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*This policy is intended to be complementary to the legal advice and guidance contained within the DfE document 'Exclusion from maintained schools, Academies and pupil referral units in England' (September 2017 version) regarding fixed term and permanent exclusions.*

**1. Exclusions, both fixed term and permanent, are an effective sanction:**

- They are a deterrent, to demonstrate to all students, including the student excluded, the consequences of poor behaviour.
  - They protect all members of the school community - students and staff – from issues including disruption to lessons, verbal and physical bullying or assault, and from threats to health and safety.
  - Any decision to exclude must be informed by equality considerations in line with the Public Sector Equality Duty 2010, and take into account the school's statutory duties in relation to Special Educational Needs.
- 1.1 Hanley Castle High School is a comprehensive school. Just as we welcome students of all abilities, we recognise that some of the students who attend the school may, from time to time, exhibit challenging behaviour.
  - 1.2 The school will always seek to minimise such behaviour through the high quality of our educational provision, our pastoral care and the strategies we use to promote good behaviour, including our rewards system.
  - 1.3 However, when the challenging behaviour of a student becomes persistent or severe, despite our best efforts, the Headteacher has the right, by law, to exclude students from school for fixed periods of time, or permanently.
  - 1.4 Exclusions at Hanley Castle High School, fixed term or permanent, are usually a last resort. A student exhibiting challenging behaviour will normally have been supported through each stage of our behaviour management policy. A student in danger of permanent exclusion will normally have benefited from a PSP or other measures, including a multi-agency assessment or the consideration of alternative provision.
  - 1.5 However, the School retains the right to exclude, for a fixed term or permanently, for one-off serious incidents.
  - 1.6 A fixed term exclusion is for a specific period of time. A pupil may be excluded for one or more fixed terms (up to a maximum of 45 school days in a single academic year).



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- 1.7 Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime should be counted as half a school day. In these circumstances parents or guardians will be expected to collect the pupil and supervise them for the duration of the lunch hour.
  - 1.8 The law does not allow for extending a fixed-term exclusion or “converting” a fixed-term exclusion into a permanent exclusion. In exceptional circumstances (usually where further evidence has come to light) a further fixed-term exclusion may be issued to begin immediately after the fixed-term exclusion ends or a permanent exclusion may be issued to begin immediately after the end of the fixed-term exclusion.

## **2. Circumstances where exclusion, fixed term or permanent, might be appropriate**

- 2.1 These include serious breaches of the School’s behaviour management policy – for example verbal or physical (actual or threatened) abuse towards any member of the school community, drug-related incidents, defiance, persistent bullying or cyber-bullying. This is not intended to be an exhaustive list. Each child and each incident will be different, and the school retains the right to respond flexibly, as appropriate.
- 2.2 In addition, students may be excluded, for a fixed term or permanently, for persistent disruptive behaviour. In the first instance this might be for one or two days. However, persistent disruptive behaviour, even at a low level, may result in permanent exclusion. This is to protect students and teachers from the damage caused to the quality of educational provision by prolonged exposure to such behaviour.

## **3. Behaviour outside school**

- 3.1 The school’s behaviour management policy, where reasonable, extends to occasions when a student is neither on school premises nor in the charge of school staff. Examples of this include school trips, the journey to and from school, school sports fixtures away from home and work experience placements, or on any occasion where there is a clear link between the behaviour and maintaining good behaviour and discipline among the student body as a whole, or where the behaviour could adversely affect the reputation of the school. Poor behaviour in such circumstances will be dealt with as if it had taken place in school, and fixed term or permanent exclusions may be applied as appropriate.



- 3.2 The school's behaviour management policy also extends to cover provision at an offsite alternative provider.

#### **4. Investigating incidents which might lead to an exclusion, fixed term or permanent**

- 4.1 The decision to exclude a pupil must be lawful, reasonable, proportionate and fair. Before taking the decision to exclude, for a fixed term or permanently, the Headteacher should:
- Ensure that a thorough investigation has been carried out
  - Consider all the evidence available in connection with the incident
  - Allow and encourage the student concerned to give their version of events
  - Check whether there are mitigating circumstances (e.g. SEN / Looked After Children / bullying / racial or sexual harassment)
  - Consult others where appropriate (e.g. ASCL / LA / WASH)
  - Keep written records of the investigation (e.g. statements by the student / other students / members of staff). Witness statements should be dated and signed, wherever possible.

#### **5. The standard of proof required**

- 5.1 The standard of proof to be applied by the Headteacher is 'the balance of probabilities' – i.e. it is more likely than not that a fact is true – that the student did what he or she is alleged to have done.
- 5.2 However, the more serious the allegation, and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be.
- 5.3 In some cases this may extend to evidence of the student's past behaviour, if relevant to the present allegation.

#### **6. Students with disabilities or SENs**

- 6.1 Hanley Castle High School has high expectations of the behaviour of all students. However, some children can exhibit challenging behaviours which are due, in part, to difficulties which need additional support from all professionals involved in their education.
- 6.2 The School reserves the right to use exclusion, fixed term or permanent, when dealing with poor behaviour by students with disabilities or SENs if there is a 'material' and 'substantial' reason for it, and where reasonable steps have been taken to implement strategies to prevent or manage the child's behaviour.



Very careful consideration should be given to each child and each incident, and reasonable adjustments made to the length or the nature of the exclusion in order to ensure that the child is treated at least as favourably as a child without a disability or SENs.

## **7. Exclusion in the absence of the Headteacher**

- 7.1 Only the Headteacher has the power to exclude. However, if the Headteacher is not in school and unavailable for contact (for example if the Headteacher is on jury service or off sick) the deputy Headteacher (or Assistant Headteacher in charge in the absence of the deputy) may assume the power to exclude as "Headteacher by virtue".

## **8. Informing parents**

- 8.1 Parents should be informed of an exclusion as quickly as possible – ideally on the same day in person or by phone, followed by a formal letter as soon as possible. The letter should follow DfE and LA guidelines.

## **9. The School's obligation to provide education**

- 9.1 This continues and must be met during a fixed period exclusion. Work should be set and marked by the student's subject teachers. The work can be posted home, sent by student post or collected by parents.
- 9.2 When a student is permanently excluded, work must be set by the school for the first five days of the permanent exclusion.
- 9.3 From the sixth day of the permanent exclusion it is the Local Authority's responsibility to provide suitable full time educational provision.
- 9.4 In the case of a looked after child, the school will work with the Local Authority to arrange alternative provision from the first day following an exclusion, fixed term or permanent.

## **10. Sixth day provision**

- 10.1 Where a student is given a fixed term exclusion of a duration of six days or longer, including consecutive fixed period exclusions totalling more than five days, the school will organise suitable full-time educational provision from and including the sixth day of the exclusion(s). Parents should be informed of this



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in writing. It remains the responsibility of the school to set and mark work during this period.

## 11.Reintegration interviews

- 11.1 Following a fixed term exclusion, parent(s) and child will be invited to attend a reintegration interview to emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour, and to discuss how behaviour problems can be prevented or addressed.

## 12.The governing body's role in reviewing exclusions

- 12.1 In the case of a fixed term exclusion which does not bring the pupil's total number of days exclusion to more than five in a term, the parent may make representations to the governing body. However, the governing body does not have the power to overturn the exclusion and it is not required to arrange a meeting with parents.
- 12.2 In the case of a fixed term exclusion of more than 5, but not more than 15 school days in one term (which does not bring the student's total number of days of exclusion to more than 15 in one term), the governing body must convene a meeting within 50 school days after receiving notice of the exclusion, to consider the exclusion, **but only if the parent requests such a meeting.**
- 12.3 In the case of a fixed term exclusion of more than 15 days (or which brings the student's total number of days of exclusion to more than 15 in one term), the governing body must convene a meeting between the 6<sup>th</sup> and 15<sup>th</sup> school day after receiving notice of the exclusion, to consider the exclusion.
- 12.4 Where an exclusion would result in a student missing a public examination or test there is a further requirement for a governing body, so far as is reasonably practical, to consider the exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to consider the decision before the examination a smaller sub-committee may be convened. Parents still have the right to make representations in this case.
- 12.5 Where a student is excluded for a fixed period of time, during which a public examination is scheduled, the school may, in any case, decide to allow them to attend for the examination at its discretion.



## Exclusion Policy

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- 12.6 When considering whether to reinstate an excluded pupil (either fixed term or permanent) governors should consider whether the decision to exclude was lawful, reasonable and procedurally fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing board in relation to the decision to exclude.
- 12.7 Permanently excluded students will not normally be entered for or allowed to sit public examinations which are scheduled after the date at which their exclusions are confirmed by the governing body.
- 12.8 In the case of a permanent exclusion, the parent must be supplied with a copy of the the DfE document '*Exclusion from maintained schools, Academies and pupil referral units in England*' (2017 version). The governing body must convene a meeting between the 6th and 15th school day after receiving notice of the exclusion, to consider the exclusion.
- 12.9 Where governors confirm a permanent exclusion, parents have the right to ask for the decision to be reviewed by an independent review panel within 15 days. Parents also have the right to require the Academy trust to appoint an SEN expert to attend the review – regardless of whether the child has SEN.
- 12.10 If applied for by parents within 15 school days since the parents were notified of the governing board's decision not to reinstate a permanently excluded pupil, the academy trust must, at its own expense, arrange for an independent review panel to review the decision of the governing board not to reinstate.