

Exclusion Policy

Beech Hill School



Approved by:	BH LGB	Date: April 2022
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Last reviewed on:	April 2022
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Next review due by:	April 2025
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Policy Statement

This policy is an appendix to the Behaviour Policy; it deals with the policy and practice which informs the Academy's use of exclusion. It is underpinned by the shared commitment of all members of the Academy community to achieve very important aims.

Aims

- to ensure the safety and well-being of all members of the Academy community, and
- to maintain an appropriate educational environment in which all can learn and succeed.
- Help governors, staff, parents and pupil understand the exclusion process
- Ensure all suspension and permanent exclusions are carried out lawfully

The principal legislation/guidance to which this policy relates 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; and
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.
- https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension_and_permanent_exclusion_guidance_september_23.pdf

Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 days in a single academic year). A suspension does not have to be for a continuous period.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Introduction:

The decision to suspend or exclude a pupil will be taken in the following circumstances;

- In response to a serious breach of the Academy's Behaviour Policy (See Positive Behaviour policy)
- If allowing the student to remain in school would seriously harm the education or welfare of the pupil or others in the school.

A suspension and exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Headteacher, the member of the Senior Leadership Team who is acting in that role).

- A suspension or exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the Behaviour Policy;
- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour
- Verbal, physical or online abuse of other pupils or staff

- Aggression towards other pupils leading to the possibility of physical or emotional harm

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others
- Before deciding whether to suspend or exclude a pupil, the headteacher will:
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a child looked-after (CAL))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves
- The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.
- Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

Informing Parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

- The parents will also be provided with the following information in writing, without delay:
- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:
- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies

- Parents may be given a fixed penalty notice or prosecuted if they fail to do this
- If alternative provision is being arranged, the following information will be included, if possible: 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the Governing Board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test

The headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible
- Pupil who is a child looked-after (CLA) is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / Virtual School will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion.

The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the
- number of cancellations
- The pupil will be allowed back in school

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

The Governing Board

Considering suspensions and permanent exclusions Monitoring and analysing suspensions and exclusions data

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing board will consider:

How effectively and consistently the school's behaviour policy is being implemented the school register and absence codes

Instances where pupils receive repeat suspensions

Interventions in place to support pupils at risk of suspension or permanent exclusion
Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
The characteristics of suspended and permanently excluded pupils, and why this is taking place
Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
The cost implications of directing pupils off-site

The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.
For pupils who are CLA or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

Considering the reinstatement of a pupil

The Discipline Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Discipline Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Discipline Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Discipline Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one the VSH, if the pupil is looked after
- A representative of the local authority

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Discipline Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Discipline Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers any evidence that was presented to the governing board
- They will decide whether or not a fact is true 'on the balance of probabilities'.

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

The Discipline Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older the headteacher
- The pupil's social worker, if they have one the VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school' authority

Where an exclusion is permanent and the Discipline Committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted

- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint a SEN expert to advise the review panel
- 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 a 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
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful 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. Also that any 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.

General factors the Academy considers before making a decision to exclude:

- Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the School or the student concerned.
- Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will;
- Ensure appropriate investigations have been carried out,
- Consider all the evidence available to support the allegations taking into account the school policies,
- Allow the student to give her/his version of events,
- Check whether the incident may have been provoked.
- Check that all available support has been provided eg: Pastoral Support Plan, Family Support Plan.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, exclusion will be the outcome. Having made the decision and notified the parents the Headteacher then inform the Chair of Governors, the Trust and the Local Authority Exclusions Officer.

Exclusion of CLA (Child Looked After)

In the case of a CLA child the named social worker and Virtual Schools will be informed as soon as possible once the decision has been made to exclude the child. The school will make every effort to work with other agencies including the Virtual School to ensure the pupil's needs are met and the pupil is supported.

Record Keeping

Written records are either store securely on the child's file or stored electronically using a secure system which requires password access. Different staff members have different access rights depending on their role and responsibilities in school. In some instances it may be necessary to share the information held about a particular child or incident; if that is the case then parental consent will be obtained. When information is shared it will be done so securely.

Roles/Responsibilities Headteacher:

- Ensure the policy is implemented consistently and fairly.
- Make the decision to exclude having checked all evidence.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and within 24 hours by letter.
- Send details of the exclusion to the Chair of Governors, the Trust and the LA.
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to Governors.

Class teacher:

- Keep appropriate records of incidents that may lead to the decision to exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Use the time of the exclusion to review provision eg: seating arrangements, differentiation, behaviour support.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

Governors:

- Review the policy in the light of monitoring.
- Attend Exclusion hearings as required.

Returning from a suspension

Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction
- Welcoming the pupil back to school
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support
- Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend the school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

Equality

All children will be treated equally and fairly throughout the implementation of this policy. The Headteacher will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed to the behaviours of those children eg: if more boys/SEND/minority ethnic group are represented in the records.

Training

Whole staff and individual training needs will be identified through the Academy's self-evaluation process and staff appraisal.

Monitoring

The impact of the policy will be reviewed regularly through careful monitoring of incidents. Termly reports will be made to Governors.

Review

The policy will be reviewed every two years, depending on changes in circumstance or legislation.

Links to Other Policies

Anti-Bullying Policy
Safeguarding Policy
Behaviour Policy

Appendix A

Exclusion Checklist

Question/Evidence	✓ or ✗
Would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others in the school?	
Is there evidence that the exclusion is in response to a serious breach, or persistent breaches, of the school behaviour policy?	
Does that pupil have a disability?	
Does the pupil hold a statement of SEN?	
Is the pupil a Child Looked After?	
Is the pupil eligible for Free School Meals?	
Has the pupil suffered bereavement, bullying, mental health issues?	
Have referrals been made related to the above?	
<i>Please give details and evidence of early intervention:</i>	
Multi-agency assessment	
Engagement of professionals	
Statement of SEND	
Evidence of early review	
PEP	
IEP	
CAF / Details of Lead Behaviour Professional	
Summary or evidence of repeatedly disobeying academic instruction	
Behaviour Plans	
Evidence of engagement with parent/carer/	
Mentor interventions/evaluations	
Chronology of intervention	
Chronology of fixed term exclusions	
Chronology of Record of Harms	
Risk Management Plan	
Chronology of incidents (include witness statements)	
Relevant Policies including Behaviour Policy and Exclusion Policy	

Prior to an exclusion meeting the Headteacher will need to use the above evidence to put together a written submission. Private and confidential data/information pertaining to the child's family should not be included.

