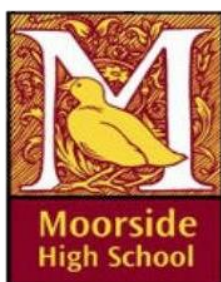




Moorside High School

Exclusions Policy

rev. February 24



Date Reviewed:	February 2024
Date of Next Review:	February 2025
Reviewed by:	Quality of Education Committee

Exclusions Policy at Moorside High School

The principal legislation to which this policy relates to is:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil 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 Pupils) (England) Regulations 2007, as amended by the Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.

Moorside High School aims to create an orderly school in which study is valued. The school's behaviour policy, anti-bullying policy and inclusions policies are therefore closely linked and play an important role in the implementation of this policy.

The Governors have approved a Behaviour Policy in which there is a staged approach to managing behaviour. Therefore, the use of suspensions (fixed period) and permanent exclusion should be seen as part of the school's overall staged approach to the management of pupil behaviour in order to allow learning to take place, in line with the updated 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (September 2023).

The Governors accept the Government's recent views on reducing the numbers of all kinds of exclusions in the interests of pupils themselves, and of society as a whole. Temporary (fixed term) suspensions are therefore used when the school's behaviour policy has been breached.

The exceptions to this, which would result in permanent exclusion, would be:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

When establishing the facts in relation to an exclusion decision the head teacher 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'.

Generally, suspensions (exclusions for a fixed period of time) are for a short period (**1- 10 days**), although the school has the right to use a fixed term suspension of up to a total of 45 days per academic year in exceptional cases. Parents must always be involved in the discussions about the pupil who has a suspended, and it is normal practice to ask the parent into school at the time when an excluded pupil is being readmitted.

For a suspension of more than five school days, the governing body (or local authority in relation to a pupil excluded from a pupil referral unit) must arrange suitable full-time education for any pupil of compulsory school age. The provision must begin no later than the sixth day of the exclusion.

The school also attempts to use internal exclusion as an alternative to temporary suspensions. In internal exclusions, the pupil will work under the direct supervision of the Inclusion Team or a member of the Senior Leadership Team and may have a modified timetable to prevent contact with other pupils at lunchtime and break times. Internal exclusions have the advantage of retaining the pupil in school and ensuring that their education continues. However, they can put a heavy burden on pastoral staff, and the impact of this measure on other pupils must be kept in mind.

When a pupil is excluded, the school will make sure the parent is notified immediately, ideally by telephone, and that the telephone call is followed by a letter within one school day. An suspension will normally begin on the next school day.

Letters about suspensions and permanent exclusions will explain:

- Why the Headteacher decided to exclude the pupil and the steps taken to try to avoid exclusion
- The arrangements for enabling the pupil to continue their education, including setting, and marking the pupil's work
- The parent's right to state their case to the Governing Body's Discipline Committee, and that they should write in the first instance to the Headteacher
- The latest date the parent can put a written statement to the Discipline Committee.
- The parent's right to see their child's school record
- If the suspension is for a fixed period, the length of the exclusion and the date and time the pupil should return to school
- If the exclusion is permanent, the date the permanent exclusion takes effect, and details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident

- The name and telephone number of a contact at the Local Authority who can provide advice on the exclusions process and the contact details for other organisations who can offer impartial advice

All correspondence will be in plain English and will try to avoid unnecessary jargon. Exclusion cases should be treated in the strictest confidence.

Informing the Local Governing Body and the Local Authority

When headteachers suspend or permanently exclude a pupil, they will also notify the Local Governing Body and local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.

Responsibilities of the Local Governing Body

The Headteacher should provide a report on pupil behaviour in each report to the Local Governing Body and include in this the number of suspensions and permanent exclusions. The Local Governing Body should monitor the operation of this Exclusions Policy, together with the wider Behaviour Policy of which it forms part.

The Disciplinary Review Panel

The Governing Body's disciplinary review panel is made up of three (not including the Headteacher) and its task is to review the use of a suspension or exclusion within the school, including considering the views of the parent of an excluded pupil, and deciding whether or not to confirm suspension of more than five school days or those where a pupil would miss an opportunity to take a public examination. The Governing Body will appoint a clerk to the Disciplinary review panel to provide advice on the suspension or exclusion, and to handle the administrative arrangements for considering exclusions. The Local Governing Body may nominate three or five governors to serve on the Discipline Committee or a pool of governors from which three or five will serve as the Disciplinary review panel to consider particular exclusions.

The quorum for a meeting is three. If a governor has a connection with the pupil or the incident that could affect their ability to act impartially, they should not serve at that hearing. If four members consider an exclusion, the chair has the casting vote.

If the suspension is fewer than five days, a Disciplinary review panel cannot direct reinstatement, but will consider any statement from the parent. For exclusions of more than five days in a term, or where a pupil loses the opportunity to take a public examination, a Disciplinary review panel will consider the suspension and decide whether the pupil should

be re-instated. If a pupil has been suspended several times the governing body should meet once the pupil has missed more than **15** days cumulative in the term. A disciplinary review panel must consider and decide on the reinstatement of a suspended pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher. Provided that the time limits are met, Disciplinary review panels may use a meeting to consider more than one exclusion.

If a suspension for fewer than five days causes the pupil to miss sitting a public examination, the disciplinary review panel should try to meet before the public examination. The normal minimum time limits do not apply.

After the Meeting

A note of the Disciplinary review panel's decision on the exclusion will normally be placed on the pupil's record with a copy of the Headteacher's exclusion letter.

The Local Authority's role is to give their view on the appropriateness of the exclusion. The Local Authority can make a statement to the Discipline Committee when they are considering whether to uphold an exclusion, for example about how other schools in the authority have responded to similar incidents.

The Local Authority has the responsibility for conducting appeals.

Complaint to the Independent Review Panel (IRP)

Only a parent can complain to the IRP. The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel 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'.

Following its review, the panel can decide to:

- Uphold the exclusion decision
- Recommend that the governing body reconsider their decision, **or**
- Quash the decision and direct that the governing body considers the exclusion again

The Role of the Secretary of State

The role of the Secretary of State is to provide, from time to time, guidance on the use of exclusions. But the Secretary of State cannot intervene in the proceedings or decision of an appeal panel.