 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

Title	EXCLUSIONS POLICY
Person responsible for policy formulation, implementation, maintenance and evaluation	Head Master
Persons consulted	FGB
Adopted by Governors on	April 2019
Current Review	29 June 2023
Date of future review	June 24

REVISION STATUS TABLE

Revision No	Effective Date	Summary of Revision	Reviewed by	Date	Approved by	Date
v1.0	01.09.14	New Policy	SLT	03.06.19	GWC	06.06.19
V1.1	04.2019	General Update	ELT	04.2019	GWV	07.11.19
V1.2	19.05.22	Periodic review, update of terminology in terms of suspensions/exclusions	ELT	23.05.22	GWC	09.06.22
V1.3	29.06.23	Revision based on an update from the DfE.	FGB	29.06.23	FGB	29.06.23

KEY PRINCIPLES

- Students at Holyport College are given the best possible education, whatever their background or ability;
- The Promoting Positive Behaviour policy emphasises students' entitlements and responsibilities;
- Students have the right to expect that their learning should not be disrupted by others;

POLICY DOCUMENT ANNUAL REVIEW

This Policy document is subject to a periodic review by Holyport College that is formally documented to ensure its continuing suitability, adequacy and effectiveness. Areas subject to review include, but are not limited to, follow-up action from previous reviews, policy conformity, review of complaints, status of corrective and preventive actions, and improvements for the forthcoming year. It takes account of DfE guidance, 'Behaviour and discipline in schools: Advice for headteachers and school staff', January 2016, 'Exclusion from maintained schools, academies and referral units in England', September 2017 and 'Mental health and behaviour in schools', November 2018. Holyport College reserves the right to amend this Policy by notice following such review in circumstances in which it considers such change to be necessary or appropriate.


CONTEXT

Holyport College aims to provide a safe environment in which students can enjoy and achieve. The College's Promoting Positive Behaviour policy emphasises positive strategies and, for the most part, the school environment is one of cooperation and shared responsibility. However, some incidents of unacceptable behaviour are not satisfactorily resolved through the normal channels and exclusions have to be considered as a last resort.

TYPES OF EXCLUSION

There are two types of exclusion:

- Suspension
- Permanent

 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

Suspensions may not be for more than 45 days in any one year. Persistent poor behaviour at lunchtime may result in a suspension which covers the lunchtime break. This is subject to the normal rights of appeal.

The decision to exclude a student will be taken in the following circumstances:

- In response to a serious breach of the College’s Promoting Positive Behaviour Policy and Student Code of Conduct
- If allowing the student to remain at the school would seriously harm the education or welfare of the student or others in the school.

Suspension or permanent exclusion, may be used in response to any of the following, all of which are examples of unacceptable conduct and breach the Promoting Positive Behaviour Policy and Student Code of Conduct:

- Physical assault against a student or an adult
- Verbal abuse/threatening behaviour against a student or an adult
- Persistent bullying
- Racist abuse
- Sexual misconduct
 - Drug and alcohol related incidents
- Damage to property
- Vandalism
- Theft
- Persistent disruptive behaviour
- Weapons-related offences
- Posing a health and safety threat

This is not an exhaustive list and there may be other situations where the Head Master judges that suspension/permanent exclusion is an appropriate sanction.

The Head Master will notify the local authority when a suspension is issued, without delay, regardless of the length of the suspension.

MONITORING, INTERVENTION AND SUPPORT

At Holyport College there will be a range of strategies in place to address poor behaviour that may lead to exclusion. Students will be identified as at risk of

exclusion and offered alternative or additional provision to meet their individual needs. These additional measures may include:

- the school engaging with parents;
- placement on a daily report;
- detentions or other sanctions;
- curriculum alternatives;
- temporary part-time timetable;
- a managed move to another school;
- consideration by the Head Master, with colleagues, of possible interventions within school;
- assessment of Special Educational Needs, including possible placement in a special school;
- implementation of a Pastoral Support Programme;
- referral to other relevant agencies.

PERMANENT EXCLUSION


The decision to exclude students permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

- The first is a final, formal step in an on-going process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. This would include persistent and defiant behaviour such as bullying.
- The second is where students may be excluded for a one-off offence regardless of previous disciplinary history.

These circumstances may include, but are not limited to:

- an assault on another member of the school community
- physical bullying
- sexual assault
- possession of an illegal drug
- possession of an offensive weapon
- behaviour which renders a boarder unsuitable to remain in boarding

Also in line with the exclusion policy, the College will not tolerate persistent and defiant behaviours over time where sanctions and interventions have failed to bring about positive improvement. In these circumstances, a student's behaviour would be deemed to be seriously harming the education and welfare of the student or others in the school, thus placing the student at high risk of permanent exclusion.

 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

MAKING A DECISION TO SUSPEND

Before deciding whether to suspend a student, the school will:

- ensure that an appropriate investigation has been carried out;
- consider all the evidence available to support the allegations, taking into account the Promoting Positive Behaviour Policy, Student Code of Conduct, and Equality and SEND Policies, including the Equality Act 2010 and the SEND Code of Practice, January 2015;
- allow the student to give his/her version of events.

The Head Master has to be satisfied on the balance of probabilities that the student was responsible for the behaviour in question.

The decision to suspend a student must be lawful, reasonable and fair. Care is taken not to discriminate against students on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of students from groups who are vulnerable to exclusion. This includes children:

- who are starting secondary school;
- from minority ethnic backgrounds;
- in care (looked after);
- in receipt of free school meals;
- from the travelling community;
- who are young carers;
- from families under stress;
- who are pregnant schoolgirls and teenage mothers;
- who are unaccompanied asylum seekers;
- who have SEN or other recognised disabilities.

The DfE Exclusion guidance says these children are “particularly vulnerable to the impacts of exclusion” and explains that Headteachers should consider what extra support might be needed. Even if a student is in one of these groups, they may still be excluded if the situation or incident is so serious that the Head Master decides that there is no alternative other than to exclude.

EXERCISE OF DISCRETION

The Head Master will always look at the particular circumstances of each case. In considering whether permanent exclusion is the most appropriate sanction, the Head Master will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school's Promoting Positive Behaviour and Student Code of Conduct;
- the effect that the student remaining in the school would have on the education and welfare of other members of the school community.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Discipline Committee, when it meets to consider the Head Master's decision to exclude. The committee will require the Head Master to explain the reasons for the decision and will look at appropriate evidence such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion.


INFORMING PARENTS

The Head Master or his nominated representative will let parents and carers know immediately (generally by telephone) about the length of the suspension and the reason for it. This will be followed up immediately with a letter which includes:

- the reason for the suspension;
- the length and time of the suspension and date for return (if fixed-period);
- how the student can continue their education – Holyport College will arrange for setting and marking of work for the student during the first five days of the suspension - it is the parents'/carers' responsibility to ensure that work sent home is completed and returned to school;
- details of how the student will continue their education – Holyport College must arrange suitable appropriate full-time education from the sixth day of the exclusion, if the suspension is a suspension of 6 or more days. If the exclusion is permanent, the Local Authority must arrange suitable appropriate full-time education from the sixth day of the suspension;

Details of a parent's/carer's right to state their case to the Governors' Discipline Committee, how the student may be involved in this and whom they should contact;

- the phone numbers of the Inclusion Team at the local Children's Services office;
- their rights under the Equality Act;
- a statement declaring that during the first five days of the suspension, parents'/carers have a duty to ensure that the student is not present in a

 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

public place during school hours unless there is reasonable justification for this. Parents/carers may receive a penalty notice from the Local Authority if the student is present in a public place during school hours during the period of the suspension.

If the pupil has a social worker, or if a pupil is looked-after, the Head Mater will notify the social worker and/or VSH, as applicable.

WHAT CAN PARENTS/CARERS DO IF THEY DISAGREE WITH THE DECISION TO SUSPEND?

- Speak to the Head Master about the decision, outlining their concerns;
- Ask the governors to review the decision - a letter must be sent to the Clerk of the Discipline Committee (addressed to the school) as soon as possible after receiving the letter about the suspension. Governors must meet to review certain suspensions and must consider any representations about a suspension made by parents/carers. For suspensions of 1-5 days in a term, the governors must consider representations but do not have to meet. For suspensions of 1-5 days governors are unable to shorten the suspension, but can place a note of their findings on the student's file. For suspensions of 6-15 days governors must hold a meeting if requested. For suspensions of more than 15 days and permanent exclusions, governors must hold a meeting to review the exclusion whether requested to do so or not. Parents/carers and the student will be invited to attend this meeting;
- There are no rights of appeal for suspensions. However, if parents/carers consider that their child has a disability and they feel that he/she has been discriminated against in this exclusion, they may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Web site address: <http://www.justice.gov.uk/tribunals/send>. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, i.e. the day on which the student was excluded.

CANCELLING EXCLUSIONS

The Head Master can cancel any exclusion that has already begun (or one that has not yet begun). this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Head Master must notify the parents/carers/guardians, the governing board, the Local Authority and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases;
- Parents/carers/guardians (or the excluded pupil if they are 18 years or older) will be offered the opportunity to meet the Head Master to discuss the circumstances that led to the exclusion being cancelled;
- The pupil will be allowed back into school without delay;
- Any days spent out of school as a result of the exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

THE GOVERNORS' REVIEW COMMITTEE MEETING

The governors committee which meets to review suspensions is known as the Governors' Review Committee and consists of at least three governors.


If the suspension is between six and fifteen days in a term, and the parents request a meeting, then the Governors' Review Committee must meet within 50 school days.

The Governors' Review Committee must always meet to consider suspensions greater than fifteen school days in a term, and all permanent exclusions. The meeting must take place between the sixth and the fifteenth school day after the governing body has been notified of the exclusion.

The role of the Governors' Review Committee is to act as another 'set of eyes' to review the Head Master's decision to exclude. Suspensions are very serious and the governors will review whether the suspension has been carried out correctly and takes account of the needs of the child. They are not a rubberstamping body.

The Clerk to the Committee will write to parents/carers confirming the date and time of the meeting and send the paperwork which will be considered at the meeting. The paperwork will include written representation if submitted. Other paperwork that may be available is:

- witness statements and the student's version of events, if appropriate;
- a behaviour diary and academic reports;
- information on the student's special educational needs;

 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

- if there is an individual education plan, this will include details of the student's difficulties, the school's strategies, support and reviews, and information on other services involved;
- a pastoral support programme, which may include the involvement of other agencies for students who have been, or are at risk of being, permanently excluded;
- attendance records
- any other relevant documentation.

The following people will attend the meeting:

- the governors, one of whom will act as Chair of the Committee. The committee must be quorate (i.e. there must be a minimum of 3 governors);
- a Clerk to take notes and advise on procedure;
- a Local Authority representative will attend meetings regarding permanent exclusions and suspensions of 16 days or more;
- the Head Master and/or a senior member of staff;
- the parents or carers and a representative;
- the student - unless there are strong reasons against his/her attending, it is important that the student is given every opportunity to have his/her say;
- witnesses may be called to give evidence but do not normally remain for the full meeting.

The meeting will follow a clear agenda which gives everyone an opportunity to have their say. The agenda for the meeting will be as follows:

- Head Master's or nominated representative's presentation;
- questions by the parents and governors;
- parents'/carers' representation (a friend or representative and the student may also attend and speak);
- questions by the Head Master and governors;
- Local Authority's statement (for permanent exclusions);
- summing up by the school;
- summing up by the parents;

- all parties will leave and the governors will discuss the information and make a decision. Parents/carers will be notified of the governors' decision within one school day.

The Governors' Review Committee must consider, on a balance of probability:

- whether the student did what he/she is alleged to have done and what behaviour policies were not followed;
- whether the correct procedures were used;
- the seriousness of the incident, and the appropriateness of the length of the sanction;
- the likelihood of the incident being repeated if the student were allowed to return;
- the fairness of the suspension in relation to any other students involved in the same incident;
- any relevant previous misbehaviour;
- the support provided by the school and for how long it was provided;
- any special educational needs and disabilities the student may have;
- any mitigating circumstances (e.g. being bullied).


The Review Committee's decision will be to:

- **Uphold the suspension** if it agrees with the Head Master's decision; or
- **Reinstate the student i.e. allow the student to return to school** immediately or on an agreed date.

INDEPENDENT REVIEW PANELS

If applied for in time by the parents/carers, the College will arrange for an independent review panel hearing to review the decision of the governing body not to reinstate a permanently excluded student. The legal time frame for application is within 15 school days of notice being given to the parents by the governing body of its decision not to reinstate a permanently excluded student.

If parents/carers consider that their child has a disability and they feel that he/she has been discriminated against in this exclusion, they may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. Website address: <http://www.justice.gov.uk/tribunals/send>. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, i.e. the day on which the student was permanently excluded.

 HOLYPORT COLLEGE	Exclusions Policy	
	Effective Date: 29 th June 2023	Version No: v1.3

All letters concerning fixed term suspensions or permanent exclusions include details on the various routes of representations/appeals, the SEN expert, tribunals and independent review panels.

REQUESTS FOR REMOTE ACCESS MEETINGS FOR GOVERNORS' DISCIPLINE COMMITTEE OR INDEPENDENT REVIEW PANELS.

Parents/carers/guardians (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access, although this should not be a default option. The governing board will hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification. Holding meetings via remote access will only be done if the governing board is satisfied that the meeting is capable of being held fairly and transparently.

BEHAVIOUR OUTSIDE HOLYPORT COLLEGE

Students who breach the College's Promoting Positive Behaviour Policy and Student Code of Conduct whilst on school 'business' such as trips and journeys, sports fixtures or a work-experience placement will be dealt with in the same manner as if the incident had taken place at the school. For incidents that take place outside the school and not on school business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the student body as a whole. This includes behaviour in the immediate vicinity of the school or on a journey to and from the school. It also includes cyber-bullying incidents.

BEHAVIOUR IN BOARDING

All boarders at the College have been assessed through their Suitability to Board interview and school reference to be suitable to board. Boarders have a shared responsibility to ensure that their conduct contributes to the good order of the boarding house and does not adversely impact other boarders' well-being and safety. The House Master can apply the usual range of sanctions outlined in the Promoting Positive Behaviour policy in response to poor behaviour. Furthermore, the House Master, in consultation with the Head Master or Founding Head Master, can suspend a boarder from boarding in line with the College's Boarding Exclusions Policy when the poor behaviour has happened in boarding. Parents/carers are responsible for ensuring that the boarder attends lessons and is picked up no later than 17:30.

ROLES AND RESPONSIBILITIES

The Head Master is responsible for monitoring the implementation of the policy, including recording and analysing the profile of suspended and permanently excluded students. The Head Master is responsible for ensuring the fair and consistent implementation of the policy and for all decisions on whether or not to suspend/permanently exclude a student. The Head Master may delegate to other senior leaders the arrangements for the support for students in danger of suspension and for the reintegration of students returning to school after suspension. There will usually be a re-admission meeting with parents/carers and the suspended student with a written record of action points agreed and strategies and issues discussed. The Governing Body is responsible for deciding whether or not to confirm the Head Master's decision to suspend/permanently exclude a student.

The school will comply with the statutory requirement to provide education for any student from day six of a suspension, depending on the circumstances. The work completed must be brought to the re-admission meeting.