



## HOE VALLEY SCHOOL EXCLUSIONS POLICY

Person Responsible: Head Teacher  
Date Adopted: September 2015  
Date of last review: January 2018  
Date of next review: January 2020

*To be read in conjunction with the Behaviour for Learning Policy*

### **1. PROMOTING POSITIVE BEHAVIOUR AND EARLY INTERVENTION**

Permanent exclusion will be the last resort after a range of measures have been attempted to improve the student's behaviour.

### **2. MANAGING BEHAVIOUR AT HOE VALLEY SCHOOL (HVS)**

HVS has policies, procedures and staff training in place to promote good behaviour and prevent poor behaviour. The Behaviour for Learning policy is widely publicised so that students, school staff and parents/carers are aware of the standards of behaviour expected of students and the range of sanctions that can be imposed. The school will apply the behaviour policy in a consistent, rigorous and non-discriminatory way and all areas of its application will be monitored routinely to satisfy legal requirements under the Equality Act of 2010.

The school believes that effective policies, procedures and training minimise the number of students at risk of either permanent or fixed period exclusion. For those at risk of exclusion, additional preventative measures employed could include:

- Intensive contact with parents and carers
- A change of teaching or tutor group
- Alternative provision such as off-site provision (where appropriate).
- Temporary or part-time placement at the North West Surrey Short Stay School where preventative programmes can be provided
- A managed move to another school, with the consent of all parties involved; this can be successful for students at risk of exclusion and as an alternative to permanent exclusion
- Internal exclusion (isolation) can be used to defuse situations that require a student to be removed from the classroom but may not require removal from the school premises. This is supervised on a rota by the Senior Leadership Team, the Home School Link Worker the Pastoral Team and experienced Middle Leaders
- Mediation through a third party is an approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g. a student and a teacher, or two students
- Consideration by the Head of Personalisation, with colleagues, of possible interventions within the school such as ELSA, Wise Boys, Wise Girls and others
- Assessment of Special Educational Needs, including possible placement in a special school

- Allocation of a key intervention worker such as The Home School Link Worker, Education Welfare Officer or member of the Behaviour Support or Youth Services
- Referral to a specific support service, such as the Education Welfare Service, Children's Services or the Child and Adolescent Mental Health Service (CAMHS)
- Other appropriate off site provision
- Working with the Behaviour Support team from Surrey County Council

The School believes that the behaviour of students at risk of exclusion is sometimes driven by complex combinations of social, emotional and health problems, so the involvement of a range of external partners is part of our approach.

### **3. REMOVING STUDENTS FROM THE SCHOOL SITE AND THE DECISION TO EXCLUDE**

There are four sets of circumstances in which individual students may be required to leave the HVS site, namely where:

- There is sufficient evidence that a student has committed a disciplinary offence and that allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school. In these circumstances the student may be excluded from school for a fixed period or permanently.
- A student is accused of a serious criminal offence but the offence took place outside the school's jurisdiction. In these circumstances the Head Teacher / Associate Head Teacher may decide that it is in the interests of the individual concerned and of the school community as a whole for that student to be educated off site for a certain period, subject to review at regular intervals.
- For medical reasons, a student's presence on the school site represents a serious risk to the health or safety of that student, other students or school staff. In these circumstances a Head Teacher / Associate Head Teacher may send the student home after consultation with the student's parents/carers.

These are the only circumstances in which students may be required to leave the school site.

#### **3.1 The decision to exclude**

A decision to exclude a student permanently will be taken only in the event of serious and/or persistent breaches of the school's behaviour policy and allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

A decision to exclude a student for a fixed period will be taken, on a balance of probabilities, only in response to serious or persistent breaches of the school's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detentions are considered inappropriate, or where a student is accused of a serious criminal offence but the offence took place outside the school's jurisdiction, or for medical reasons.

Individual fixed period exclusions will be for the shortest time necessary, bearing in mind that exclusions of more than a day or two may make it difficult for the student to reintegrate into the school afterwards.

Only the Head Teacher / Associate Head Teacher can exclude a student.

A decision to exclude a student permanently is a serious one and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by this school that it has exhausted all available strategies for dealing with the student and will be used as a last resort.

There will, however, be exceptional circumstances where, in the Head Teacher's judgement, it is appropriate to permanently exclude a child for a first or 'one off' offence.

These may include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault;
- Supplying an illegal substance; or the possession of illegal substances Carrying an offensive weapon

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community.

### **3.2 Factors which will be considered before making a decision to exclude**

Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student, either permanently or for a fixed period, the Head Teacher / Associate Head Teacher will:

- Ensure that a thorough investigation has been carried out
- Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, the Equality Act 2010 (as amended)
- Allow and encourage the student to give their version of events
- Check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment
- If necessary, consult others, including the Chair of Governors.

### **3.3 Standard of proof**

The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Head Teacher / Associate Head Teacher may exclude the student.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Head Teacher / Associate Head Teacher to make a judgment on the balance of probabilities on whether to exclude the student.

## **4. WHEN EXCLUSION IS NOT APPROPRIATE**

Exclusion should not be used in the case of:

- Minor incidents (for example, failure to complete homework)
- Poor academic performance

- Lateness or truancy
- Breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles), except where these are persistent and in open defiance of such rules
- Discrimination, within the meaning of the Equality Act 2010

In every instance where a student is sent home for disciplinary reasons, the Head Teacher / Associate Head Teacher will formally record and specify the length of the exclusion.

## **5. INFORMING RELEVANT PARTIES**

Once the decision has been taken to exclude a student, the Head Teacher / Associate Head Teacher will promptly notify the following parties:

### **5.1 The parents/carers**

Parents/carers must be notified without delay and informed of:

- the reason for the exclusion
- the period of the exclusion
- their right to make representation to the Board of Governors about the exclusion
- how to make the representations
- that for the first five days of an exclusion parents/carers are legally required to ensure their child is not in a public place during school hours
- what arrangements have been made to enable to student to continue their education

### **5.2 Board of Governors**

The Head Teacher / Associate Head Teacher will notify the Chair of Governors (on behalf of the Board of Governors) without delay in the following circumstances :

- a permanent exclusion (including where a fixed term exclusion is made permanent)
- exclusions where an exclusion would result in a student being excluded for five or more school days in any one term
- exclusions which would result in a student missing a public examination or national curriculum test

The Head Teacher / Associate Head Teacher will promptly notify the Chair of Governors of all other exclusions. When notifying the Chair of Governors of exclusions, the notification should include the reasons for exclusion and the duration.

### **5.3 Local Authority**

The Head Teacher / Associate Head Teacher will notify the Local Authority without delay in the following circumstances:

- a permanent exclusion (including where a fixed term exclusion is made permanent)
- exclusions where an exclusion would result in a student being excluded for five or more school days in any one term
- exclusions which would result in a student missing a public examination or national curriculum test

On a termly basis, the Head Teacher / Associate Head Teacher will notify the Local Authority of any other exclusions. Such notifications should include the reasons for exclusion and the duration. In the case of a permanent exclusion, if the student lives outside of Surrey then the Head Teacher / Associate Head Teacher will also notify the student's 'home authority'.

## **6. CONSIDERATION OF AN EXCLUSION BY THE BOARD OF GOVERNORS**

The Board of Governors will consider the reinstatement of a student following exclusion in the following circumstances :

- the exclusion is permanent
- the exclusion will result in the student having been excluded for 15 days or more in any one term
- the exclusion will result in the student missing a public examination or national curriculum test
- the exclusion will result in the student being excluded for more than 5 but less than 15 days in any one term and the parent/carer of the student requests such consideration.

The Board of Governors will authorise a committee of three governors, normally chaired by the Vice Chair of Governors, to carry out such consideration on their behalf, and the committee will meet within 15 school days of exclusion in the case of any of the first three circumstances above, and within 50 school days otherwise. Where the exclusion will result in the student missing a public examination or national curriculum test, the committee will make all reasonable efforts to meet prior to the examinations, and where this is not possible the Chair of Governors will consider the exclusion independently prior to the examinations taking place.

Parents wishing to request consideration of an exclusion by the Board of Governors should notify the Chair of Governors of their request.

The committee, on behalf of the Board of Governors, having considered representations from all parties, including the parent/carer and the Head Teacher, may uphold the exclusion or direct reinstatement. The Board of Governors will notify the parent/carer, Head Teacher and Local Authority of their decision without delay, setting out the reasons for their decision in appropriate detail.

Where an exclusion does not result in a student being excluded for more than 5 days in any one term, parents may still make representations to the Board of Governors by contacting the Chair of Governors. The Board of Governors will consider any such representations, but does not have the power to direct reinstatement of the student in these circumstances.

## **7. DUTY TO ARRANGE AN INDEPENDENT REVIEW PANEL**

If a parent/carer has made an application within the legal timeframe, the School must arrange for an independent review panel hearing to review the decision of the Board of Governors not to reinstate a permanently excluded student. The legal timeframe is

- within 15 school days of parents being notified of the Board of Governors' decision to uphold a permanent exclusion

- where an application has been made within this timeframe, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal timeframe must be rejected by the School.

The review must begin within 15 school days of the date that the School received the parent's request to review.

### **7.1 Appointing Panel Members**

The panel will consist of three members as follows:

- a lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- a school governor who has served as a governor for 12 consecutive months within the last 5 years, provided they have not been teachers or Head Teachers during that time. They may not be a member/director of the School, an employee of the School, or have had any connection with the School, parent, student or incident leading to the exclusion, which might reasonably raise doubts about their impartiality
- an individual who is currently or had been a Head Teacher in the last 5 years. They may not be the Head Teacher of the School or anyone who has held that position in the last 5 years, a member/director of the School, an employee of the School, or have had any connection with the School, parent, student or incident leading to the exclusion, which might reasonably raise doubts about their impartiality

Every care will be taken to avoid bias, and prospective panel members will be asked to declare any potential conflict of interests at an early stage. All panel members should have received appropriate exclusions training within the previous two years. If requested by parents in their application for a review, the School must appoint an SEN expert to the panel, even where the School does not recognise that the student has SEN. The SEN expert should be a professional with first-hand experience of the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN and disability.

### **7.2 Duties of the Independent Review Panel**

The role of the panel is to review the Board of Governors' decision not to reinstate a permanently excluded student. In reviewing the decision, the panel must 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 a standard of proof on the balance of probabilities. Following its review, the panel can decide to:

- uphold the decision to exclude;
- recommend the Board of Governors reviews its decision; or
- quash the decision and direct the Board of Governors considers the exclusion again.

The independent review panel's decision is binding on the student, parents, Board of Governors, Head Teacher, Local Authority and School.

Following the review, the panel must provide written notice to all parties without delay, such notice to include

- the panel's decision and reasons for it
- where relevant, details of any financial readjustment / payment to be made if the Board of Governors subsequently decides not to offer to reinstate a student; and
- any information that must be recorded on the student's educational record to reflect the decision

### **7.3 Board of Governors duty to reconsider an exclusion following review**

Where the panel directs or recommends that the Board of Governors reconsiders their decision, the Board of Governors must reconvene to do so within 10 school days of being given notice of the panel's decision. In the case of a recommended or a directed review, the Board of Governors must notify the parents, Head Teacher / Associate Head Teacher and local authority of their reconsidered decision and the reasons for it without delay.

## **8. REMOVAL OF STUDENTS FROM THE SCHOOL IN EXCEPTIONAL CIRCUMSTANCES**

There may be exceptional circumstances in which the Head Teacher needs to remove students from the school site when exclusion would be inappropriate. An example is where a student is accused of committing a serious criminal offence which took place outside the Head Teacher's jurisdiction or where there may be insufficient evidence to warrant exclusion.

A Head Teacher can authorise leave of absence for a fixed period, with the parents'/carers' agreement, or, exercising powers if so delegated by the Board of Governors under section 29(3) of the Education Act 2002, can arrange for the student to be educated elsewhere.

## **9. REMOVAL OF STUDENTS ON MEDICAL GROUNDS**

The Head Teacher/ Associate Head Teacher may send a student home, after consultation with that student's parents/carers and a health professional (for example, a school nurse) as appropriate, where because of a diagnosed illness (e.g.: a notifiable disease) he or she poses an immediate and serious risk to the health and safety of him/herself or other students and staff.

## **10. PROCEDURES FOLLOWING A FIXED PERIOD EXCLUSION**

The Head Teacher / Associate Head Teacher will issue the relevant notifications as set out in section 6 above.

- Work will be set for the student during the period of the fixed term exclusion
- All students will receive a reintegration meeting where it is expected that the student and parent/carer will attend. The purpose of the reintegration meeting is to assist the reintegration of the student and promote the improvement of his or her behaviour. It provides an opportunity to:
  - Emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour;
  - Discuss how behaviour problems can be addressed and set appropriate targets;
  - Explore wider issues and any circumstances that may be affecting the child's behaviour;

- 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.

**APPENDIX 1**  
**AGENDA FOR BOARD OF GOVERNORS' COMMITTEE MEETING**

The following agenda will be followed for the Governors' committee meeting to consider an exclusion:

1. The Governors' Committee gathers on its own, together with the clerk and a Chair is agreed.
2. The Head Teacher / Associate Head Teacher, parents, student and local authority representative (if any) then enter, as equals.
3. The Chair introduces all present and explains their roles. The order of the meeting should be outlined.
4. The Head Teacher / Associate Head Teacher outlines the case for exclusion. A member of staff with particular knowledge of the student and/or the exclusion may also contribute.
5. Governors, parents and the local authority representative (if any) are invited to ask questions of the school.
6. Parents, their representative and student present their case.
7. Governors, Head Teacher / Associate Head Teacher and local authority representative (if any) are invited to ask questions of the parents and/or student.
8. The local authority representative (if present) gives a county wide perspective of the exclusion.
9. All present are invited to ask questions of the local authority representative.
10. Head Teacher / Associate Head Teacher sums up the case for exclusion.
11. Parents and student sum up their case.
12. All leave, except the clerk who remains to advise the Governors' Committee by referring to his/her notes and with the wording of the decision letter.