

Hurley Primary School

Exclusion Policy

2023 -2024



At Hurley Primary School we work to educate and support the whole child. Our fundamental aim is to develop positive and supportive relationships for all children in the school. If a child is experiencing problems in managing their emotions and behaviour we will work with the parents and outside agencies to provide the best support for that child. Disruptive behaviour can be an indication of unmet needs. When we have concerns about a pupil's behaviour, we will try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension or exclusion. In this situation, we will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

If suspension or permanent exclusion is necessary we will follow the latest Government Guidelines see the link below: -

[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - until September 2023](#)

And from September 2023

[Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#)

Useful Guidance for parents on exclusions can be found on the Warwickshire Exclusion Website

<https://www.warwickshire.gov.uk/exclusions>

Types of School Suspensions and Exclusion:

Fixed Term Suspensions:

These are short-term exclusions and pupils must be given a date for return to school. A return date should be given to parents in the letter informing them of the exclusion.

Lunch Time Suspensions:

Pupils whose behaviour is disruptive at lunchtime and are excluded for the lunchtime session count as a fixed period exclusion of ½ day. A return date should be given to parents in the letter informing them of the lunchtime exclusion period.

Permanent Exclusions:

Permanent exclusion is the most serious sanction a school can give if a child does something that is against the school's behaviour policy. It means that the child is no longer allowed to attend the school pending the outcome of the exclusion process. Permanent exclusion should only be used as a last resort.

Exclusion Process:

Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. Suspension or Exclusion will only be used as a last resort, in response to

- a serious breach or persistent breaches of the school's behaviour policy.
- circumstances where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The behaviour of a pupil outside school can be considered grounds for an exclusion.

Only the head teacher of a school can exclude a pupil and this must be on disciplinary grounds. A pupil may be suspended or excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. Appendix B

has the non-statutory guide for head teachers this will be followed at Ashlands to support any decisions to exclude a child. A fixed-period suspension does not have to be for a continuous period. In reaching a decision to suspend or exclude we will consider any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that the pupil has suffered bereavement, has mental health issues or has been subject to bullying. The decision to exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race.

A fixed-period suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to suspension or exclusion, such as the head teacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing board meeting is triggered. Appendix A shows the summary flow chart of the Governing board's duties to review the head teacher's suspension or exclusion decision.

If a pupil is suspended or excluded, the parents will be notified immediately by telephone. They will be asked to attend the school to receive in writing relevant information and to collect their child. This will include the period of the suspension or exclusion and the reason(s) for it. This will also be provided in writing with information regarding the parents' rights to make representations about the suspension or exclusion to the governing board including

- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

If a suspended or excluded pupil is of compulsory school age we will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. Parents will be informed by the end of the afternoon session of the days on which their duty applies.

Alternative Provision:

If alternative provision is being arranged, parents will be informed of:

- the start date for any provision of full-time education that has been arranged for the child during the exclusion.
- 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; and

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

Return to School following Exclusion:

Following a suspension or exclusion, we will reintegrate the pupil when they return to school. All children have a right to education. Hurley Primary School will take reasonable steps to set and mark work for pupils during the first five school days of an exclusion; and alternative provision will be arranged from the sixth day. There are obvious benefits in arranging alternative provision to begin as soon as possible after an exclusion. In the event of a permanent exclusion the local authority is responsible for arranging the alternative provision.

The head teacher may withdraw a suspension or exclusion that has not been reviewed by the governing board. Any decision of a school, including suspension or exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or exclusion decision we will apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the head teacher should accept that something happened if it is more likely that it happened than that it did not happen.

Parents' Right to dispute a suspension or exclusion:

If a parent or carer disputes the suspension or exclusion, then they are able to ask the school's governing body to overturn the suspension or exclusion if:

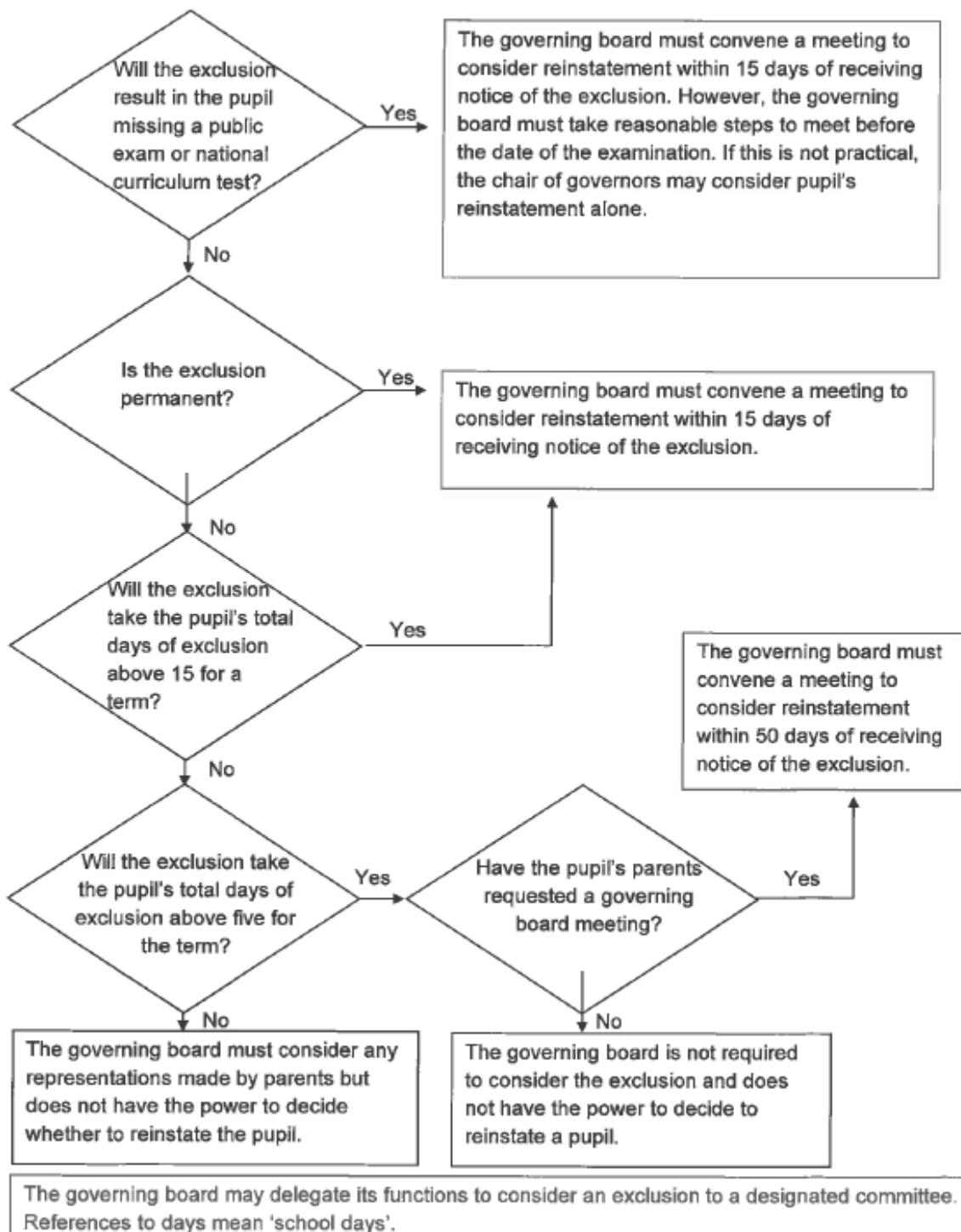
- the child has been excluded for more than 5 days.
- the exclusion means they'll miss a public exam or national curriculum test.

If the suspension or exclusion is for 5 days or fewer, parents can still ask the governors to hear their views, but they are not able to overturn the headteacher's decision.

Where parents dispute the decision of a governing board not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents 1 Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014, amending the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

Appendix A:

Annex A – A summary of the governing board's duties to review the head teacher's exclusion decision



Appendix B:

Annex B – A non-statutory guide for head teachers

Exclusion process for head teachers, academy principals and teachers in charge of pupil referral units

This non-statutory document should be read alongside the statutory guidance. This document is meant to help schools through the process and ensure that they have sufficient procedures in place.

Glossary

The term '**must**' refers to what head teachers/governing boards/academy trusts/local authorities and parents are required to do by law. The term '**should**' refers to recommendations for good practice as mentioned in the exclusions guidance.

In this document and in the exclusion guidance, '**parents**' refers to parent(s)/legal guardian(s)/foster carer(s) of pupils under 18, as well as to pupils over 18, and the term '**governing board**' includes the governing body of a maintained school, management committee of a PRU and the academy trust of an academy.

Early Intervention

You³⁹ must establish a behaviour policy and should have processes for identifying and supporting pupils' additional needs.

Things to consider

- Does the school behaviour policy clearly set out behaviour expectations and sanctions and reflect the requirements of the Equality Act 2010?
- Are governors/staff (including sixth form staff in school sixth forms) clear about their roles and when to escalate issues/involve parents?
- Is the behaviour policy understood by pupils and parents?
- Are sanctions monitored to identify any inconsistency or potential discrimination (e.g. Special Educational Needs and Disability (SEND) or ethnicity)?
- Are systems in place to identify pupils showing persistent poor behaviour and if there are any underlying causes?

³⁹ At a maintained school or PRU, the head teacher must determine the behaviour policy in accordance with principles set out by the governing board. An academy trust must have a behaviour policy but it is up to the academy trust to decide who is responsible for drawing up the policy.

Further sources of information

Departmental advice on setting the behaviour policy

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

What maintained schools must publish online <https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

What academies, free schools and colleges must publish online

<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>

Post-exclusion action

When removing a pupil from the school roll, you should remind the governing board that they must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended.

If applicable, you should check that the pupil's name has been removed from the school roll at the appropriate time.

Things to consider

- Have I ensured that the common transfer file is transferred within 15 school days of the pupil ceasing to be registered at the school?

Further sources of information

Attendance Guidance and Education (Pupil Registration) (England) Regulations 2006 as amended <https://www.gov.uk/government/publications/school-attendance>

School to School service: how to transfer information

<https://www.gov.uk/guidance/school-to-school-service-how-to-transfer-information>

Special educational needs and disability code of practice: 0-25 years

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

Children Missing Education statutory guidance

<https://www.gov.uk/government/publications/children-missing-education>

Checklist for the Governing Board

This check list is not a replacement for the guidance; it is a good practice guide which references the guidance where appropriate. The guidance "Exclusion from maintained schools, academies and pupil referral units in England - September 2017" is available at www.gov.uk/government/publications/school-exclusion

The governing body may delegate their functions with respect to the consideration of an exclusion decision to a designated sub-committee consisting of at least three governors (para.53).

In the interest of natural justice, it should be obvious to the parents that the head teacher has not had contact with the governors ahead of the meeting.

Similarly, if a governor knows a parent or a child sufficiently well for a possible bias to exist, whether positive or negative, that governor should either not be a member of the sub- committee

in respect of that child or should declare their relationship beforehand so that parents may object if they wish. Ideally, that should happen before the meeting takes place so that there is no unnecessary delay. If that happens at the start of any meeting, it is for the Chair to decide whether to continue with the meeting or whether to arrange another hearing.

The purpose of the governing board meeting is to review, in its entirety, the head teacher's decision to exclude. They must consider the interest and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working in the school (para.63). They must also consider any representations made by parents and the head teacher (para.64). The evidence provided by all parties should be sufficient to establish, on the balance of probabilities (para.65), what happened and whether exclusion, and the length of the exclusion, was lawful, reasonable and procedurally fair, taking into account the head teacher's legal duties (para.71). National and local guidance and the school's own behaviour policies must also be taken into account as well as how the school has dealt with similar incidents in the past.

When governors arrive for the hearing they should:

- elect a chairperson and, if not already done, agree the procedures to be followed;
- ensure, with the Clerk, that the room is appropriate and that there is adequate table space for papers to be handled without difficulty by all parties - low coffee tables are best avoided if at all possible - if water or coffee is provided for governors, this should be available for all parties;
- do not talk to any of the other parties before the Clerk brings those parties into the room for the meeting.

During the meeting governors should:

- make sure that everyone has adequate opportunity to present their case and to question the other parties;
- do not allow any of the other parties (with the exception of the clerk) to remain in the room once the "open" part of the meeting has finished (para.70);
- ensure that all relevant information is discussed, and that the national and local guidance and relevant school policies have been considered, before coming to a decision

After the other parties have left the meeting, Governors should:

- consider statements and other evidence from the school and the parents;
- consider whether there is sufficient evidence that the pupil did what is alleged;
- consider the fairness of the exclusion in relation to the treatment of any other pupils

involved in the same incident;

- have regard to the Department for Education guidance "Exclusion from maintained schools Academies and pupil referral units in England" (as issued September 2017) on the appropriate use of exclusion and consider whether that guidance has been followed;

- have regard to the school's published behaviour policy, equal opportunities policy, anti-bullying policy, special educational needs policy and race equality policy;
- consider whether the head teacher has tried sufficient strategies to improve the pupil's behaviour before resorting to exclusion, and whether any further strategies could be tried as an alternative to exclusion;
- for permanent exclusions, satisfy themselves that all possible strategies to improve a pupil's behaviour, including the use of a PSP or CAF, have been tried and failed;
- decide whether to reinstate the pupil and state the reasons for their decision;

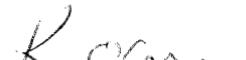
- decide, if they decide to reinstate, the date the pupil will return to school. This must be included in the decision letter to parents, and no conditions can be imposed on the pupil in respect of that return (although the school would be well-advised in such circumstances, to consider a formal reintegration strategy before the pupil returns, and to include parent/carer in that reintegration).

REVIEW FRAMEWORK

The policy will be reviewed annually (or sooner in the event of revised legislation or guidance).

REVIEWED BY:

Headteacher Glyn Morgans Signed  27/09/23

Chair of Governors Karen Orman Signed  27/09/23

REVIEW DATE: By December 2024