



## Exclusion Policy

Author	MG Simpson
Responsibility	All staff and the governing body
Effective Date	May 2023
Reviewed by Ethos Committee	May 2023
Review Date	May 2024
Approved by full Ethos Committee	May 2023
Storage: (i) Electronic (ii) Hard Copy	(i) Google Drive and on school website (ii) Policy file
Distribution	All staff and governors  Open access to parents and students via school website and school office

### Rationale

As a Church of England School, Behaviour for Learning in Holywell School is rooted in our distinctively Christian character and our core beliefs which are Gospel inspired and which support the school’s Vision:

At Holywell, our vision is that everyone in our community chooses to “Live Life in all its Fullness” (John 10:10). Inspired by the teaching of Jesus, the Good Shepherd,  
we choose to live our values,  
being the best we can be  
in community.”

As a school, we are guided by ‘Live life in all its fullness’ (John 10:10). We encourage everyone in our community to make the right choices, to follow the teachings of Jesus, to be committed to keeping each other safe, to keep the focus on learning and to be peaceful problem-solvers. All behaviour is a choice: living life in all its fullness is also a choice; it changes the way we see each other and is revealed in our most challenging moments; it is in these challenging moments that we look to the inspiration of Jesus to make the right choices.

“In everything, then, do to others as you would have them do to you.” Matthew 7:12  
“Be kind to one another, tender-hearted, forgiving one another, as God in Christ forgave you.” Ephesians 4:32

### Aims

The specific aims of the Exclusion Policy are:

- To ensure that we have a shared understanding of what circumstances could or will result in suspension or exclusion

- To ensure that practices and processes for suspension and exclusion are clear, just and fair
- To ensure that practices and processes are consistently, insistently and persistently applied

### **Definitions:**

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 for Learning 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.

### **Values and Principles**

At Holywell School, our Behaviour for Learning Policy is rooted in our values-driven philosophy. We value everyone as a unique individual. Our values, including love, service, compassion, tolerance, forgiveness, kindness, dignity, joy and a commitment to community permeate our school’s ethos.

Our students speak very proudly of the impact of these values on both themselves and the school. “They say that the school’s values make them think and act more thoughtfully and positively as well as making the school a better place.” (Ofsted 2018).

Our primary concern is the safety, wellbeing and education of all students; actions taken in cases of bad behaviour are with the intention of upholding their wellbeing and academic progress, as well as fulfilling our safeguarding responsibilities.

### The Holywell Behaviour Principles

So that everyone in our community can 'live life in all its fullness', we expect behaviour which enables all students to be "the best that they can be", treating others as we wish to be treated. We do this through our high expectations, promoting positive and active engagement with learning. Students’ pride in themselves as an individual and as part of the wider school community is shown by:

1. Respecting everyone in the school community,
2. Being kind, respectful and caring towards all members of the school community, and
3. Keeping themselves and others safe at all times.

### **Suspension and Exclusion as part of a range of sanctions and consequences**

Our Exclusion Policy sits within the overarching Behaviour for Learning guidelines and is part of a range of sanctions which are used to address inappropriate behaviour.

Suspension and Exclusion do not fit well with our spirit of forgiveness, second chances and restoring broken relationships, however, sometimes, our duty to all of our community outweighs the needs of an individual. We work closely with the local Access and Inclusion Team and will often seek advice on appropriate sanctions. Whilst most suspensions are following a build-up of disruptive behaviours and incidents, there are, however, circumstances which will result in an immediate fixed-term suspension.

Where students are ‘at risk’ of permanent exclusion, we will explore other possibilities before considering permanent exclusion. A permanent exclusion is very rare and will usually be made after all reasonable interventions have been exhausted.

There are also exceptional circumstances which could result in immediate permanent exclusion.

We will ensure that all suspensions and permanent exclusions are lawful, rational, reasonable, fair and proportionate. We have a statutory duty not to discriminate against students on the basis of protected characteristics, such as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We will consider the fair treatment of students from groups who are vulnerable to exclusion.

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

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'

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour for Learning Policy
- Anti-Bullying Policy
- Student Commitment (Code of Conduct)
- Equality Policy
- Acceptable Use Agreement (for ICT)
- Special Educational Needs and Disability (SEND) Policy
- Safeguarding Policy

## **Types of exclusion**

There are three main types of exclusion:

- Internal suspension (isolation)
- Suspension (formerly known as a fixed-term exclusion)
- Permanent exclusion

### Internal suspension (isolation)

This is often used as a pre-emptive strategy or a strategy for first-time offences. Internal suspension may be considered in the following circumstances:

- For serious breaches of behaviour (see below for 'Grounds for exclusion').
- Where external suspension would put the student at risk (NB. In such circumstances, this may still be recorded as a formal suspension and advice from other agencies will be sought).
- For repeated low-level disruption that has reached an unacceptable level (e.g.. accumulation of 8 Behaviour Points)

An internal suspension can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be isolated from their peers at break/lunchtime for an equivalent of 1 day.

### Suspension (formerly known as Fixed-period exclusion)

This is often used:

- Where previous pre-emptive strategies (Appendix C) have not secured a change in behaviour or where an internal exclusion has already been issued for a similar offence.
- For serious breaches of behaviour (see below for 'Grounds for exclusion').

A suspension is 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.

Individual suspensions will be for the shortest time necessary – usually 1 day. We believe that suspensions of more than a day or two make it more difficult for the student to reintegrate into the school afterwards. Ofsted inspection evidence suggests that 1-3 days for suspensions are often long enough to secure the benefits of suspension without adverse educational consequences. If a student has been suspended, we are obliged to set and mark work for the first 5 school days.

Where it is clear that suspensions are not being effective in deterring poor behaviour, for example if they are being repeatedly imposed on a student in response to the same behaviour, alternative strategies for addressing that behaviour will be considered

If a student has a total of 15 days of suspensions in any one term, a Governors' Review Panel will be actioned.

A suspension can also be for parts of the school day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period.

For a suspension of more than five school days, the governing body will arrange suitable full-time education for any student of compulsory school age. This provision must begin no later

than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one suspension or more than one suspension.

### Permanent exclusion

A permanent exclusion is very rare and involves the student being removed from the school roll and not being allowed to return to the school. A decision to exclude a student permanently will only be taken:

- 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 student or others in the school.

A permanent exclusion will usually be made after all reasonable interventions have been exhausted. There are also exceptional circumstances which could result in immediate permanent exclusion.

Students can be permanently excluded following a suspension, where further evidence is presented.

The local council must arrange full-time education from the sixth school day.

### **Grounds for exclusion**

The decision to exclude a student will always be on disciplinary grounds.

The school will only suspend or exclude a student where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful.

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. Prohibited items include:
  - Knives and weapons
  - Alcohol
  - Illegal drugs
  - Stolen items
  - Tobacco and cigarette papers\*
  - Fireworks
- Pornographic images. \*
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- Serious damage to the reputation of the school

Students can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, students can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide

whether a student will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

### **Grounds for permanent exclusion**

A decision to exclude a student permanently is a serious one and will only be taken when we have exhausted all available strategies and as a last resort. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of pre-emptive and/or other strategies that have been tried without success. A decision to exclude a student permanently will only be taken:

- 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 student or others in the school.

Exceptional serious breaches of the school's behaviour policy which could lead to a student being permanently excluded for a first or 'one off' offence include:

- A. serious actual violence against another student or a member of staff;
- B. sexual abuse or assault;
- C. supplying and/or using an illegal drug on the school site;
- D. carrying an offensive weapon with intent to harm or using an offensive weapon;
- E. any act where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

The decision to exclude is for the head teacher to take. Where practical and possible, an investigation will take place and all parties directly involved (including the student at risk of exclusion) will be given an opportunity to present their case before taking the decision to exclude. When reaching the decision to exclude a child, the headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities', which means it is more likely than not that a fact is true. Advice will always be sought from the Access and Inclusion Team in Central Bedfordshire with regard to a permanent exclusion and decisions made in line with DfE guidance.

Whilst an exclusion may still be an appropriate sanction, the headteacher will take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it becomes known that the student has suffered bereavement, has mental health issues or has been subject to bullying.

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have. The headteacher will also consider the use of a multi-agency assessment for a student who demonstrates persistent disruptive behaviour. Such assessments may pick up unidentified SEND but the scope of the assessment could go further, for example, by seeking to identify mental health or family problems.

### **Drug-related exclusions**

Illegal and other unauthorised drugs have no place within our school. Where the misuse of authorised drugs is concerned, the headteacher/teachers in charge will conduct a careful investigation to judge the nature and seriousness of each incident before deciding what action to take. Factors to consider in determining an appropriate response to a drug-related incident are set out in the Department's guidance [DfE and ACPO drug advice for schools](#)

## Search Guidance

NB. School staff can search for the following without consent:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers\*
- Fireworks
- Pornographic images.

\*At Holywell, this also includes e-cigarettes or vapes

See Appendix A for Search guidelines.

## Student's opportunity to participate in suspension/exclusion procedures

The student's participation in decisions related to their suspension/exclusion is not set out in primary legislation or regulations. Nevertheless, at Holywell, we invite and encourage the student to state their case at all stages of the suspension/exclusion process, where appropriate and at a suitable time, also taking account of their age and understanding. We use our internal 4W's reflection sheet to enable students to think about their actions, the impact on others, restorative actions and any support to ensure good behaviour moving forward. See Appendix B

## Recording procedures

In every instance where a student is suspended, the head teacher will formally record and specify the length of the suspension (for reporting purposes this should be recorded as a half day, whole day or lunchtime). The head teacher will ensure that:

- they are meeting their legal duty of care towards students, and that parents are formally notified of the suspension/exclusion;
- child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
- that work is sent home or alternative provision is arranged.

**The head teacher's power to exclude: A guide to the law** *(quoted directly from "Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement Guidance for maintained schools, academies, and student referral units in England" DfE September 2022)*

This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe, and supportive environment in which students can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all student behaviour can be amended or remedied by pastoral processes, or consequences within the school.

1. Only the headteacher can suspend or permanently exclude a student on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
2. A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or

permanent 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 suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

3. When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must 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 headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a student home following an exclusion.
4. Headteachers should also take the student's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the student about how their views have been factored into any decision made. Where relevant, the student should be given support to express their view, including through advocates such as parents or, if the student has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.

### **Suspension**

1. A suspension, where a student is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy.
2. A student may be suspended for one or more fixed periods<sup>14</sup> (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.
3. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a student that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a student, headteachers and schools should consider whether suspension alone is an effective sanction for the student and whether additional strategies need to be put in place to address behaviour.
4. It is important that during a suspension, students still receive their education. Headteachers should take steps to ensure that work is set and marked for students during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy. The school's legal duties to students with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled students during this period. Any time a student is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.
5. A suspension can also be for parts of the school day. For example, if a student'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 the



suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

6. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### **Permanent exclusion**

1. A permanent exclusion is when a student is no longer allowed to attend a school (unless the student is reinstated). The decision to exclude a student permanently should only be taken:
  - 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 student or others such as staff or students in the school.
2. For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered. Paragraph 8 provides further guidance on utilising online pathways and the potential significance of SEND law.

### **Cancelling exclusions**

1. The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:
  - Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
  - Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
  - Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
  - The student should be allowed back into school.

## Other legislative matters

### Principles of Administrative Law

Any decision of a school, including 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.

### Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, headteachers of maintained schools and student referral units must determine measures to be taken with a view to:

- promoting, among students, self-discipline, and proper regard for authority,
- encouraging good behaviour and respect for others on the part of students and, in particular, preventing all forms of bullying among students,
- securing that the standard of behaviour of students is acceptable,
- securing that students complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of students.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

### Duties under the Equality Act 2010 and Children and Families Act 2014

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK ([www.gov.uk](http://www.gov.uk)), schools must not discriminate against, harass, or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to students. These duties need to be complied with when deciding whether to exclude a student. Schools must also ensure that any provision, criterion, or practice does not discriminate against students by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a student with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory. The governing board must also comply with their statutory duties in relation to students with Special Educational Need (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings<sup>8</sup>) using their 'best endeavours' to ensure the appropriate special educational provision is made for students with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.

It is unlawful to exclude for a non-disciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a student's parents; or the failure of a student to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a student who repeatedly disobeys their teachers' academic instructions could be subject to exclusion.

'Informal' or 'unofficial' exclusions, such as sending a student home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. The only reasons for students not to be 'in school' are if they are excluded, if they are attending alternative education, if they have been given permission to not attend school under an attendance authorised code or if they are absent on medical grounds.

Any exclusion of a student, even for short periods of time, must be formally recorded. Students at Holywell School can transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents and the admission authority of the school. However, the threat of exclusion will (and must) never be used to influence parents to remove their child from the school.

### **Procedures following a suspension**

Whenever the headteacher suspends a student, parents will, without delay, be notified of the period of the suspension and the reason(s) for it. The following information will also be provided in writing:

- the reason(s) for the suspension;
- the period of the suspension;
- parents' right to make representations about the suspension to the governing body (in line with the requirements set out in paragraphs 52 to 60) and how the student may be involved in this;
- how any representations should be made; and where there is a legal requirement for the governing body to consider the 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.

Written notification of the information mentioned above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

Where a suspended student is of compulsory school age the headteacher must also notify the student's parents of the days on which they must ensure that the student is not present in a public place at any time during school hours. These days would be the first five school days of a suspension (or until the start date of any alternative provision or the end of the suspension 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. The head teacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session.

As a school, we are obliged to provide education during a suspension. Parents are not responsible for making educational provision for their suspended child, but are expected to cooperate with schools in this regard. Where a student is given a suspension of a duration of six school days or longer, the school has a duty to arrange suitable full-time educational

provision from and including the sixth school day of the suspension: this does not apply to students of non-compulsory school age.

We will also explain how the time might be used to address the student's problems; and what support will best help with the student's reintegration into the school at the end of the suspension. This will usually include arrangements for a reintegration interview with a parent of the student. The head teacher will usually arrange a reintegration interview with parents during or following the expiry of any internal or fixed period exclusion. The student should normally attend all or part of the interview. The interview should be conducted by the head teacher/teacher in charge or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or governor for Looked After Children or children with SEND. The purpose of the reintegration interview is to assist the reintegration of the student and promote the improvement of his or her behaviour. It provides an opportunity to:

- a. emphasise the importance of parents working with the school to take joint responsibility for their child's behaviour;
- b. discuss how behaviour problems can be addressed;
- c. explore wider issues and any circumstances that may be affecting the child's behaviour;
- d. reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
- e. create a useful forum to consider with parents the possibility of a parenting contract.

The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the student returns to school. The head teacher/teacher in charge must try to arrange the interview for a date and time that is convenient to the parent. If possible, the interview should be held on the day the student returns to school. The interview date suggested by the head teacher/teacher in charge should be a school day, but the interview can be held on a non-school day if the head teacher/teacher in charge and parent agree. At least one of the child's parents is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the school or local authority. Schools must keep records of the failure to attend a reintegration interview, and of any explanation given by the parent for failure to attend, as the court may need to see them. However, a suspension must not be extended if such an interview cannot be arranged in time or the parents do not attend. The interview must be conducted on school premises. The notice relating to a reintegration interview can be combined with the notice informing the parent of the exclusion or relating to the alternative educational provision that the student must attend whilst excluded (see the Education (Reintegration Interview) (England) Regulations 2007). The notice must be given no later than six school days before the date of the reintegration interview.

There may be circumstances in which a reintegration meeting is not appropriate and, in such circumstances, agreements and expectations of the student on return to school will be put in place before they return.

### **Procedures following permanent exclusion**

In the case of a permanent exclusion, the headteacher must, without delay, notify parents of the permanent exclusion and the reason(s) for it. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the fact that it is permanent;

- parents' right to make representations about the exclusion to the governing board and how the student may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the 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.

Written notification of the information mentioned above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

In the case of a permanent exclusion the student remains on the roll of the school until any appeal is determined; until the time limit for the parents to lodge an appeal has expired without an appeal being brought; or the parent has informed the LA in writing that no appeal is to be brought.

During the first five school days of a permanent exclusion the school will provide work for the student to complete. During these initial five school days of exclusion parents must ensure that their child is not present in a public place during school hours without reasonable justification.

Also, during the first five days of a permanent exclusion the LA should arrange to assess the student's needs and how to meet them including any special educational needs the student may have. The LA should also arrange a meeting with the parents to discuss options within the first week of the exclusion. From the sixth school day of a permanent exclusion, the LA is statutorily responsible for ensuring that suitable full-time education is provided to students of compulsory school age. This will be the student's home LA in cases where the school is maintained by a different LA. For a student with an Education and Health Care Plan (EHCP), suitable full-time provision must be appropriate to their special educational needs as set out in the EHCP.

If the school or LA considers that parenting is a factor in the behaviour of the student who has been excluded, they should consider whether it may be appropriate to offer a parenting contract or apply to the magistrates' court for a parenting order. Schools and LAs can also do this before the student's behaviour deteriorates to the point where exclusion is the only appropriate response. In accordance with the law on admissions, a school may not require a parent to sign a parenting contract as a condition of their child being admitted following permanent exclusion.

### **Parental cooperation**

If a parent does not comply with a suspension or a permanent exclusion, for example by sending the child to school, or by refusing to collect, or arrange collection of, him or her, including at lunchtime, as a school, we will have due regard for the student's safety in deciding what action to take. A suspension or exclusion should not be enforced if doing so may put the safety of the student at risk. If efforts to resolve the issue with the parents are unsuccessful the school will consider whether to contact the Education Welfare Service and seek the advice of the local authority. In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental cooperation and this is affecting the child's behaviour, the school or local authority may consider applying for a parenting order.

### **Procedures for review and appeal**

The head teacher must notify the governing body of any suspension or permanent exclusion. The governing body/management committee must decide whether or not to reinstate the student, if appropriate, or whether the head teacher's/teacher in charge's decision to exclude the student was justified/appropriate. The governing body or management committee (for PRUs) can delegate the function of reviewing exclusions to a committee consisting of at least three governors/members, which may be called the Discipline Committee.

### **Informing the governing board about an exclusion**

The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the student);
- any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the student missing a public examination or national curriculum test.

When removing a student from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (student Registration) (England) Regulations 2006, as amended. If applicable, the student's name should be removed from the school roll at the appropriate time.

### **Informing the local authority about an exclusion**

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

For a permanent exclusion, if the student lives outside the local authority area in which the school is located, the headteacher must also notify the student's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion, the fact that it is permanent.

The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this places on schools.

### **Considering exclusions**

The governing body will consider any representations made by parents in regard to exclusions.

Parents and, where requested, a friend or representative, the head teacher and a member of the LA will be invited to attend any consideration of exclusions and will be able to make representations.

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.

The governing body will consider the reinstatement of an excluded student, where:

- The exclusion is permanent.

- The exclusion is fixed-period, and would bring the student's total number of excluded school days to more than 15 in any given term.
- The exclusion would result in the student missing a public examination.

In the case of a fixed-period exclusion where the student's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents, the governing body will consider exclusions within 50 school days of receiving notification.

In the case of a fixed period exclusion, where the student's total number of excluded school days does not amount to more than five, in the absence of any such representations, the governing body is not required to meet and cannot direct the reinstatement of the student.

Where exclusion would result in a student missing a public examination, the governing body will consider the exclusion before the test to decide whether the student should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, a smaller sub-committee will consider the exclusion and decide whether or not to reinstate the student.

In light of the above, the governing body will also consider whether it would be appropriate to allow the excluded student to enter the premises to take the examination.

When considering the reinstatement of an excluded student, the governing body will:

- Only discuss the exclusion with the parties present at the meeting.
- Ask for any written evidence prior to the meeting.
- Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- Allow students and parents to be accompanied by a person of their choice at the meeting.
- Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- Identify the steps needed to enable and encourage the excluded student to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- Consider the interests and circumstances of the excluded student, including the grounds for exclusion.

#### Reaching a decision

After considering exclusions, the governing body 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 fixed-period exclusion or the parents make clear they do not want their child reinstated, the governing body will still consider whether the student should be officially reinstated, and whether the head teacher's decision to exclude the student was fair, lawful and proportionate, based on the evidence presented.

The governing body will apply the civil standard of proof when responding to the facts relating to an exclusion, it is more likely than not that the facts are true.

To reach a decision, the governing body will:

- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- Consider whether the exclusion of the student was lawful, proportionate and fair, taking into account the head teacher's legal duties and any evidence that was presented to the governing body in relation to the decision to exclude.
- Record the outcome of the decision on the student's educational records, along with copies, which will be kept for at least six months.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the student.

#### Notification of considered exclusions

The governing body will notify the parents of the excluded student, the head teacher and the LA of their decision following the consideration of an exclusion, in writing and without delay.

In the case of a permanent exclusion, where the governing body decides not to reinstate the student, they will notify the parents:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made.
- Of the name and address of whom the review application should be submitted to.
- That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a student's SEND is considered relevant to the exclusion.
- That, regardless of whether a student has been identified as having SEND, the parents have a right to require the governing body to ensure a SEND expert attends the review.
- Of the role of the SEND expert that will attend the review, and that the parents will not be charged for this.
- That they are required to make it clear if they wish for a SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

The governing body will also notify parents that, if they believe an exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing body will notify the parents, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.



### **Removing permanently excluded students from the school register**

The head teacher will remove students from the school register if:

- 15 school days have passed since the parents were notified of the governing body's decision not to reinstate the student and no application for an independent panel review has been received.
- The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

If an application for an independent panel review has been made within 15 school days, the head teacher will wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the student from the school register.

If a student's name is to be removed from the register, the head teacher will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the student normally resides.
- The grounds upon which the student's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the student's name was removed.

If a student's name has been removed from the register and a discrimination claim is made, the student may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a student's name remains on the admissions register, the appropriate code will be used to mark the student's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

### **Independent review panel**

The LA will review the governing body's decision not to reinstate a permanently excluded student, if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
- A current or former school governor who has served for at least 12 consecutive months in the last five years.
- A head teacher or individual who has been a head teacher within the last five years.

Parents are required to submit their applications within:

- 15 school days of the governing body's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed.

Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing body's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and student referral units in England' 2017.

#### Appointing a SEND expert

If requested by parents in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

Individuals will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals might include educational psychologists; specialist SEND teachers; Special Educational Needs and Disabilities Coordinators (SENDCOs); and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, the LA will, during interview, assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded student, or siblings of the excluded student. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

#### The role of a SEND expert

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND

expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the student's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded student, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the student's exclusion.

Where the school does not recognise that a student has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the student may potentially have, and any contribution that this could have made to the circumstances of the student's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

#### Appointing a clerk

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing body when the decision was made not to reinstate the student.

#### The role of a clerk

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- Identify, in advance of the meeting, whether the excluded student wishes to attend the panel hearing, taking reasonable steps to enable the student to feedback their views, irrespective of their attendance.
- Identify, in advance of the meeting, whether any alleged victims of the incident(s) leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- Ensure that the panel is able to hear from any witnesses to the incident(s) leading to the exclusion, taking into account the fact that some of these people may be students at the school (Students under 18-years-old will not be allowed to appear in person without parental consent).
- Inform the parents, head teacher, governing body and [maintained schools and PRUs only] the LA, that they are entitled to:
  - make oral and written representations to the panel;
  - attend the hearing;
  - and be represented.
- Ensure that all parties are:
  - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
  - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

Where a clerk is not appointed, the LA will undertake the functions outlined above.

### The duties of independent review panel members in the conduct of a review panel

The role of the panel is to review the governing body's decision not to reinstate a permanently excluded student. In reviewing the decision, the panel will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school.

The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- Uphold the decision.
- Recommend that the governing body reconsiders reinstatement.
- Quash the decision and direct that the governing body reconsiders reinstatement.

The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the student, parents, the governing body, head teacher and the LA.

### Reconsidering reinstatement following a review

Where the independent review panel instructs the governing body to reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an instruction to reconsider, the governing body does not offer to reinstate the student, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

Where the independent review panel recommends that the governing body should reconsider their decision not to reinstate a student, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following a recommendation to reconsider, the governing body does not offer to reinstate the student, it will not be subject to a financial adjustment.

If, following reconsideration, the governing body offers to reinstate the student but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing body will notify the parents, the head teacher and the LA of their reconsidered decision and the reasons for this.

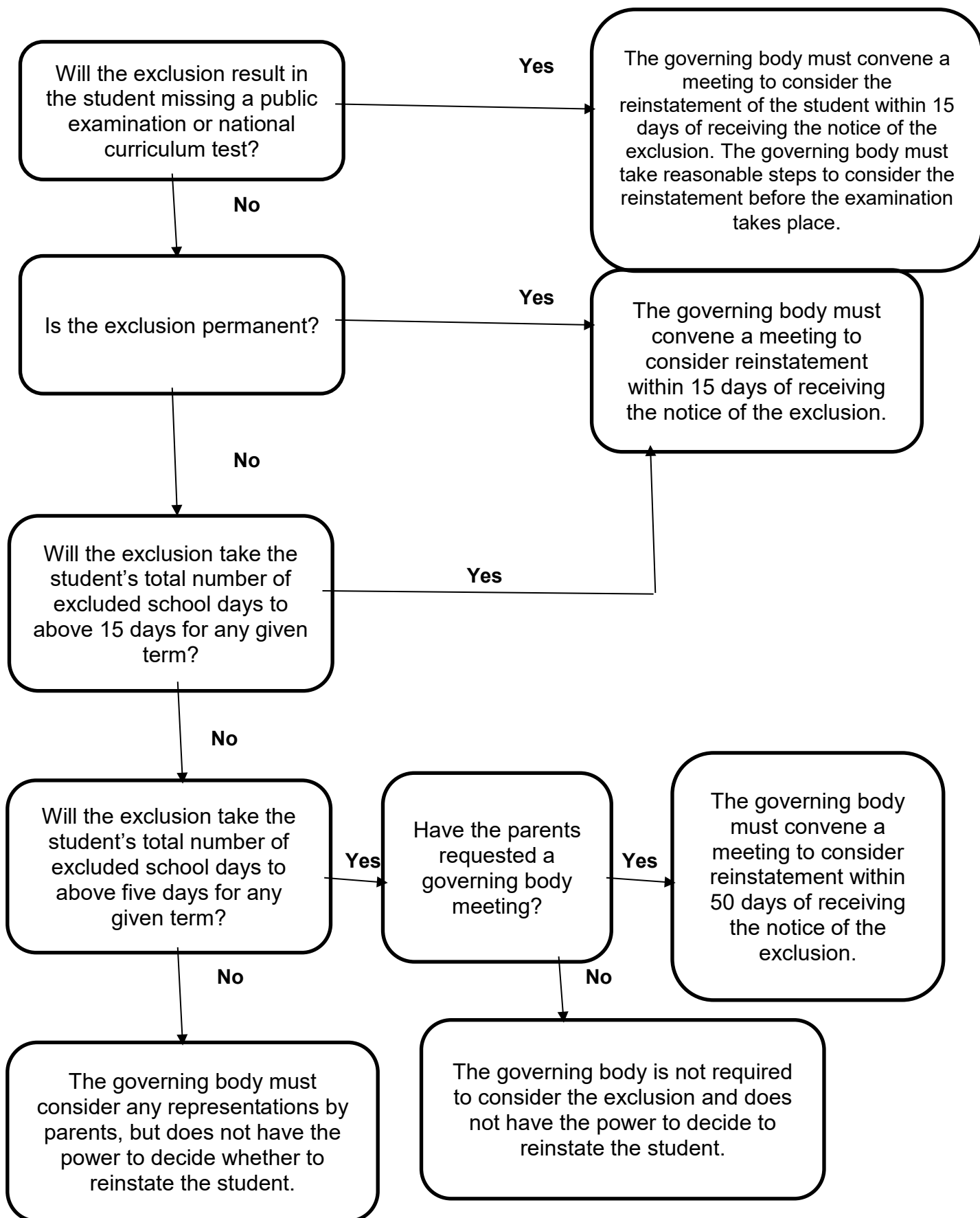
### **Criminal investigations**

The head teacher will not postpone taking a decision to exclude a student due to a police investigation being underway, or any criminal proceedings that are in place.

The head teacher will give particular consideration when deciding to exclude a student where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing body is required to consider the head teacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Further details of the process for following up an exclusion are in the DfE Guidance Document: DfE (2017) 'Exclusion from maintained schools, academies and student referral units in England'. This diagram summarises the process:



## **Review**

This policy will be reviewed annually by SLT and the Ethos Committee of the Body of Governors. The governing body may, however, review the policy earlier than this if they receive recommendations on how the policy may be improved.

## Appendix A: Search Guidelines

NB. School staff can **search** for the following without consent:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers\*
- Fireworks
- Pornographic images.

\*At Holywell this also includes e-cigarettes or vapes

Staff can **confiscate** any item, however found, that they deem harmful or detrimental to school discipline. They can also seize any prohibited item found as a result of a search.

The head teacher, or a member of school staff authorised by the head teacher, can conduct a search.

Guidelines:

- Authorised staff conducting a search must be the same sex as the student being searched; there must be a witness (also a staff member) and, if possible, they should be the same sex as the student being searched.
- There is a limited exception to this rule which is only to be used in extreme circumstances. Authorised staff can carry out a search of a student of the opposite sex and / or without a witness present, but only where it is reasonably believed that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

We will inform parents and the police where a criminal offence may have taken place. We will consider whether or not to inform other agencies such as Youth Offending Teams or social workers.

In line with DfE guidance, where the head teacher / teacher in charge has permanently excluded a student for:

- a) one of the above offences; or
- b) persistent and defiant misbehaviour including [bullying](#) or repeated possession and/or use of an illegal [drug](#) on school premises (see further guidance on bullying at [www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/](http://www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/) and drug-related incidents) and where the basic facts of the case have been clearly established on the balance of probabilities

the Secretary of State would not normally expect the governing body or an Independent Appeal Panel to reinstate the student. The school will keep the Governing Body and parents informed of any permanent exclusions.



## Appendix B



# 4Ws Reflection

Student's Name: \_\_\_\_\_

Class: \_\_\_\_\_

Teacher's Name: \_\_\_\_\_

Date: \_\_\_\_\_

Where did this happen? \_\_\_\_\_

When did this happen? \_\_\_\_\_

### 1. WHAT?

What happened?

What happened before that?

### 2. WHO?

Who was affected? How do you feel now?

### 3. WHY?

Why did you act this way? Why did you make the choices you made? What values do you need to develop?

### 4. WRAP-UP

How do you put things right? How do you fix things up or work things out?

How do you make sure that this doesn't happen again?

What have you learned?

Resolution required (please tick):

Apology and guarantee

Behaviour agreement

Consequence in line with Consequence Staircase

Further support (Form Tutor / Head of Year / Assistant Headteacher / Deputy Headteacher / Parents)

Other:

**“Live life in all its fullness” (John 10: 10)**

**Enjoy, Achieve, Excel, Care**

**The Holywell Vision (The way forward; the goal; the aim)**

At Holywell, our vision is that everyone in our community chooses to “Live Life in all its Fullness” (John 10:10).

Inspired by the teaching of Jesus, the Good Shepherd, we choose to live our values, being the best we can be in community.

**The Holywell Values (The important things which drive our vision and which underpin our ethos)**

**Kindness, Respect, Love, Peace, Courage, Hope, Community**

**Compassion, Care, Equality, Faith, Forgiveness, Grace, Humility, Justice, Joy, Resilience, Responsibility, Self-Worth and Self-Regulation, Service, Thankfulness, Tolerance**

## **APPENDIX C: Pre-emptive strategies**

Pre-emptive strategies may include the following:

- establishment of a personalised Behaviour Plan to help the student better manage their behaviour. A Behaviour Plan will normally involve a number of interventions. It is particularly appropriate for those students whose behaviour is deteriorating rapidly and will involve a fortnightly review meeting with parents;
- curriculum alternatives;
- temporary placement in an in-school Learning Support Unit as part of a planned positive programme for students;
- temporary or part-time placement in a Student Referral Unit or with a voluntary / private sector alternative provider, where the student can receive educational provision intended to improve their behaviour;
- consideration by the Special Educational Needs and Disabilities Co-ordinator (SENDCo), with colleagues, of possible interventions within the school;
- assessment of special educational needs, including possible placement in a special school;
- allocation of a key worker such as a Learning Mentor, Education Welfare Officer or member of a Behaviour and Education Support Team;
- referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service.
- medical referral
- internal exclusion
- managed move
- involvement of the Local Authority (LA) Inclusion Officer.