Hope School, College and Provision

Exclusion Policy.

Policy reviewed annually by the Headteacher and Governors.

EXCLUSIONS POLICY

OVERARCHING AIMS

Hope School believe all behaviour is communication that can be supported. We aim to ensure:

- Children are safe and happy
- Every child is recognised as an individual who is known, heard, and cared for.
- The exclusions process is applied fairly and consistently as a last resort
- The exclusions process is understood by members of the Local Academy Council, staff, parents, and students.
- Students do not become NEET (not in education, employment, or training)

Hope School accept that potential exclusion could occur due to the event of serious breaking of school rules or extended periods of highly unacceptable behaviour that pose a Health, Safety, Well-being, or Safeguarding risk.
This is a situation that we will always try to avoid and will only occur when there is no other way to manage a pupil in school.

In this event we would follow the below procedures where applicable.

1 INTRODUCTION

1.1 This exclusion statement is to be read in conjunction with Hope School and Colleges Behaviour Policy and the Department for Education's statutory guidance *"Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement"*, as amended from time to time (the Statutory Guidance).

1.2 The School must follow the Statutory Guidance when dealing with any suspension or permanent exclusion. A copy of this guidance is available from the Department for Education's website and may be amended from time to time.

1.3 The Statutory Guidance deals with how the Head Teacher may exercise the power to suspend or permanently exclude, the duty to inform parents/guardians, and the role of Governing Body, in dealing with reviews of such decisions to exclude.

1.4 This statement outlines the types of suspension and permanent exclusions that the Head Teacher can apply on disciplinary grounds.

2 THE POWER TO USE EXCLUSIONS

2.1 The Head Teacher of the School can suspend or permanently exclude a pupil on disciplinary grounds.

2.2 A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

2.3 A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

3 SUSPENSION

3.1 A suspension is when a pupil is temporarily removed from the School. A pupil can be suspended for one or more fixed periods School up to a maximum of 45 School days in one School year. This includes for part of the School day, such as lunch and breaktimes. This is classed as a half day for the purpose of recording the amount of time a pupil is suspended on the roll.

3.2 A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the School's Behaviour Policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

3.3 The School will set and mark work for the pupil during the first 5 days of the suspension. If a suspension is for longer than 5 days, the School will arrange for alternative provision of full-time education from the 6th School day.

3.4 The School will inform the Local Authority of all periods of suspension.

4 PERMANENT EXCLUSION

4.1 If the School take the decision to permanently exclude a pupil it means that the pupil no longer attends the School. The School will inform the Local Authority of the permanent exclusion.

4.2 It will be for the pupil's Local Authority to arrange full time education at a new school from the 6th School day after the decision to permanently exclude the pupil.

4.3 The Head Teacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.

4.4 The decision to exclude a pupil permanently will only be taken:

4.4.1 in response to a serious breach or persistent breaches of the School's behaviour policy; and

4.4.2 where allowing the pupil to remain in the School would seriously harm the education or welfare of the pupil or others such as staff or pupils in the School.

5 INVESTIGATING INCIDENTS

5.1 The Headteacher will conduct an investigation in order to establish the facts of any incident which might lead the Headteacher to consider suspension or permanent exclusion.

5.2 When establishing the facts in relation to a suspension the Headteacher will apply the civil standard of proof, i.e. 'on the balance of probabilities. This means that the Headteacher must accept that it is more likely that an incident happened than it did not happen.

5.3 The Headteacher will consult any relevant evidence available to them. This may include witness accounts, CCTV, and any mitigating or aggravating factors.

5.4 The Headteacher will take the pupil's views into account, considering these in light of their age and understanding (unless it would not be appropriate to do so in the circumstances).

5.5 The Headteacher will consider any SEND needs of a pupil who is the subject of an investigation. In particular, the Headteacher will consider whether any provisions put in place to aid the pupils SEND needs where being followed at the time.

6 INFORMING PARTIES ABOUT AN EXCLUSION

6.1 If the decision is taken by the Head Teacher to suspend or permanently exclude a pupil, the decision will be communicated to the pupil (if 18 years or older) or the pupil's parents/guardians as soon as possible. The decision will be provided in writing without delay and will provide the following information;

6.1.1 why the pupil has been suspended or permanently excluded;

6.1.2 the period of a suspension or, for a permanent exclusion, the fact that it is permanent;

6.1.3 the parents' right to make representations about the suspension or permanent exclusion to the Governing Body, (in line with the requirements set out in paragraphs 97 to 107 of the Statutory Guidance) and how the pupil may be involved in this;

6.1.4 if the parents' have the right to make representations, that they have the request to hold the meeting via remote meetings;

6.1.5 how representations can be made; and

6.1.6 where there is a legal requirement for the Governing Body to consider the suspension or permanent exclusion, parents or the pupil (if they are 18 years or older), parents will be informed of their right to attend a meeting, to be represented at that meeting (at their own expense), and to bring a friend.

6.2 Parents will be made aware that during the first 5 School days that a child is suspended or permanently excluded that they must be kept out of public places during normal School hours unless there is reasonable justification (such as attending a medical appointment).

6.3 If alternative provision is being arranged, the following information will be included with the written notice where it can reasonably be found out within the timescale;

6.3.1 the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;

6.3.2 the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;

6.3.3 the address at which the provision will take place; and

6.3.4 any information required by the pupil to identify the person they should report to on the first day.

6.4 Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it will be provided without delay and no later than 48 hours before the provision is due to start. (unless alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case parents may consent to less than 48 hours' notice).

6.5 When notifying parents about a suspension or permanent exclusion, the Head Teacher should set out what arrangements have been made to enable the pupil to continue their

education prior to the start of any alternative provision or the pupil's return to school, in line with the School's legal requirements.

6.6 The School will inform all other parties as appropriate in the circumstances with reference to the Statutory Guidance.

7 REVIEWING THE DECISION – GOVERNING BODY

7.1 The Governing Body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 School days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

7.1.1 it is a permanent exclusion;

7.1.2 it is a suspension which would bring the pupil's total number of School days out of school to more than 15 in a term;

7.1.3 it would result in the pupil missing a public examination or national curriculum test; or

7.1.4 is a suspension which would bring the pupil's total number of School days out of school to more than 5 in a term, and the parents make representations (i.e. wishes there to be a review).

7.2 Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, the Governing Body will, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to do so, the chair of the Governing Body may consider the suspension or permanent exclusion alone.

7.3 Before a meeting to decide on the reinstatement of a suspended or permanently excluded pupil, the Governing Body will:

7.3.1 ask for any written evidence in advance, including witness statements and other relevant information held by the School such as those relating to a pupil's SEN;

7.3.2 where possible, circulate written evidence and information, including a list of those who will be present, to all parties at least five School] days in advance;

7.3.3 allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the Governing Body will seek parental consent);

7.3.4 invite the pupil's social worker, if they have one, and if the pupil is a Looked After Child, the Virtual School Head to attend; and

7.3.5 consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting.

7.4 When establishing the facts in relation to a suspension the Governing Body will apply the civil standard of proof, i.e. 'on the balance of probabilities'. This means that the governing body must accept that it is more likely that an incident happened than it did not happen.

7.5 The Governing Body will consider whether the Headteacher has acted:

7.5.1 legally: the Headteacher has acted within their statutory powers.

7.5.2 reasonably: another Headteacher in same circumstances might have taken the same decision.

7.5.3 procedurally fairly: a proper investigation was conducted, with pupil's voice was heard, the impact of SEN was considered.

7.6 In the light of its consideration, the Governing Body can either:

7.6.1 decline to reinstate the pupil; or

7.6.2 direct reinstatement of the pupil immediately or on a particular date.

7.7 If the Governing Body decides against the reinstatement of a pupil who has been permanently excluded the parents can request a review by an Independent review Panel (IRP).

8 REVIEWING THE DECISION – IRP

8.1 The role of the IRP is to assess whether a pupil's exclusion has been lawful, reasonable, and procedurally fair.

8.2 Parents can apply for an IRP within 15 School days of notice being given to the parents by the Governing Body of its decision not to reinstate a permanently excluded pupil. The review will begin within 15 School days of the day on which the parent's application for a review was made.

8.3 The panel will include an SEN Expert if requested by parents during application for IRP, and they will advise the panel on any SEN issues relating to pupil.

8.4 The IRP will apply the civil standard of proof, i.e. 'on the balance of probabilities'. This means that the IRP must accept that it is more likely that an incident happened than it did not happen.

8.5 Following its review, the panel can decide to:

8.5.1 uphold the decision not to reinstate;

8.5.2 recommend that the Governing Body reconsiders reinstatement; or

8.5.3 quash the decision and direct that the Governing Body reconsider reinstatement

8.6 The IRP's decision is binding on the: pupil; parents; Governing Body; Headteacher; and Local Authority.

8.7 The procedure for arranging an IRP is covered in the Statutory Guidance.

9 CANCELLING AN EXCLUSION

9.1 The Headteacher can, at their discretion, cancel any exclusion when;

9.1.1 the exclusion has already begun (or one that has not yet begun) when the Governing Body have not yet met to consider the exclusion; and

9.1.2 the pupil has not been excluded for 45 days or more in the school year or they would have been by the time the cancellation takes effect.

9.2 When the Headteacher takes the decision to cancel an exclusion they must;

9.2.1 notify the pupil's parents, the Governing Body, the Local Authority, and, where applicable, the pupil's social worker and the Virtual School Head without delay;

9.2.2 provide a reason for the cancellation alongside the notification; and

9.2.3 ensure that the pupil is allowed back into the School without delay.

Any days spent out of the School as a result of an exclusion but prior to the cancellation will count towards the 45 school days maximum.

10 REINTEGRATION AFTER SUSPENSION

10.1 The School will support pupils to reintegrate back into School life following a suspension.

10.2 At the beginning of the pupil's return to School, the pupil (and where possible, the parents) will be invited to a reintegration meeting. Here, the Headteacher will encourage the pupil

to understand the effect of their behaviour on themselves and others, how the pupil can set high standards for themselves moving forwards, and discuss any potential obstacles to reaching those standards.

11 SEND PUPILS

11.1 The School will at all times have regard to the *Special Educational Need and Disability (SEND) Code of Practice 2015* and its legal obligations under Equality Act 2010.

11.2 The Headteacher will take into account their statutory duties in relation to SEN duties when considering whether to suspend a pupil. In particular, the Headteacher will take into account whether:

11.2.1 the behaviour is a manifestation of a disability or other SEN needs; and

11.2.2 if it is, or could be, would the decision to suspend or exclude the pupil be a proportionate means of achieving a legitimate aim.

11.3 The School's legal duties to pupils with disabilities or special educational needs remain in force during a suspension, for example, to make reasonable adjustments in how they support disabled pupils with learning and accessing any applicable review process.

12 SAFEGUARDING CONCERNS

12.1 If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not), it is important that any decisions are made with the School's duty to safeguard and support children in mind.

12.2 The Headteacher will at all times have regard to the School's Safeguarding Policy and the Department for Education's '*Keeping Children Safe in Education'* as amended from time to time.

13 REMOVING THE PUPIL FROM THE SCHOOL REGISTER

13.1 Following a permanent exclusion, the Head Teacher will remove a pupil from the School's admissions register once 15 School days have passed since the School's Governing Body decision not to reinstate a pupil has been communicated to the parents, and in the absence of any application for an IRP or parents stating in writing that they will not apply for an IRP.

13.2 Where an application for an IRP has been made within 15 school days, the School must wait until the review has been determined, or abandoned before removing the pupil from the register.