



DEVONPORT HIGH SCHOOL FOR GIRLS

Exclusion Policy

Named person: Lee Sargeant

Category: Statutory

Review: When necessary for changes to be made

This policy has been reviewed with regard to the work/life balance of staff.

Ratified at the Trustee's Meeting on 10/07/2023

1. INTRODUCTION

In a school that is committed to high standards of teaching and learning, and with an ethos that promotes a culture that values achievement and respect for others, exclusions should be rare.

- 1.1. Good discipline in schools is essential so that all students can benefit from the opportunities provided by education and so that the school is a safe environment for students, staff and visitors. Against this background there may be occasions when it is necessary to consider exclusions (suspensions – for a fixed period or permanent exclusions). However, permanent exclusions should only be used as a last resort and only in response to either a serious breach, or persistent breaches of this school’s behaviour policy **and** where allowing the student to remain in school would seriously harm the education and/or welfare of the student or others within the school. This policy takes into account the statutory guidance from the Department for Education on ‘Behaviour in Schools’ and ‘Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement’, from September 2023.

2. AUTHORITY TO EXCLUDE

- 2.1. Only the Head Teacher has the authority to suspend or permanently exclude a student. This is the case whether the exclusion is permanent or for a fixed period (suspension - up to a maximum of 45 school days). If the Head Teacher is absent from school, the next most senior member of staff in the school has the power to suspend or permanently exclude.

3. THE PROCESS

- 3.1. The Head Teacher will investigate potential breaches of the school’s Behaviour Policy prior to making a decision to suspend or permanently exclude a student unless there is a risk that allowing the student to remain in school would threaten their safety or the safety of other students or others in the school.
- 3.2. The investigation should include consideration of all available and relevant evidence and encompass interviewing the student at risk of exclusion and any other relevant witnesses.
- 3.3. Where the Head Teacher takes a decision to suspend or permanently exclude a student they will, without delay, inform the parents/carers of the fact of the exclusion, the reasons for it and the period of the exclusion. They will also confirm in writing:

- a) the reasons for the exclusion
- b) the period of a suspension or, for a permanent exclusion, the fact that is permanent
- c) the parents'/carers' right to make representations to the Trustees' Disciplinary Committee (TDC) and how the student may be involved in this process
- d) how any such representations should be made
- e) the fact that where there is a legal requirement for the TDC to consider the suspend or permanent exclusion, that the parents/carers have a right to attend a meeting, to be represented (at their expense) and to be accompanied by a friend
- f) what arrangements have been made to enable the student to continue his/her education prior to the start of any alternative provision or the students return to school
- g) the relevant sources of free information available to parents/carers including:
 - a link to the statutory guidance on exclusions
(<https://www.gov.uk/government/publications/school-exclusion>)

a link to sources of impartial advice for parents/carers such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) and their telephone number 08088 020 008; and

where the Head Teacher considers it relevant links to local services such as the Information Advice & Support Services Network (formerly known as the local parent partnership).

- 3.4. If the suspended or permanently excluded student is of compulsory age, the Head Teacher will also notify the parents/carers, without delay, and by the end of the session that the first five days, school days, of the exclusion parents/carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that the parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so.
- 3.5. Following a suspension for a fixed period of time, a re-integration meeting will be held involving the student, parents/carers and a senior member of the Pastoral Staff or Leadership Team, where appropriate. Here the strategy will be discussed/agreed for managing the students' future behaviour.
- 3.6. If alternative provision is being arranged, the parents/carers should also be informed of the arrangements to include the start date, start and finish times, where the provision will take place and who the student should report to on the first school day.

- 3.7. Where the Head Teacher takes a decision to exclude permanently, or to suspend for a period of five or more school days (10 or more if lunchtime exclusion only) in a term, or where the suspension would result in the student missing a public examination, he/she will also, without delay, notify the Governing Body and Local Authority. Notifications should include the reasons for the suspension and the length of any fixed-period.

4. FACTORS TO BE CONSIDERED

Alternatives to exclusion

- 4.1 Prior to taking a decision to suspend or permanently exclude a student, the Head Teacher will first consider whether any alternative actions might be appropriate including:
- a) internal exclusion which may include a lunchtime exclusion
 - b) a managed move to another school
 - c) mediation
- 4.2 The Head Teacher will take into account any contributing factors including where the student has suffered bereavement, has mental health issues or has been the subject of bullying when considering whether an alternative action might be more appropriate than a suspension or permanent exclusion.

Students with a disability

- 4.3 Students with a disability may be particularly vulnerable to the impacts of exclusions. Therefore, particular care will be taken when considering a suspension or permanent exclusion of a student with a disability. The Head Teacher will ensure that reasonable adjustments have been considered prior to taking a decision to suspend.

Students with SEN/EHCP and looked after children

- 4.4 Students with SEN/EHCP and looked after and previously looked after children are also particularly vulnerable to the impacts of exclusion. Therefore, the Head Teacher will, as far as possible, look to avoid suspending or permanently excluding these categories of students. The school should engage proactively with parents/carers and co-operate proactively with foster carers or children's home

workers and the Local Authority that looks after the child. The Virtual School should be consulted for looked after children.

- 4.5 Where the school has concerns about the behaviour, or risk of a suspension or permanent exclusion of a child with special educational needs, a student with an EHCP or a looked after or previously looked after child it will, in partnership with others (including the Local Authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEN. Where a student has an EHCP, the school will consider requesting an early annual review or interim / emergency review.

5. REVIEW BY THE TRUSTEES

- 5.1. The Trustee Disciplinary Committed are 3 trustees appointed by the Trustee Board, who have a duty to review the Head Teacher's decision to exclude. They must consider whether to reinstate the student or not, through a hearing and scrutiny of an exclusion pack. They must also consider any parent's/carer's representations in respect of a suspension or permanent exclusion of their child. They will review all cases where:
- a) the exclusion is permanent,
 - b) the suspension is for a fixed period which would bring the student's total number of school days of exclusion to more than 15 in a term or,
 - c) the suspension or permanent exclusion would result in the student missing a public examination.
- 5.2. The TDC (Trustee Disciplinary Committee) should have regard to, and consider the Department for Education Guidance "Exclusion from maintained schools, Academies and student referral units in England – September 2023" when reviewing any decision relating to a suspension or permanent exclusion of a student. The primary function of the TDC is to consider all of the evidence and decide whether, the decision of the Head Teacher, was lawful, reasonable and procedurally fair. The TDC members should also be trained on using this guidance.
- 5.3. When considering the decision of a Head Teacher, the TDC will request any written evidence in advance of the hearing and where possible, circulate any written evidence and information, including a list of those who will be present at the review meeting, to all parties at least 5 school days in advance of the meeting.
- 5.4. The parent/carer will always be invited to the hearing, along with the Head Teacher, and are entitled to be accompanied by a friend or representative (at their expense).

- 5.5. The TDC will identify any steps they might take to enable and encourage the suspended or permanently excluded student to attend the hearing and/or how the excluded student might make representations if it is not possible for them to attend. E.g. a written statement.
- 5.6. At the hearing, when making any findings of fact, the TDC will decide on matters based on the balance of probabilities i.e. whether something is more likely than not.
- 5.7. The TDC must decide whether to reinstate or not reinstatement of the student. The TDC will notify the parents/carers, the Head Teacher and the Local Authority of their decision, and the reasons for their decision, in writing without delay.

If the TDC declines to reinstate the student, they will write to the parents/carers and confirm:

- the fact that the TDC declined to reinstate the student
 - the reasons for their decision
 - the parent's/carer's right to appeal to an independent review panel (IRP)
 - the name and address to whom an application (and any written evidence) should be submitted
 - that any application should set out the grounds of appeal, the date by which any appeal needs to be submitted and where relevant, how the student's special educational needs were relevant to the exclusion
 - the parent's/carer's right (regardless of whether the student has recognised special educational needs) to appoint an SEN expert to attend the review, details of the role of the expert and the fact there would be no cost to the parents/carers in this regard
 - that parents/carers must make it clear if they wish for an SEN expert to be appointed
 - that parents/carers may, appoint someone (at their expense) to make written and/or oral representations and that they may also be accompanied by a friend
 - that if parents/carers believe any form of discrimination has taken place that they have the option of pursuing a claim under the Equality Act and that any such claim must be issued within 6 months of the date on which the alleged discrimination occurred
- 5.8. In line with the September 2023 Suspension and Permanent Exclusion Guidance, the Head Teacher has the right to cancel an exclusion before the TDC has been met.

6. DUTY TO ARRANGE EDUCATION

- 6.1. For the first five school days of either a suspension or permanent exclusion, school staff will set work that the student should complete at home under parental supervision.
- 6.2. If the exclusion is permanent, the Local Authority will arrange for alternative provision to begin no later than the sixth school day of exclusion. If the suspension is for a fixed-period for more than 5 days, we will arrange for alternative provision to begin on the sixth school day of exclusion.