natural justice;
 - 1.7.3. To promote co-operation between the School and parents when it is necessary for a student to leave or be temporarily excluded.

2. Exclusion for breach of Terms and Conditions of Enrolment

- 2.1. **A student's parents are required to accept the Terms and Conditions of Enrolment (T&C) on the student's behalf on entry to the School and at each re-enrolment.**
- 2.2. Acceptance of the T&C forms a contract between the School and the student.
- 2.3. The current version of the T&C is published on the School website and the full details therein are contractual and override this paragraph in cases of discrepancy.
- 2.4. The school is entitled to terminate the contract between the School and the student in cases where:
 - 2.4.1. fees are not paid by the due date, or at the start of the school year or any term;
 - 2.4.2. the student breaches any provision of the T&C;
 - 2.4.3. The student breaches any aspect of the Code of Conduct, and such other rules or regulations as may be notified to the student.

3. Exclusion for late payment or non-payment of tuition fees

- 3.1. A student may be temporarily excluded for late payment of tuition fees, pending full payment, and permanently excluded for non-payment of fees.
- 3.2. **The time frame for this is at the Principal's discretion.** The Principal will take account of **the parents' stated reasons for non-payment, the parents' record of previous late-payment**, if any, the stage of education that the student is in and the admissions pipeline.
- 3.3. An agreement may be made with the Principal for partial and/or staged payments in exceptional circumstances.
- 3.4. Care should be taken in allowing late payment of fees close to the end of a school year, where departure with fees unpaid places a financial burden on the School.
- 3.5. At all times, it should be remembered that the cause of non-payment lies with the parents and not the student, and communication with the parents should not be discussed with the student.
- 3.6. Financial difficulties and late fee payment are sensitive and confidential matters and should be treated confidentially, with knowledge normally limited to Principal, Director of Finance and Operations, and Head of School.
- 3.7. Notwithstanding §3.6 above, **a student's Class Teacher and Phase Leader or Form Tutor** and Guidance Leader should be informed of an exclusion, so as to avoid them contacting home if the absence is extended. In some circumstances, particularly for students in Years 11 and 13, it may be prudent to inform subject teachers. Care should be taken over management of the information, particularly if private instrumental lessons, sports fixtures and so on are involved.
- 3.8. Before excluding a student, the parent is given a final written and, if possible, verbal warning that their child will be excluded on a given date, and an opportunity to clear debts within a reasonable time frame. This time frame is usually not more than one banking week.
- 3.9. A child sent to school despite non-payment after communication as in §3.8 above should not be compromised and would normally be permitted to continue in school while parents are contacted and given the opportunity to collect them.
- 3.10. **In certain circumstances, a student's and family's access cards may be disabled.**
- 3.11. **In certain circumstances, a student's access to school IT services may be disabled.**

4. The main categories of serious misconduct which may result in exclusion are:

- 4.1. Supply or possession or use of certain drugs and solvents or their paraphernalia or substances intended to resemble them;
- 4.2. Theft, blackmail, physical violence, intimidation, racism, harassment or persistent bullying;
- 4.3. Behaviour which endangers the student or others;
- 4.4. Misconduct of a sexual nature;
- 4.5. Supply or possession of pornography;
- 4.6. Possession or use of weapons;

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- 4.7. Vandalism;
- 4.8. Contravention of The Acceptable Use of IT agreement;
- 4.9. Persistent attitudes or behaviour which disrupt the learning of the student or of others and are inconsistent with the School's ethos;
- 4.10. Other serious misconduct towards a member of the School community or which brings the School into disrepute (single or repeated episodes) on or off School premises or through social media.
- 4.11. A student may be required to leave if, after all appropriate consultation, the School is satisfied that it is not in the best interests of the student or the School, that s/he remains at the School. This includes cases of persistent misconduct or circumstances where to remain in school would seriously harm the welfare or education of the student or others in the school.

5. The Law in Hungary

- 5.1. The school has the right to exclude a student due to serious misbehaviour under the following conditions:
 - 5.1.1. Prior disciplinary procedure
 - 5.1.1.1. Based on the Education Act, exclusion is the most grievous penalty for behaviour problems. It may only be applied as a last resort and *only* if a prior formal disciplinary procedure has taken place giving the chance to the student to appeal against the decision to the school.
 - 5.1.1.2. The formal requirements of the disciplinary procedure, under the Education Act, will follow the statutory guidance from **the UK's Department for Education**, as BISB is a foreign school accredited as an English school in Hungary.
 - 5.1.2. Age requirements
 - 5.1.2.1. The Education Act sets forth that no disciplinary procedure may be initiated against students *under* the age of 10. Consequently, permanent exclusion cannot be applied against students under the age of 10.
 - 5.1.3. Finding a new school
 - 5.1.3.1. In case of students under the obligation to attend school (practically students 16 and under), permanent exclusion may be only applied as a consequence of extraordinary or repeated disciplinary problems. In this case (i.e. in case of 10-16 years old excluded students) the parents are obliged to look for a new school for the student. The excluding school must help the parents find a new school for the student. If the excluding school does not get information within 8 days of the exclusion decision from a new school that it accepts the excluded student, the disciplinary decision becomes legally binding, and the excluding school shall get in touch with the competent education authority and inform the authority about the circumstances. In this case the authority will appoint a new school for the student within 3 working days. The permanent exclusion cannot be executed before the new student relationship with the new school is established.

6. Authority to exclude and periods of exclusion

- 6.1. Only the Principal has the authority to permanently exclude a student and can only do so with the express approval of the Regional Managing Director.
- 6.2. Only the Principal has the authority to externally exclude a student for a fixed period.
- 6.3. Head of Primary and Head of Secondary have the authority to internally exclude a student.
- 6.4. Notwithstanding §6.3 above, only the Principal has the authority to temporarily exclude a student for late payment of tuition fees.
- 6.5. Fixed-period exclusions for an individual can total a maximum of 45 days in any school year. Fixed-period exclusions typically serve as a final warning before permanent exclusion and students incurring more than one fixed-period exclusion or more than 5 days exclusion in a year are likely to be reviewed for permanent exclusion.
- 6.6. This policy does not allow for extending a **fixed-period exclusion** or **'converting' a fixed-period exclusion** into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- 6.7. In the UK, it is unlawful to exclude for a non-disciplinary reason and BISB follows the same protocols. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a **reason such as: academic attainment/ability; the action of a student's parents; or the failure of a student to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.**
- 6.8. **However, such a student who repeatedly disobeys their teachers' instructions could be subject to exclusion.** See §2 above.

7. Factors that the Principal should take into account before taking the decision to exclude.

- 7.1. A decision to exclude a student permanently should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.
- 7.2. Where practical, the Principal should give the student an opportunity to present their case before taking the decision to exclude.
- 7.3. The ability to exclude permanently may rest on prior warning being given to parents in writing which clearly states that permanent exclusion is a possibility and which gives reasonable opportunity to address behaviours which may lead to this.
- 7.4. While an exclusion may still be an appropriate sanction, the Principal should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the student has suffered bereavement, has mental health issues or has been subject to bullying.
- 7.5. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have.

8. The Procedures

- 8.1. In drawing up these procedures, the school has had due regard to the two DfE documents *Behaviour and Discipline in Schools; guidance for headteachers and staff* and *Exclusion from maintained schools, academies and pupil referral units in England: Statutory guidance for those with legal responsibilities to exclude children*.
- 8.2. The procedures in Appendix 1 set out good practice and are normally followed as described. All procedures will be conducted fairly, according to the principles of natural justice and in a way that is appropriate to the circumstances.
- 8.3. The procedures are therefore concerned with the manner in which a decision is taken. The over-arching principle is a duty to act fairly. While the precise procedure to be followed in a given situation depends on the circumstances of the case, some key principles are as follows:
 - 8.3.1. A fair and thorough investigation should take place
 - 8.3.2. Students must be informed of the allegation and the evidence relied upon
 - 8.3.3. Students must be given a fair opportunity to exculpate themselves
 - 8.3.4. In the case of an external exclusion, an appeal of the decision should be offered.
- 8.4. Informal stages
 - 8.4.1. Teaching staff address any possibly inappropriate behaviour with students as part of the day to day life of the school.
 - 8.4.2. **Restorative approaches are applied. See the document “Our Approach to Student Behaviour.”**
- 8.5. Referral to formal stages
 - 8.5.1. Serious incidents or behaviour such as in §2 above are referred to a Phase Leader in Primary or a Care and Guidance Leader in Secondary who will bring the matter to the attention of the Primary (PLT) or Secondary Leadership Team (SLT).
 - 8.5.2. If the PLT or SLT believe the matter may result in a form of exclusion, the Principal should be consulted and parents informed.
 - 8.5.3. In the interests of safety or wellbeing, of the student or of others, the student may be segregated and supervised in a comfortable location, or at home, without prejudice, for up to one day pending investigation.
 - 8.5.4. Procedures as in Appendix 1 are then followed.

Appendix 1: Guidance on procedures in cases that may lead to exclusion

First Steps

When a potential exclusion presents itself, some key considerations are as follows:

- What exactly is the allegation?

Clarity at this stage is essential, not least because the student must be informed of the case against them. For example, if the allegation is that student A supplied drugs to student B, student A should be told all the elements of this (i.e. the identity of the other student, what was allegedly supplied, when and where) and asked to explain what happened.

- What information is available and what further information is required?

Consider what evidence is already available to support the allegation. Next, consider what additional information is required and how best to obtain it.

- Is anyone at risk and do the police need to be informed?

This is an important issue that is addressed more fully in the **“Points of Note”** section of this Appendix.

- Who should be dealing with this?

The rules of natural justice dictate that, where possible, a different person should conduct each of the following stages:

- interviews with witnesses and general investigation of the allegations;
- the hearing;
- the appeal.

In most circumstances the investigation will be carried out by an Assistant Head, Deputy Head or another member of the Primary or Secondary Leadership Team, under the direction of the Head, for the hearing to be conducted by the Principal and for any appeal to be to the Principal and Regional Managing Director.

The Principal should avoid taking part in the investigation if at all possible, so as to avoid compromising impartiality at the hearing. It is important to decide from the outset who will be doing what.

Investigation

The investigation will normally be carried out by an Assistant Head or Deputy Head or another member of the Primary or Secondary Leadership Team and its outcome reported to the Head.

The Head will ensure that a fair and thorough investigation will be held into the allegations against an individual student.

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There may be occasions on which the student will be asked to remain home without prejudice (pending an investigation – see below).

Particular care should be taken at this stage. Key issues are as follows:

- Information gathering

Before a decision to exclude can be fairly taken, it is essential to establish the facts. If exclusion is being considered then statements should be taken from all students and staff who were involved in or witnessed the incident.

All written statements should be attributed, signed and dated and the student or witness should first be given the opportunity to read it. The statement should also be countersigned by the person who took the statement and the person who was present when the student signed it. The original statement should be kept on file.

- Should another adult be present?

Yes. Where a member of staff investigating the matter deems it necessary to interview students they will be accompanied by an appropriate adult (which will usually be a member of staff). However, this need not be a parent.

The student will be informed of the allegation and the evidence relied on by the member of staff investigating the incident and will be given a chance to respond to these allegations and give their version of events.

- When should the parents be informed?

This will always depend on the facts of the particular case. As a general rule, however, it will normally make sense for the parents to be informed after initial investigations have been made but sufficiently in advance of any hearing to allow them time to prepare for that hearing.

However, parents will be informed, as soon as reasonably practicable and usually ahead of any investigation, if a complaint under investigation is of a nature that could result in the student being excluded. In cases where the Police become involved, parents will be informed as soon as possible.

- Should students under investigation be kept apart?

Yes, to the extent that this is reasonably possible. The student should be told not to discuss the matter with other students and, in particular, with the other students involved. This is particularly important where the accusation relates to issues such as bullying and physical or verbal abuse. The possible use of mobile phones should be borne in mind.

- When is fixed-period exclusion appropriate?

In particularly serious cases it may be appropriate for the student to be excluded for a fixed period of time. It is important to be realistic in assessing how long the exclusion needs to be. Any exclusion should in principle be as brief as possible. Parents should be told immediately of any decision to exclude and this should be followed up within one school day by a confirmatory letter.

Disciplinary Hearing

Once the information gathering stage has been completed, the next step is to hold the hearing itself. The student (where appropriate) and their parents will be invited to the disciplinary hearing with the Principal and will be given the opportunity to state their side of the case. The Principal will consider all the available evidence (including any statements made by or on behalf of students and staff involved) and take into account the School's policies on student conduct.

The Principal will check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

The hearing will be attended by a note taker.

Sanctions

Unless the Principal considers that further investigation is needed, they will decide whether the complaint has been sufficiently proved. If the Principal is satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, the Principal will decide on the appropriate sanction.

The Principal will consider any factors they deem to be relevant including the student's disciplinary record. Then, or within 24 hours, the Principal will give their decision, with reasons.

In considering the appropriate sanction, the Principal will look at each case on its own merits. In considering whether permanent exclusion is the most appropriate sanction, the Principal will consider:

- a. The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's codes of conduct, and
- b. The effect that the student remaining in the School would have on the education and welfare of other students and staff.

The Principal may, as an alternative for less serious breaches of school discipline, temporarily exclude a student from the School.

All sanctions will be proportionate and reasonable and will take account the student's age, any SEND the student may have and any religious requirements affecting them.

If it is decided that a permanent exclusion is necessary, then an appeal will be offered to parents of the excluded student.

Appeal

Fundamental to the fairness of any exclusion process is the right to appeal. Parents or guardians may apply for a review of the decision to exclude a student permanently from the School.

Follow up

The decision to exclude is always a serious matter for both the student and the School. Having followed a fair procedure, the School should do all it reasonably can to minimise the educational damage to the excluded student.

After-care

The consequences of a decision to exclude can be far-reaching, both in terms of the immediate issue of placing the student in another school but also in light of the perceived blemish to a student's good character. The potential for emotional and psychological side-effects should obviously be borne in mind and can be mitigated not only by the human way in which the process is managed, but also by the School's care for the student both during and after the process.

Finding a new school

The Hungarian legal position is set out above. Nevertheless, the school's lawyers should always be consulted prior to any decision on permanent exclusion.

Examinations

This is an important issue especially if the student is in the process of studying for I/GCSEs or IB Diploma. The flexibility inherent in these regimes can make it hard to match a student's subject choices at a new school. To minimise disruption, the School should consider whether an exclusion decision can be made but on a deferred basis so that the parents have sufficient time to make suitable alternative arrangements.

Consideration could be given for the student to return to school solely for the purpose of sitting imminent public exams. Depending on the reason for exclusion this may not be possible.

References

As in the employment context there is no absolute obligation on schools to provide references for their students and, where an exclusion is involved, even greater care is required. In giving references schools will owe legal duties both to the student and also the recipient. Any reference must therefore be fair, accurate and not misleading.

Points to Note

Confidentiality

Exclusion cases should be treated by all parties in the strictest confidence. However, confidentiality cannot and should not be guaranteed to any witness or party whose evidence may be **considered as part of the School's investigations under this Procedure. As such, the School should avoid giving any assurances in relation to confidentiality.**

This is something that should be clarified from the outset and reiterated at intervals throughout the process.

Police

The School will report to the police anything they believe may amount to a criminal activity. An element of discretion is inevitably involved however. For example, an incident in which Student A steals something from Student B is likely to amount to technical theft but unlikely to warrant a report to the police.

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Drugs and weapons are more serious and should be confiscated and held for the police as potential evidence.

If the School believes a student may have taken drugs then medical advice should also be sought.

Sexual offences will generally be reported to the police immediately, including in cases where a student is only suspected or alleged to have committed such an offence provided a reasonable amount of evidence is available. The alleged victim's parents should also be informed immediately of the incident and told that the police have been informed. Whether the victim and parents then speak to the police is a matter for them.

Equal Opportunities

The School will not discriminate against any student on the grounds of any of the protected characteristics under the Equality Act 2010. The Act 2010 defines these for the purposes of the schools provision as race, gender, sexual orientation, disability, religion or belief, sexual orientation, gender reassignment, pregnancy, maternity.

The School will make reasonable adjustments to help manage a student's **behaviour which results** from the student having a disability.

Appendix 2: Summary of exclusion type and authority to exclude

Type	Period	Decision	Approving Authority	Notes
Internal/Segregation	Up to one day, pending investigation	Senior leader (PLT, SLT)	Head of Primary/Secondary	This is typically without prejudice and this needs to be made clear to all concerned.
Internal	Up to 3 full days	Head of Primary/Secondary	Principal	This involves the student working on their normal timetabled lessons and homework but in semi-supervised isolation.
External – fees related	Until payment is received.	Principal	Principal	See §3 above for full details.
External	Fixed-period, up to 45 days in any year	Principal	Principal	The ability to exclude permanently at a later stage may rest on prior warning being given to parents in writing which clearly states that permanent exclusion is a possibility and which gives reasonable opportunity to address behaviours which may lead to this.
External	Permanent	Principal	Regional Managing Director	

APPENDIX 2 – MODEL LETTERS

MODEL LETTER 1 NOTIFYING PARENT OF A FIXED PERIOD EXCLUSION

Dear (Parents' Names)

I write to inform you of my decision to exclude (Child's Name) for a fixed period of (specify number) of school days. This means that he/she will not be allowed in school for this period. The exclusion start date is (date) and the end date is (date). Your child should return to school on (date) at (time).

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude (Child's Name) has not been taken lightly. (Child's Name) has been excluded for this fixed period because (reasons for exclusion).

During the period of exclusion it is your responsibility to ensure your child is adequately supervised during school hours and that under no circumstances must he/she be allowed into school or in the visible vicinity of the school premises.

(If the HOS uses discretionary powers to set work for the student)

We will set work for (Child's Name) to be completed on the days specified above during the period of his/her exclusion (detail the arrangements for this). Please ensure that work set by the school is completed and returned to us promptly for marking.

You and (Child's Name) are required to attend a reintegration interview with me (alternatively, specify the name of another staff member) on (date) at (time). If that is not convenient, please contact the school to arrange a suitable alternate date and time. Please note **that (Child's name) will not be able to return to school until after this meeting has taken place.** The purpose of the reintegration interview is to **discuss how best to manage your child's return to school.**

Yours sincerely

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MODEL LETTER 2 NOTIFYING PARENT OF A PERMANENT EXCLUSION

Dear (Parents' Names)

I regret to inform you of my decision to permanently exclude (Child's Name) with effect from (date). This means that (Child's Name) will not be allowed back into this school. I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude (Child's Name) has not been taken lightly. (Child's Name) has been excluded because (reasons for the exclusion – include any other relevant previous history here).

You will now need to make alternative arrangements for (Child's Name)'s education.

You have the right to appeal against this decision. If you wish to appeal please notify me of your wish to appeal including your grounds of appeal in writing to (email address) by no later than (specify the latest date – the 10th school day after the date of the permanent exclusion).

If you have not lodged an appeal by this date your right to appeal will lapse. Once the request for an appeal has been received you will be supplied with the details of the appeal procedure and a copy of the recorded evidence which supports this decision.

Yours sincerely