



Mary Hare Policy: Exclusion Policy

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Securing the future of deaf children and young people

MARY HARE SCHOOL

SUSPENSION AND PERMANENT EXCLUSION POLICY

Aims

Mary Hare School aims to follow the statutory procedures and guidance for maintained schools and to ensure that every child receives an education in a safe and caring environment. We aim to ensure:

- The exclusions process is applied fairly and consistently;
- The exclusions process is understood by governors, staff, parents/carers and pupils;
- Pupils in school are safe and happy;
- Pupils do not become NEET (not in education, employment or training);
- Ensure all suspensions and exclusions are carried out lawfully.

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (Sept 2023): [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115281/suspension_and_exclusion_guidance_september_2023.pdf)

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out 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 Equality Act 2010;
- Children and Families Act 2014.

Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

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.

School day - any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Governors’ Disciplinary Committee – a committee formed of three Governors representing the Full Governing Board, with the delegated authority to act on behalf of the Board.

The Decision to Suspend or Exclude

Only the Principal, or a person acting with the Principal’s authority, can suspend or permanently exclude a pupil from school and this decision may only be made on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. A permanent exclusion will be taken as a last resort. A decision to suspend or permanently exclude a pupil will be taken only:

- In response to a serious breach 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 the pupil or others.

Before deciding whether to suspend or exclude a pupil the Principal will:

- Consider all the relevant facts and evidence, using the civil standard of proof (i.e. it is more likely than not that it did happen, “on the balance of probabilities” rather than “beyond reasonable doubt”) including whether the incident(s) leading to the exclusion were provoked;
- Allow the pupil to give their version of events;
- Consider the special educational needs (SEND) of the pupil;
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as managed moves.

Roles and responsibilities

The Principal, or a person acting with the Principal’s authority, will provide the following information, in writing, to the parents of a suspended or excluded pupil:

- The reason(s) for the suspension or exclusion;
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- The parents’ right to make representations about the suspension or exclusion to the Governing Body and how the pupil may be involved in this;
- How any representations may be made;
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring friend. The Principal, or a person acting with the Principal’s authority, will also notify parents by the end of the afternoon session on the first day their child is suspended or excluded that for the duration

of the suspension or until the start date of any alternative provision 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 alternative provision is being arranged, the following information will be included when notifying parents of an exclusion or as soon as information is available from the relevant Local Authority (LA):

- 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.

As far as reasonably practicable, it will be checked that a pupil will be safe during any period of suspension or exclusion.

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

During the suspension, if the pupil is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the pupil.

Informing the Governing Body and Local Authority

The Principal will, without delay, notify the Governing Body and placing Local Authority of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil;
- Any suspension which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in a term;
- Any suspension which would result in the pupil missing a public examination.

For all other suspensions the Principal will notify the Governing Body once per term through the scheduled Full Governing Board meetings.

Notifications must include the reason(s) and duration of any suspension.

If a Pupil with a social worker or a Pupil who is a looked after child (LAC) is at risk of suspension or permanent exclusion, the Principal or DSL will inform **the social worker or VSH** (Virtual School Head) as early as possible.

If the Principal 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 pupil's ability to sit a National Curriculum test or public exam (where relevant).

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

Cancelling suspensions and permanent exclusions

The Principal 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 or VSH will be notified without delay;
- Parents will be offered the opportunity to meet with the Principal to discuss the cancellation;
- As referred to above, the Principal will report to the Governing Board once per term on the number of cancellations and reasons why;
- The pupil will be allowed back in school.

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 LAC or have social workers / VSH, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

The Governing Body

Responsibilities regarding exclusions are delegated to a Governors' Discipline Committee (GDC) made up of three Governors, which has a duty to consider the reinstatement of an excluded pupil.

The GDC has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil. ~~in certain circumstances.~~

Monitoring and analysing suspensions and exclusions data

The Governing Board will challenge and evaluate the data on the school's use of suspension, exclusion 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.

Considering the reinstatement of a pupil

The GDC will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent;
- It is a fixed-term suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- It would result in a pupil missing a public examination, when the reinstatement of the pupil will be considered before the date of the examination.

If requested to do so by parents, the GDC will consider the reinstatement of a suspended or excluded pupil within 50 school days of receiving notice of the suspension/exclusion if the pupil would be excluded from school for more than five school days, but less than 15, in a single term. In the absence of any representation from the parents, the GDC is not required to meet and cannot direct reinstatement of the pupil.

The following parties will be invited to a meeting of the Governing Board and allowed to make representations or share information (remote meetings such as via MS TEAMS may be conducted if requested by parents and subject to certain criteria as outlined in the Suspension and Permanent Exclusion guidance Sept 2023):

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend).
- 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) are encouraged to participate at all stages of the process. Reasonable modifications to the process will be made to enable pupil participation. In this situation consideration will be given in advance of the meeting to whether the child attends all or part of the hearing. The pupil may be requested to meet the panel prior to the full hearing.
- The Principal and any school representatives such as the Head of Year, Director of Care and the Vice Principal (Pastoral).
- The pupil's social worker, if they have one.
- The VSH, if the pupil is looked after.

The Governing Body can either:

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

In reaching a decision the GDC will consider whether the decision to exclude was lawful, reasonable and procedurally fair and taking account the Principal's legal duties and the evidence presented to the panel in relation to the decision to exclude. Consideration will be given to whether the suspension/exclusion of a pupil is in their interests and also the impact of their continued placement of the care, education and welfare of others. 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'. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governing Body will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Returning from a Suspension

Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff where appropriate. A representative from the LA will also be invited.

Minutes will be taken and the Parents and LA will be sent in writing a copy of the outcome from the meeting.

The following measures may be implemented when a pupil returns from a fixed-term exclusion and the behaviour policy should be implemented in conjunction with any other measures taken to support the return of the pupil.

- A BSP (Behaviour Support Programme), with regular reviews with parents, relevant school staff and support in place for the pupil.
- Monitoring report, reporting into Head of Year or SLT as required.
- Making any changes to the pupil's timetable.
- Implementation of other methods of support for pupil, such as through the school Wellbeing Team or work with external agencies such as (The Edge and DCAMHS).

Links with other policies

This Exclusions Policy is linked to our:

- Behaviour Policy