



# HANLEY CASTLE HIGH SCHOOL



## EXCLUSIONS POLICY

NOVEMBER 2022

**Review Frequency:** Annual  
**Date Reviewed:**  
**Date Approved by ASC:** 30<sup>th</sup> November 2022

**Date Produced:** November 2022  
**Staff responsible:** M Stow

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## 1 Introduction

At Hanley Castle High School, we understand that good behaviour and discipline is essential for promoting a high-quality education. 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.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of students may be necessary where there has been a serious breach, or persistent breaches, of the school's Positive Behaviour Management Policy. Suspending or excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding students should only be used as a last resort. Suspension and exclusion are effective deterrents, to demonstrate to all students, including the student involved, 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.

The school has created this policy to clearly define the legal responsibilities of the headteacher, ASC, and LA when responding to student suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A **"suspension"** is defined as the temporary removal of a student from the school for behaviour management purposes. A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An **"exclusion"** is defined as the permanent removal of a student from the school, in response to a serious breach or persistent breaches of the school's Behaviour Policy, and where allowing the student to remain in school would seriously harm the education or welfare of the students or staff in the school.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

## 2 Roles and responsibilities

### 2.1 The LA is responsible for:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked-after children (LAC).
- Arranging suitable full-time education for any student of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing students' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

### 2.2 The Hanley and Upton Education Trust (HUET) is responsible for:

- Arranging for an independent review panel hearing to review the decision of the ASC not to reinstate a permanently excluded student where required.
- Providing information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.

### 2.3 The Academy Standards Committee (ASC) is responsible for:

- Arranging suitable full-time education for any student of compulsory school age who is suspended, where required.
- Considering parents' representations about suspensions and exclusions within 15 school days of receiving notice if the appropriate requirements are met.
- Where a suspension or exclusion would result in a student missing a public examination or test, considering the suspension or exclusion before this date.
- Considering whether it would be appropriate for a student to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting with the Academy Standards Disciplinary Committee (ASDC) at a time and date in compliance with the statutory time limits.
- Adhering to its responsibilities to consider the reinstatement of students.
- Considering the interests and circumstances of the suspended or excluded student, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the student's education record, along with copies of relevant papers for future reference.
- Notifying the student's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Where appropriate, informing parents of how to apply for an independent review panel.
- Using data to evaluate the school's practices regarding intervention, suspension, and exclusion.

#### 2.4 The clerk to the ASDC is responsible for:

- Informing the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

#### 2.5 The headteacher is responsible for:

- Implementing good levels of discipline to ensure all students can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- Complying with their statutory duties in relation to students with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., if a student has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g., if a student has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual students, particularly those with SEND, those eligible for FSM, LAC, pLAC, and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of students with additional needs.
- Determining whether a student will be suspended or excluded on disciplinary grounds.
- Rescinding any suspensions or exclusions that have not been reviewed by the ASDC, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a student.
- Ensuring they have considered their legal duty of care when sending a student home following a suspension or exclusion.
- Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Notifying a student's parents without delay where the decision is taken to suspend or exclude the student, including the days on which the parents must ensure the student is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the ASC and LA of their decision to exclude a student where appropriate, as well as the student's home authority if required, as soon as possible.
- Notifying the ASC once per term of any exclusions in the headteacher's report to governors.
- Organising suitable work for excluded students where alternative provision cannot be arranged.

### **3 Grounds for suspension or exclusion**

#### **3.1 Examples of incidents**

The following examples of behaviour may warrant the decision to suspend or exclude a student:

- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item
- Bullying
- Discriminatory abuse, e.g., racist, homophobic, biphobic, transphobic or ableist abuse

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.

### **4 The headteacher's power to suspend or exclude**

Only the headteacher has the power to suspend or exclude a student from the school and is able to decide whether either a suspension or exclusion is appropriate. 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 as "headteacher by virtue".

All suspensions and exclusions will only be issued on disciplinary grounds. When sending a student home following any suspension or exclusion, the headteacher will ensure that they always exercise their duty of care and will always inform the parents.

Any decision made to suspend or exclude a student will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a student's suspension or exclusion on these grounds.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g., sending a student home to 'cool off', regardless of whether the parents have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of compelling parents to remove their child from the premises.

#### **4.1 Lunchtime behaviour and behaviour outside of school**

The headteacher is able to suspend students where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. In these circumstances parents or carers will be expected to collect the student and supervise them for the duration of the lunch break.

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 suspension or permanent exclusions may be applied as appropriate. The school's behaviour management policy also extends to cover provision at an offsite alternative provider.

## 4.2 Extending suspensions

Students can be suspended on a fixed-period basis, i.e., for up to 45 school days within a year, or permanently excluded. The law does not allow for extending a suspension or “converting” a suspension into a permanent exclusion. In exceptional circumstances (usually where further evidence has come to light) a further suspension may be issued to begin immediately after the suspension ends, or a permanent exclusion may be issued to begin immediately after the end of the suspension.

## 4.3 Cancelling a suspension or exclusion

The headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the ASDC. Where a suspension or exclusion is cancelled, the headteacher will notify the student’s parents, the ASC, the LA, and, where relevant, the virtual school head (VSH) and the student’s social worker. The headteacher will offer the student’s parents the opportunity to meet to discuss the circumstances that led to the cancellation of the exclusion, and the student will be allowed back into school.

## 4.4 Reporting

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the ASC once per term, to allow the ASC to have appropriate oversight. All suspensions and exclusions will be formally recorded on the school’s management information system (MIS).

# 5 Factors to consider when suspending or excluding a student

## 5.1 Investigating incidents

The decision to exclude a student must be lawful, reasonable, proportionate and fair. Before taking the decision to suspend or permanently exclude, 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.
- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g., if the student’s wellbeing has been compromised, or they have been subjected to bullying.
- Consult others where appropriate (e.g., ASCL / LA / WASH/other Headteacher colleagues).
- Keep written records of the investigation (e.g., statements by the student / other students / members of staff).
- Ensure that witness statements are dated and signed wherever possible.
- Take into consideration whether the student has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.

## 5.2 The standard of proof

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 they are alleged to have done. However, the more serious the allegation, and thus the possible sanction, the more convincing the evidence substantiating the allegation needs to be. In some cases, this may extend to evidence of the student’s past behaviour, if relevant to the present allegation.

### 5.3 Additional considerations

The headteacher will consider what extra support may be available for vulnerable student groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- LAC and pLAC students
- Students eligible for FSM
- Students with SEND
- Certain ethnic groups

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.

The school reserves the right to use suspension, or permanent exclusion, when dealing with poor behaviour by students with SEND 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 SEND.

## 6 Preventative measures

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### 6.1 Off-site direction

The board of trustees may use their general powers to arrange for any registered student to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

The ASC and the headteacher will decide, in communication with the student and their parents, whether off-site direction is an appropriate solution to manage a student's behaviour and avoid suspension or exclusion. Where all parties agree to this course of action, the school will work with the student and their parents to discuss and agree a plan for the off-site direction, including a proposed maximum period of time that the student will be at the alternative provision and any alternative options that will be considered once the time limit has been reached, e.g. managed moves.

The headteacher or nominated senior leader will notify parents, and the LA if the student has an EHC plan, in writing with information about the placement no later than two school days before the relevant day.

The school will keep any off-site placements under review by holding review meetings at intervals deemed appropriate by the ASC; reviews will be recorded in writing, including any decisions made regarding the placement.

### 6.2 Managed moves

Where it is thought to be in a student's best interest to transfer them to another mainstream school permanently, the headteacher and ASC will discuss this with the parents of the student, and the LA if the student has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the student's new school, including sending data on prior and current attainment, academic potential, and any risk management strategies. The school will also cooperate with the student's new school to create an effective integration strategy.

Parents who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the HUET Complaints Policy and Procedure.

## **7 Duty to inform**

### **7.1 Informing parents/carers**

Following the headteacher's decision to suspend or exclude a student, the school will immediately inform the parents, in person or by telephone, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The headteacher will inform the parents in writing, or electronically, of the following:

- The reasons for the suspension or exclusion
- The length of the suspension or permanency of the exclusion
- Their right to raise any representations about the suspension or exclusion to the ASC, including how the student will be involved in this and how the representations will be made.
- Their right to attend a meeting where there is a legal requirement for the ASC to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual.
- The arrangements that have been made for the student to continue their education prior to the organisation of any alternative provision, or the student's return to school.
- Relevant sources of free, impartial information.

Where the student is of compulsory school age, the headteacher will inform the parents by the end of the afternoon session that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

Where the headteacher has arranged alternative provision, they will also inform the parents of the following:

- The start and end date for any provision of full-time education.
- The address at which the provision will take place.
- Any information necessary for the student to identify the person they should report to on the starting date.

If the headteacher has decided to suspend the student for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents without delay and issue a new suspension or exclusion notice to parents.

## 7.2 Informing the ASC and LA

The headteacher will inform the ASC, without delay, of the following:

- Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the student).
- Any suspensions which would result in the student being suspended for more than 5 school days in a term (or more than 10 lunchtimes).
- Any suspensions or exclusions which would result in the student being absent from an examination or national curriculum test.

For any suspensions and exclusions, other than those above, the headteacher will notify the ASC once per term.

The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay. All notifications to the ASC and LA will include the reasons for suspension or exclusion and the duration of any suspension. If a student is permanently excluded and lives outside the LA in which the school is located, the headteacher will notify the student's 'home authority'.

## 7.3 Informing social workers and the Virtual School Headteacher (VSH)

When a student has been suspended or excluded, the headteacher will, without delay, notify the student's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion. In the case of previously looked-after children, the relevant officer at the LA will be informed.

Social workers and/or the VSH will also be informed when a meeting of the ASDC is taking place and will be invited to attend the meeting should they wish to do so.

# 8 Obligation to provide education

## 8.1 Setting work

The obligation to provide education continues and must be met during a suspension. Work should be set and marked by the student's subject teachers. The work can be posted home, sent by student post, posted online, or collected by parents. When a student is permanently excluded, work must be set by the school for the first five days of the permanent exclusion.

## 8.2 Sixth day provision

From the sixth day of the permanent exclusion, it is the Local Authority's responsibility to provide suitable full time educational provision. 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 a suspension or permanent exclusion.

Where a student is given a suspension of a duration of six days or longer, including consecutive fixed period suspensions 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 in writing.

## 9 Reintegration meetings

Following a suspension, 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.

The meeting should offer the student a fresh start and help them understand the impact of their behaviour on themselves and others. There should be an opportunity to teach them to how meet the high expectations of behaviour in line with the school culture and foster a renewed sense of belonging within the school community which builds engagement with learning.

## 10 The academy standards committee's (ASC) role in reviewing suspensions and permanent exclusions

The ASC will convene a meeting of the academy standards disciplinary committee (ASDC) to consider any representations made by parents regarding suspensions and exclusions. Any meeting to consider reinstatement of a student will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits. Where it is appropriate to the student's age and level of understanding, the student will be enabled to make a representation on their own behalf if they desire to do so.

### 10.1 Reviewing suspensions and exclusions

- In the case of a suspension which does not bring the student's total number of days exclusion to more than five in a term, the parent\* may make representations to the academy standards disciplinary committee (ASDC). However, the ASDC does not have the power to overturn the exclusion and it is not required to arrange a meeting with parents.
- In the case of a suspension 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 suspension to more than 15 in one term), the ASDC must convene a meeting within 50 school days after receiving notice of the suspension, to consider the suspension if requested by the parents. In the absence of any representations from the parents, the ASDC is not required to meet and cannot direct the reinstatement of the student.
- In the case of a suspension of more than 15 days (or which brings the student's total number of days of suspension to more than 15 in one term), the ASDC must convene a meeting between the 6th and 15th school day after receiving notice of the suspension, to consider the suspension.
- Where a suspension would result in a student missing a public examination or test there is a further requirement for an ASDC, so far as is reasonably practical, to consider the suspension before the date of the examination or test. If it is not practicable for enough members of the ASDC 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.
- Where a student is suspended 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.

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 ASDC. In the case of a permanent exclusion, the parent must be supplied with a copy of the DfE document 'Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement' (September 2022).

## 10.2 Considering reinstatement

When considering whether to reinstate a student (from either a suspension or permanent exclusion), members of the ASDC should consider whether the decision to exclude/suspend was lawful, reasonable, and procedurally fair, taking into account the headteacher's legal duties and any evidence that was presented to the ASDC in relation to the decision to exclude/suspend.

After considering suspensions and exclusions, the ASDC will either:

- Decline to reinstate the student.
- Direct the reinstatement of the student immediately, or on a specified date.

If reinstatement would make no practical difference, e.g., if the student has already returned to school following a suspension or the parents make clear they do not want their child reinstated, the ASDC will still consider whether the student should be officially reinstated. The ASDC will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e., that on the 'balance of probabilities' it is more likely than not that the facts are true.

## 10.3 Independent review panels

Where the ASDC confirms 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 HUET to appoint a SEND expert to attend the review – regardless of whether the child has SEND.

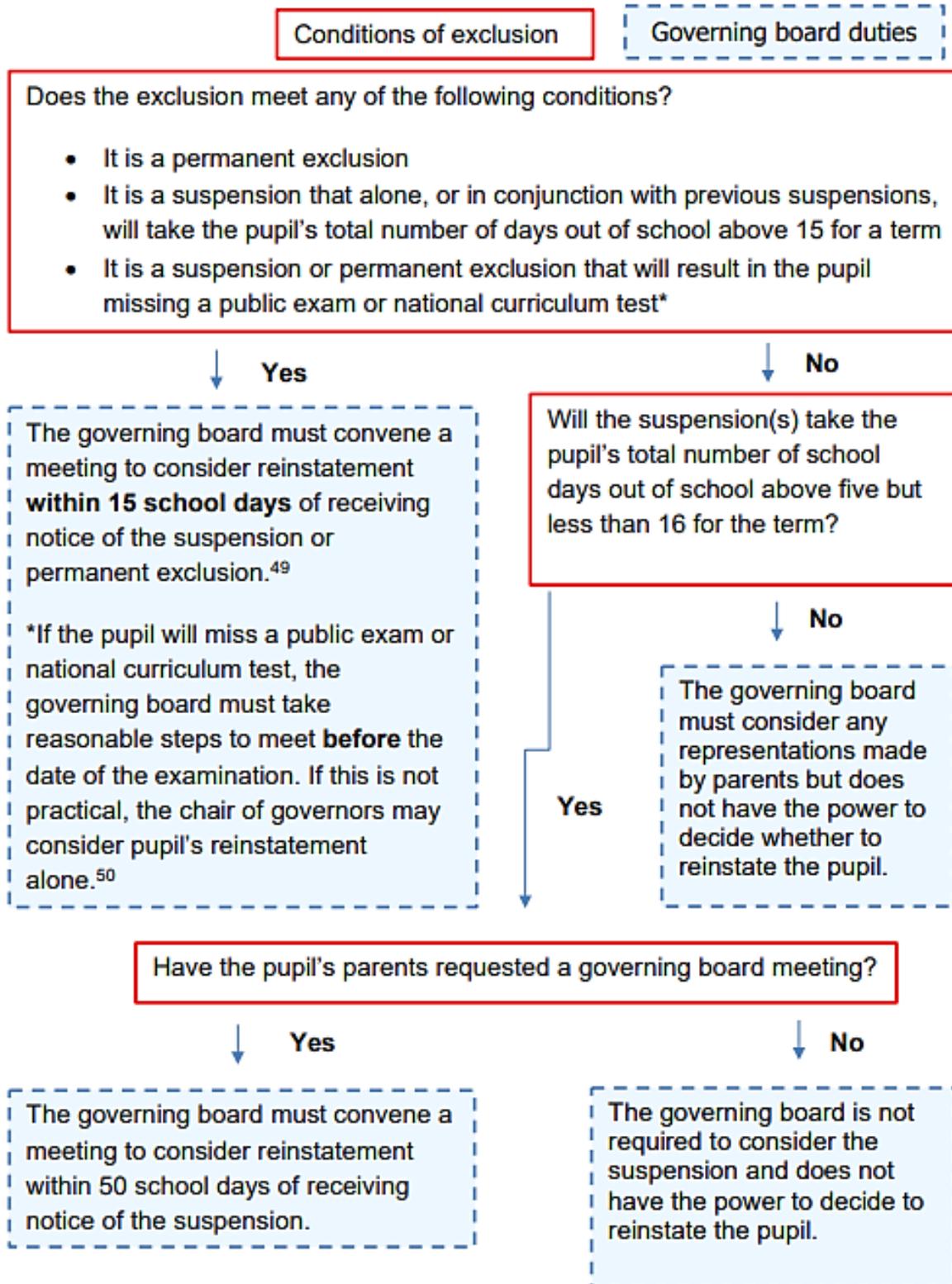
If within the relevant timeframe, parents request an independent review of the ASDC's decision not to reinstate a permanently excluded student, the HUET must, at its own expense, arrange for an independent review panel to review the decision of the ASDC not to reinstate.

## 10.4 Monitoring suspensions and exclusions

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the ASC on a termly basis. The ASC will review this data regularly to:

- Consider the level of student moves and the characteristics of students who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on students who are taken off the roll and those who are on the roll but attending education off-site.
- Consider the effectiveness and consistency in implementing the Positive Behaviour Management Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded students and evaluate equality considerations.
- Gather information on where students are receiving repeat suspensions.
- Evaluate interventions in place to support students at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.

**11 Flowchart for reviewing the headteacher’s suspension or exclusion decision**



<sup>49</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>50</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.