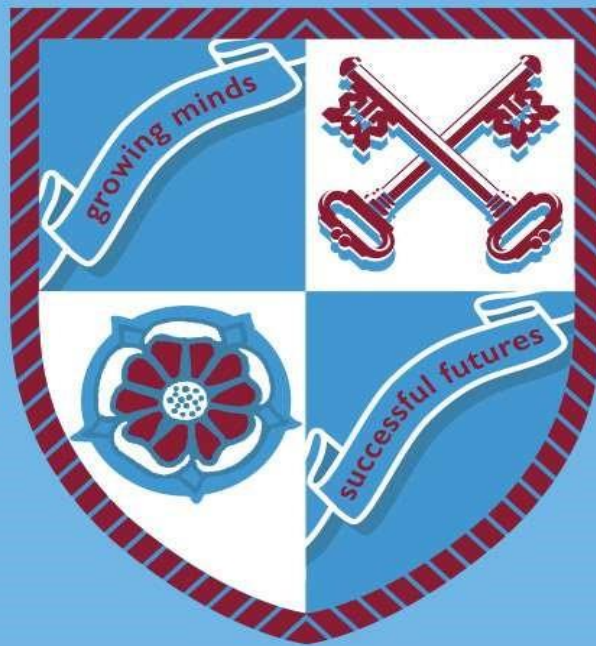




Warblington
School

Growing minds, successful futures

EXCLUSIONS POLICY



Reviewed by: Headteacher **Date:** November 2024

Approved by: Full Governing Body **Date:** December 2024

Next review due by: November 2027

Introduction

Warblington School's:

- Suspensions (exclusion for a specified, short period of time); and
- Permanent Exclusions

procedures comply with "Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England including pupil movement - Guidance for maintained schools, academies and pupil referral units in England, August 2024" [The Guidance]. As such, this policy supersedes all other school-level handbook or policy statements as they relate to exclusion procedures.

In The Guidance the word 'suspension' is used to refer to what legislation calls an 'exclusion for a fixed period'. Suspensions and permanent exclusions are both types of exclusion, and where this policy uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions.

Aims

All parties involved in exclusions, including the Headteacher, parents, governing body and Independent Review Panels, must comply with The Guidance. This policy outlines the key principles, roles and responsibilities around exclusion to ensure that all exclusion proceedings are conducted in line with that statutory guidance.

Suspensions and Permanent exclusions

In either case, exclusion can only be for a breach of the school's Behaviour Policy, which is published on the school's website and proactively shared with students and parents. It is important that all students understand the school's expectations of behaviour and the consequences for noncompliance. There are two types of exclusion: suspension and permanent exclusion.

Suspensions may only be given for a breach of the school's Behaviour Policy and must always be processed and recorded as formal exclusions. This includes any short period of time when the student is excluded, such as lunchtimes (which counts as 0.5 days suspension) or being sent home before the end of the school day. There is a maximum limit of 45 school days in an academic year for suspensions. If a student receives a suspension which takes them over 45 days in the same academic year, it automatically triggers a permanent exclusion.

Permanent exclusion may be in response to:

- cumulative persistent breaches of the school's Behaviour Policy; or
- a one-off serious breach of the Behaviour Policy, and where allowing the student to remain in school will be detrimental to the education or welfare of the student and/or others at the school.

Permanent exclusion must be a last resort, and the Headteacher must consider any alternative arrangements (such as a managed move) before permanently excluding any student. See the section 'The Headteacher's role in exclusions' below for further details about the decision-making process for permanent exclusions.

The law does not allow for 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the school's Behaviour Policy where additional evidence (including mitigating evidence) is required, and before making a final decision on the severity of the incident which led to suspension, the Headteacher may issue a suspension "pending investigation". Following investigation, the school may issue a further separate suspension

to begin immediately after the first suspension ends or a separate permanent exclusion to begin immediately after the end of the suspension.

The Right to Education

All students have a right to education and schools remain responsible for the education and welfare of all students on their roll up to the point when they are formally removed from roll.

For any suspension or permanent exclusion involving a student who is a Looked After Child, the school and Local Authority must work together to arrange alternative provision from the first day of suspension or permanent exclusion.

For all other students, the school must set work, and have it marked, for the first 5 days of suspension or permanent exclusion. From day six onwards, alternative provision must be arranged. For permanent exclusions, the Local Authority is responsible for arranging this. For suspensions, the school is responsible. Schools must carefully assess and monitor the quality of any alternative educational provision used and ensure appropriate safeguarding measures are in place.

Equalities Legislation

Under the Equality Act 2010 (as amended), students must not be discriminated against, victimised or bullied because of protected characteristics. This includes ensuring that policies and practices do not discriminate by unfairly increasing a student's risk of suspension or permanent exclusion. Students with Special Educational Needs and Disabilities (SEND) are particularly at risk of exclusions, and schools must proactively make reasonable adjustments to policy and practice, where needed and where practicable, to avoid discrimination.

The Headteacher's Role in Exclusions

Only the Headteacher or Senior Assistant Headteacher (in the absence of the Headteacher) may exclude a student, and only for disciplinary reasons.

The Headteacher should ensure that the school's Behaviour Policy is regularly reviewed, taking into account the views of stakeholders including students, parents, staff and governors, and published on the school website. The school must also ensure that students understand the expectations within the Behaviour Policy and the potential consequences for noncompliance. This goes beyond publishing the policy on the website and should include proactive work with students to secure their understanding.

Where student with SEND have been given a suspension, the school must demonstrate that they have met the requirements of the SEND Code of Practice. This includes relevant assessments to determine whether disruptive behaviour could be caused by underlying unmet needs and, if so, whether further provision and support could be put in place (in addition to provision and support already in place) to meet unmet need. If a student has an Education, Health and Care Plan (EHCP) and they are at risk of permanent exclusion, the school should request an emergency EHCP review.

Where any student has received multiple suspensions or is approaching the legal limit of 15 school days in a term or 45 school days in an academic year, the Headteacher should consider whether suspension is proving an effective sanction.

Permanent exclusion should only be used as a last resort, either:

- where a single incident is so serious there is no alternative available; **or**

- in the case of multiple incidents over time where all alternatives have been considered and all strategies to change behaviour have failed;

and it must be demonstrated that allowing the student to remain in school would seriously harm the education or welfare of the student themselves or others in the school.

Duty to Inform Parents

Parents/carers must be informed without delay of the length and type of exclusion, the reason(s) for exclusion and of their right to make representations to the governors. Ideally, this notification should be by telephone or in person in the first instance, followed by a letter. In all circumstances, the parents/carers must be informed in writing. Schools have a duty of care for the welfare of all students and so must advise parents/carers of an exclusion prior to the student being sent off-site.

Reporting and Recording Exclusions

Schools must follow statutory guidance to ensure the relevant local authorities are informed when a student is permanently excluded. They must also ensure all exclusions are recorded on the school's Management Information System (MIS) and that the Governors are informed of any occasions when a governor review panel is required. Exclusions must also be reported to governors in the Headteacher's Report at the next Full Governing Body meeting. Staff and Governors must comply with all relevant data protection requirements when processing, sharing and storing personal data as part of the exclusions process.

Review of the Decision to Exclude

For any exclusion, parents/carers have the right to make their representations to governors. The degree and length of exclusion determines the process and timeframe for governor review.

1. All permanent exclusions must be reviewed by a governor review panel (GRP) within 15 school days of the permanent exclusion being issued.
2. Suspensions, of any length, that would result in a student missing a public examination or national curriculum test must be reviewed by a GRP as soon as practically possible and at maximum within 15 school days. In exceptional circumstances, the Chair of Governors may review the exclusion on behalf of the Governing Body.
3. Suspensions that result in a student being excluded, in total, for more than 15 days in one academic term must be reviewed by a panel of governors within school days of the issuing of the suspension that took the number of excluded days that term beyond 15.
4. If requested by the parents/carers, a suspension of 5 to 15 days must be reviewed by a GRP within 50 school days of the exclusion being issued.
5. If requested by the parent/carer, for a suspension of less than 5 days, governors must consider any representations made by the parent/carer but do not have to meet to do so. There is no legal deadline for such a review to take place.

A GRP may be constituted from members of the school's Local Governing Body and/or governors at another local (federation) school. All governors must have received specific exclusions training prior to participating on a GRP. The GRP will usually consist of three governors and a clerk who will take minutes of the meeting but take no part in the decision-making process itself. One governor will be designated as the Chair of the GRP and, in the event of a request by parents/carers for an external independent review (only for permanent exclusions: see section below entitled Independent Review Panel), will represent the GRP at that independent review meeting. The Headteacher cannot be a member of the GRP.

Members of the GRP must be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal interest in its result. As standard practice, the Headteacher must not discuss individual exclusions with members of their governing body as cases may be referred to them for review. However, the Headteacher may discuss the decision to exclude with the Chair of Governors, who cannot then be a member of the GRP.

The GRP must decide whether to uphold the Headteacher's decision, or not. Suspensions will usually have ended by the time a GRP takes place so cannot be undone, but if the GRP does not uphold the Headteacher's decision the outcome letter to parents/carers will be placed on the student's school record.

For permanent exclusions the GRP may uphold the Headteacher's decision or direct reinstatement of the pupil, either immediately or on a specific date where it is felt that additional support needs to be in place before the pupil returns to school to ensure successful reintegration.

The GRP cannot convert one type of exclusion into another, for example; they cannot 'downgrade' a permanent exclusion into a suspension.

After the governor review hearing, the Clerk will inform the parties in writing about the result, with reasons for the decision. Decisions are communicated as soon as possible, and every attempt is made to do this within 5 working days.

Standard of Review and Evidence

At all stages in the exclusion process, from the Headteacher's initial decision to the independent review panel, the civil standard of a 'balance of probability' is used when considering facts and evidence. This is a lower threshold than the criminal standard of 'beyond all reasonable doubt'. The Headteacher and the GRP are entitled to consider the evidence available to the school, and form a view on whether it is more likely than not that the pupil did what is alleged.

The Chair of the GRP must ensure that all parties have an opportunity to make written and/or oral representations and for their views to be heard during the open part of the meeting.

The clerk will record that all relevant questions have been asked of and answered by all parties, at the end of the open part of the meeting. If any party to the meeting feels there is material evidence which cannot be provided on the day, that will be recorded in the minutes and the GRP must decide whether they have sufficient evidence to proceed to the closed part of the meeting or to adjourn the hearing until such additional evidence is available. The panel will discuss all available evidence in closed session before coming to a decision.

Panel Hearings

All evidence and GRP paperwork must be distributed to all parties to arrive at least 5 school days before the hearing. In exceptional circumstances and at the discretion of the Chair, new evidence may be introduced at the hearing however all parties must be given reasonable time to review it before the meeting begins.

No party should be in the presence of GRP members unless all other parties are also present. The school, parents/carers and, if appropriate, any Local Authority representatives should enter and leave the panel meeting at the same time and must not have any private discussion with the GRP members before the meeting or until after the panel have reached a formal decision.

Independent Review Panel (IRP)

If a permanent exclusion is upheld, parents/carers must be informed in the outcome letter of their right to seek an independent review of the GRP decision, the address to which that request must be

made, and the deadline for that request to be received, which will be within 15 days of receipt of the GRP outcome letter. Parents/carers also have the right to request the attendance of a SEND expert at an IRP meeting.

The IRP is normally attended by the Headteacher and Chair of the GRP. The Clerk of the GRP may attend but plays no formal part in proceedings. On occasions it may be considered appropriate for the school to have legal representation but parents will be advised of this and have the right to bring their own legal representative to the IRP whether or not the school elects to do so.

The IRP cannot direct a governing body to re-instate a student. It may:

- a) uphold the exclusion;
- b) recommend that the original panel reconsider its decision; or
- c) quash the original panel's decision and direct the panel to reconsider its decision. In this case, the Independent Review Panel may also order that the school must make a payment to the Local Authority of £4,000 if it does not offer to reinstate the student.

Parallel police proceedings

The GRP has no power to delay a review beyond the statutory time limit because of police proceedings. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request an IRP in the normal way.

Other relevant legislation and guidance

The principal legislation, guidance and regulations to which this guidance relates is:

- Education Act 2002, as amended by the Education Act 2011;
- School Discipline (Student Exclusions and Reviews) (England) Regulations 2012;
- Education and Inspections Act 2006;
- Education Act 1996; and
- Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014;
- Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England including pupil movement - Guidance for maintained schools, academies and pupil referral units in England, August 2024
- School attendance: Guidance for maintained schools, academies, independent schools and local authorities (November 2016)
- SEND code of practice: 0 to 25 years (last updated September 2024);
- Special Educational Needs and Disability Regulations 2014 (Part 4); and
- Equality Act 2010 (as amended)