

Exclusion Policy



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SLT member in charge	Toni Reid-Nelson		

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Suspensions

At The Hurlingham Academy we believe that learning is the most important reason for being at school. In order to support this ethos, it may be necessary to consider suspension as a consequence for behaviour which threatens it.

In this guidance, references to 'exclusion' includes both a suspension (fixed term suspension) and permanent exclusions. Where the policy is referring to a specific type of exclusion (i.e. suspension or permanent), the wording will make this clear.

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1. Guidance Framework

1.1 The Academy Exclusion policy is written in line with the following areas of guidance:

- Education Act 2011
- Education and Inspections Act 2006
- Equality Act 2011
- Behaviour and Exclusion – DfE Guidance
- Behaviour in Schools July 2022
- United Learning Exclusions Policy

2. Links to other Policies

This policy should be read in conjunction Academy expectations and behaviour policy as well as the Academy anti-bullying policy.

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3. Principles

3.1 The Academy is a learning institution which aims to provide life chances for all of its students. We view exclusion as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to suspend.

3.2 We recognise the detrimental impact of exclusion on both the education and well-being of students and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a student and will try hard to avoid it.

3.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as managed moves and alternative provision where appropriate.

3.4 We take account of the Equality Act and of our duty not to discriminate against students for any reason.

3.5 We also take account of our statutory duties in relation to S.E.N.D.

3.6 We aim to involve parents as early as possible in any process.

4. The decision to exclude

4.1 The decision to exclude is made solely by the Principal, or the Vice Principal in his absence.

4.2 There are five circumstances where a student may be required to leave the Academy site with the authorisation of the Principal:

- a) Where a decision has been made to exclude.
- b) Where a student has committed a serious criminal offence outside the jurisdiction of the Academy and it is determined by the Principal that it is in the interests of the community for the student to be educated off-site. This is not an exclusion.
- c) Where, for medical reasons, the presence of a student represents a serious risk to the health or safety of other students or staff. This is not an exclusion.

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- d) If a student is given permission by the Principal to leave the premises briefly to remedy a breach of the Academy rules on appearance or uniform. This should be for no longer than is necessary to remedy the breach and is not an exclusion but an authorised absence.
- e) Where there is good reason to believe that a student is carrying an item which is not allowed onto the site such as an illegal substance or an offensive weapon and they refuse to be screened. In this circumstance the student can be refused entry. This is not an exclusion but an unauthorised absence in the first instance but could lead to exclusion following a full investigation.

4.3 The decision to exclude a student is not taken lightly and the Principal will:

- Ensure that a thorough investigation has been carried out;
- Consider all the evidence available to support the allegations;
- Allow and encourage the student to give their version of events;
- Keep a written record of the actions taken including the signed statements of witnesses;
- Be confident that the procedures detailed later in this policy have been carried out;
- Ensure S.E.N.D expert advice has been taken into account where appropriate;
- Ensure that parents have been kept informed throughout the process and consulted where appropriate.

4.4 The standard of proof applied when deciding to exclude is 'balance of probabilities'. The more serious the allegation, the more convincing the evidence substantiating the allegation needs to be.

4.5 Exclusion will not be used as a consequence for the following:

- a. Minor incidents such as a failure to complete homework;
- b. Poor academic performance;
- c. Lateness or truancy;
- d. Breaches of Academy rules on uniform or appearance except where these are persistent or in open defiance of such rules;
- e. Pregnancy;
- f. As a punishment for the behaviour of their parent / carer.

4.6 Once the decision has been made to exclude, a student will only be sent home once contact has been made with parents/carers and where it is clear that the student will be returning to a place of safety. Work will be provided and either sent with the student or arrangements made for collection.

5. Fixed-term Exclusion (Suspension) (Level 1 and Level 2)

5.1 The decision to exclude a student for a fixed-term may be taken in response to breaches of the school's behaviour for learning policy.

5.2 Examples of behaviour that may lead to a fixed-term exclusion include the following:

- Verbal abuse of staff or students;
- Physical abuse of staff or students;
- Indecent behaviour;
- Damage to property;
- Misuse of illegal drugs or other substances;
- Theft;
- Serious actual or threatened violence against another student or a member of staff;
- Sexual abuse or assault;
- Carrying and / or supplying an illegal substance;
- Carrying an offensive weapon* or a prohibited item;
- Arson;
- Persistent poor behaviour contrary to acceptable behaviour outlined in the Academy expectations;
- Bullying including cyber-bullying.

** A weapon is defined as any item made or adapted for causing injury.*

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that exclusion is an appropriate sanction. Where a student is suspected of carrying an offensive weapon or misusing / carrying / supplying an illegal substance or being part of a group involved in such activity but the evidence is not sufficient they will be given the benefit of the doubt on the first occasion. If there is a repeat of such concern they will run the risk of exclusion.

5.3 The Principal may exclude a student for one or more fixed periods which do not exceed a total of 45 school days in any one school year.

5.4 During a fixed term exclusion of 5 or fewer days, work will be set by the Academy for the student to complete at home. This work should be returned completed at the end of the exclusion for evaluation.

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5.5 For an exclusion of longer than 5 days, the Academy will arrange full-time educational provision from the sixth day of exclusion.

5.6 Before the end of any fixed-term exclusion, parents / carers will be invited to attend a reintegration meeting at the Academy with their son/daughter.

The purpose of the meeting is to ensure that the student understands the reason for the exclusion and is committed to preventing the behaviour that led to the exclusion from being repeated. The Academy will consider all further support needed to help the student, including referral to external agencies if appropriate. The student will also spend a period of time on report to support their reintegration.

5.7 During the first five days of any exclusion, the parents of an excluded student must ensure that they are not present in a public place during normal school hours without reasonable justification, whether with or without a parent / carer. Failure to comply with this is an offence for which a fixed penalty notice can be issued.

5.8 Whilst each exclusion is treated on its own merit we do operate a tariff for exclusions in most cases. A first exclusion is likely to be for a period of 1 or 2 days. The number of days will increase if a student receives further exclusions. Once a student has received four exclusions the length of the exclusion is likely to be for 4 days and the re instatement meeting will be with the Vice Principal. Such a student is deemed to be in serious danger of permanent exclusion. A fifth exclusion would normally be for a period of 5 days and would bring with it a final warning from the Principal who will lead the reintegration meeting. This means that a further exclusion would be permanent. There are of course exceptions to this process depending on the nature and seriousness of the incident for which the student is being excluded.

6.6 Permanent Exclusion (Level 3 Exclusion).

6.1 Permanent exclusion is an extremely rare sanction at the Academy and always avoided wherever possible. The decision to permanently exclude is taken only:

- a) in response to serious breaches of the Academy behaviour for learning policy;
- b) if allowing the student to remain would seriously harm the education or welfare of that student or others at the Academy.

6.2 A student may also be permanently excluded where there has been repeated breaches of the behaviour for learning policy for which a range of consequences and strategies have been

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applied without success. It is an acknowledgement that the Academy has exhausted all available strategies for dealing with the student and is a last resort.

6.3 There may be exceptional circumstances where, in the judgement of the Principal, it is appropriate to permanently exclude a student for a first or 'one off' offence. These might include:

- a) Serious actual or threatened violence against another student or member of staff;
- b) Sexual abuse or assault;
- c) Serious bullying including cyber-bullying;
- d) Being in possession of an illegal substance and / or supplying an illegal substance (including smoking / vaping)
- e) Carrying an offensive weapon.
- f) bringing the school into disrepute

This is not an exhaustive list and there may be other examples of behaviour where the Principal judges that a permanent exclusion is an appropriate sanction for a first or 'one off' offence.

6.4 The Academy operates a 'zero tolerance' approach to the carrying of offensive weapons and the carrying and supplying of illegal substances. This is communicated clearly to students in assemblies and the Student Planner.

6.5 Any student who brings an offensive weapon or a banned item onto site, or who brings and/or supplies an illegal substance on site will be permanently excluded. A student who is found in possession of these items on site also runs the risk of permanent exclusion.

6.6 The Principal will meet with the parents and student before reaching a decision to permanently exclude a student. Under normal circumstances, a student will be excluded for a fixed-term before the decision is made to permanently exclude.

7. Governors Behaviour Committee

7.1 The Academy has a Local Governing Body (LGB) which has responsibility for reviewing decisions in relation to exclusions. The Behaviour Committee consists of at least 3 members of the LGB and all of whom should be involved in reviewing Level 2 and 3 exclusions. For Level 1 exclusions the Behaviour Committee need not meet in person and decisions can be delegated to one member of the Committee.

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7.2 The Behaviour Committee of the Governing Body will automatically review any exclusion which results in a student being excluded for more than 15 school days in any one term, or any permanent exclusion.

7.3 Parents / carers have the right to appeal the decision to exclude their son / daughter. The process is common across United Learning and is different for different levels of exclusion.

7.4 Full details of how these meetings operate can be found in the following appendices and also within the DfE Guidance (2012) and United Learning Exclusions policy 2012 but the summary is contained below.

Level 1 exclusion (less than 15 days)

A parent / carer may request that the Behaviour Committee review the process within 50 school days of receiving notice of the exclusion. The request should be made in writing and should set out the question(s) which they wish the Behaviour Committee to consider. The committee will respond in writing within 15 school days.

Level 2 exclusion (more than 15 days fixed – term)

Principal meets with parents to discuss exclusion. Behaviour committee meets to review on the exclusion within 15 days of receiving notice of the exclusion.

Level 3 exclusion (permanent)

Student is given initial fixed term exclusion and a full investigation is carried out by an investigating officer. The student and their parents will be given an opportunity to meet with the investigating officer to give their version of events and to hear any evidence against them.

The investigating officer presents their findings to the Principal. The meets with parents/carers to discuss her decision having completed the process fully and having consulted with others including an S.E.N.D. expert if appropriate. If the decision is to reinstate then the student will return immediately. If the decision is made to permanently exclude the student, parents / carers will be informed by the Principal both verbally and in writing.

Following the Principals decision to permanently exclude, the Behaviour Committee meets to review the decision within 15 school days of receiving notice of the exclusion.

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If the Behaviour Committee upholds the Principals decision to permanently exclude, parents / carers may appeal to an Independent Review Panel.

In addition, the Principal must consult with the Managing Director of United Learning and the Chair of the LGB (or his/her nominated Deputy as delegated) before the decision is implemented.

7.5 An Independent Review Panel will consist of 3 people and will be chaired by a lay member and two other independent members, one with governance experience; the other with Headship experience. This panel will decide whether to uphold the decision to exclude a student.

7.6 The Independent Review Panel can either uphold the decision to exclude the student or recommend that the Academy reconsiders the matter. They cannot, however, direct the reinstatement of the student.

8. Informing parents / carers

8.1 Following any decision to exclude, the Principal must inform parents / carers putting the decision to exclude in writing and stating the date the exclusion takes effect.

The letter must also explain:

8.2 The circumstances leading up to the decision to exclude;

8.3 Why the Principal decided to exclude the student;

8.4 If relevant, what steps were taken to try and avoid the exclusion; details of any relevant previous warnings, fixed period exclusions or other disciplinary measures taken before the present incident;

8.5 The arrangements for enabling the student to continue his/her education, including setting and marking the student's work;

8.6 The parents' right to see and have a copy of their child's record;

8.7 The parents' responsibilities to ensure their child is not in a public place in school hours during the first five days of an exclusion.

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8.8 If the exclusion is for a fixed period, the letter will also state the length of the exclusion and the date and time the student should return to the academy;

8.9 The arrangements for a parent interview at the end of the exclusion to discuss the process of reintegration.

8.10 For Level 2 and Level 3 exclusions, the letter will also state the parents' right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen as well as the fact that governors will meet to review the decision.

8.11 For Level 1 exclusions, the letter will also state that if parents are concerned about the way in which the exclusion was managed, they may write to the Behaviour Committee to ask it to review the process. This may be done by just one member of the Committee. The Committee cannot overturn the decision to exclude but may put a note on file.

8.12 The involvement, if appropriate, of S.E.N.D. expert advice.

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9. Appeals

The parent(s)/carer(s) will be informed in writing by the Principal of her right of appeal against a decision to exclude permanently. The parent(s)/carer(s) will be advised that he/she may, if they wish, have someone of his/her choice to accompany and assist him/her at the appeal meeting. Appeals should be made in writing to the Chair of the Student Discipline Committee via the Clerk to Governors, within 15 Academy days of notification of the exclusion. A minimum of 3 governors will constitute the Student Disciplinary Committee convened for the purpose of considering appeals, against permanent exclusions. **The Chair of Governors who will previously been consulted regarding permanent exclusions will not be a member of this committee.**

For permanent exclusions, the Student Discipline Committee should meet between the 6th and 15th Academy day after notification by parent(s)/carer(s) of their wish to appeal. There is no restriction on Governors who have served on a fixed period exclusion panel serving on any subsequent exclusion panel for the same student. The decision of the Governors will be final. Any meeting of the Student Discipline Committee may, at their discretion, consider in sequence more than one exclusion case at that meeting.

If a student is being referred to a Pupil Referral Unit, appropriate permanent exclusion forms will also be completed. Parents/Carers have the right to an independent appeal against a permanent

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exclusion. Details of this process will be communicated to parents/carers from the Governor's Disciplinary Panel.