



Parents'/Carers' Guide to Exclusion / Suspension from School

October 2021

Terminology

This guide uses the term exclusion to describe incidents where the school uses its statutory powers to remove a pupil from being educated at school for either a short period or permanently. The term 'suspension' is now often used to describe this sanction and for the purposes of this guide the terms 'exclusion' and 'suspension' are interchangeable.

Scope of this Guidance

This guidance has been written with the intention of supporting parents through the process, should their child be subject to exclusion from Bishop's Hatfield Girls' School. The guidance should be read in conjunction with the school's Behaviour for Learning policy which can be found on the school's website:

 Behaviour for Learning Policy This policy includes a section on exclusion from school.

Parents may also wish to refer to the DfE guidance on exclusions:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf

If you wish to seek advice on any aspect of exclusion, you can do so through the Corum Children's Legal Centre (0207 7130089) or The Advisory Centre for Education (ACE) (03000 115142).

Parents may also wish to seek help and guidance from the Local Authority's Inclusion Preventative Team. Our current Inclusion Gateway officer is Loraine Clancy, who can be contacted by email at loraine.clancy@hertfordshire.gov.uk.

Exclusion in General

Exclusion figures at Bishop's Hatfield Girls' School are low. This is because we have generally very good behaviour in the school, but also a high threshold before we take the decision to impose an exclusion. In 2018/19 (the latest year for which national statistics are available) 3.37% of the pupils in Years 7-11 at Bishop's Hatfield had received a fixed-term exclusion in comparison to 8% nationally. With regard to permanent exclusions, there have been **no** permanent exclusions in the last 10 years.

Exclusion from school is the most serious sanction that can be imposed by the school. It is a statutory process and parents and the pupils must abide by it.

Exclusion can take two forms:

- Fixed-term exclusion (FTE)
- Permanent Exclusion

Both of these are described in more detail in other sections below.

In common with most schools, exclusion is included as a possible sanction in the school's Behaviour for Learning Policy and in our Actions & Consequences. The policy is available to parents on the school website and a summary is included for pupils in their planner. The policy outlines the type of behaviour which may result in an exclusion.

Exclusion can only be imposed by the headteacher or acting headteacher (an acting headteacher is someone appointed to carry out the functions of the headteacher in the headteacher's absence or pending the appointment of a head teacher). The headteacher may delegate responsibility for issuing a fixed-term exclusion to a member of the Senior Leadership Team.

Fixed-term Exclusion (FTE)

If we are considering a fixed-term exclusion, an investigation will be carried out into the incident which has triggered the need for an exclusion. At this point we **aim** to telephone parents to inform them that an investigation is going on. This investigation is normally carried out by a member of the senior team. As part of the investigation we will take a statement from the pupil concerned, or if they refuse, record that fact. The pupil will be removed from lessons whilst an investigation is carried out.

The burden of proof is different for schools than it is for criminal law. The headteacher needs to be satisfied that the pupil's behaviour is proven 'on the balance of probabilities', not 'beyond all reasonable doubt'. In other words, the headteacher need only be satisfied that it is more probable than not that a pupil has done what they have alleged to have done to apply an exclusion if that is an appropriate response to the alleged behaviour.

If your child is on our SEN register, particularly if it is for social emotional mental health (SEMH) reasons, the headteacher will also look carefully at the amount of support that has been given to the pupil. Some parents tell us it is illegal to exclude a child with special needs; this is not the case as long as the school is using the exclusion to achieve a 'legitimate aim' (eg safeguard the education and well-being of other students) **and** has put in place appropriate support for that child. The school is of course obliged to comply with its Public Sector Equality Duty (PESD) as required under the Equality Act, 2010. All students at Bishop's Hatfield have to follow the Behaviour for Learning policy.

The colleague carrying out the investigation will then discuss and report their findings to the headteacher who decides on the appropriate sanction. You will always be informed in writing if an exclusion is imposed. We are also required to inform the Local Authority of any fixed-term exclusions. The exclusion is also recorded on your child's school record.

During the period of the exclusion it is parents' responsibility to keep the pupil away from the school premises and to ensure they are not in a public place at any time during school hours without reasonable justification. Failure to do so may result in the parents being given a fixed penalty notice or be prosecuted.

Readmission

Work will be provided during the period of exclusion. In our letter to you we will give you information about the readmission meeting. This is a very important meeting and parents must make every effort to attend. The headteacher attends all of those meetings as a priority unless unavoidably absent (in practice the headteacher rarely misses those meetings). In exceptional circumstances we may meet parents once the pupil is back at school or shortly before the pupil's return.

At the readmission meeting we will talk to parents/carers and the pupil about the incident which led to the exclusion, as well as any other behaviour concerns we or you may have. We will also discuss any targets, support or strategies the school is putting into place. A record of the meeting and action points coming from it will be kept on the pupil's school file.

The school may at this point decide to put into place a Pastoral Support Plan or Risk Assessment Management Plan (RAMP). These plans contain targets for the pupil and any support strategies for the pupil. Parents will be asked to attend school to review the plan. This process is normally led by the Head of Year.

Length of Exclusion(s)

Ordinarily an exclusion will be imposed for as short a time as possible as we realise exclusion can cause difficulties for parents and that is not our intention. Schools cannot impose more than 45 days in any one academic year and if the pupil has had more than 15 days in any one term, the school's Trustees' Disciplinary Committee, or TDC (commonly referred to in maintained schools as the Governors' Disciplinary Committee, or

GDC) meets to discuss the exclusion (which took the number of days over 15 days in any one term) and decide whether to uphold the decision to exclude or direct the pupil's reinstatement.

Sometimes parents tell us that an exclusion is simply a day off for their child. This is not the case. Exclusion is a serious sanction and should be taken as such, even if the time tariff is relatively short. We take exclusion very seriously, hence our low exclusion numbers. It's helpful if parents support the school by imposing sanctions at home if their child is excluded.

If a parent disagrees with the exclusion there are a number of things they can do:

- Write to the headteacher to express their opinion, although they do not have to change their decision.
- If the exclusion is for less than 5 days you can approach the school's trustees to review the decision. You must put your request in writing. Parents should write to the Chair of the Board of Trustees, via the school office (admin@bishophatfield.herts.sch.uk). They are not legally obliged to hold a meeting to discuss this but they will respond to you in writing. The trustees are not able to order the headteacher to reinstate the pupil.
- If the pupil has been excluded for between 6 and 15 days in any one term you may request the trustees to meet to discuss the exclusion which took the pupil's period over 6 days. The meeting has to take place within 50 school days. The trustees do have the power to reinstate the pupil although they will have already returned from the exclusion by that time. If the trustees decide to reinstate that fact will be recorded on the pupil's file.
- If the pupil has been excluded for more than 15 days in any one term (or has been excluded during a time in which they will miss a public examination) the trustees will meet automatically to discuss the exclusion which took the period of exclusion over 15 days/required the pupil to miss a public examination. This meeting must take place within 15 days of the date of the latest exclusion. If the trustees decide to reinstate that fact will be recorded on the pupil's file.

The number of fixed-term exclusions imposed by the school is reported regularly (3 times per year) to the full board of trustees, although no individual cases are discussed and trustees do not have the names of pupils excluded. Trustees are supplied with exclusion data broken down by ethnicity and other relevant criteria to check to see whether there may be unintentional bias and to decide on remedial measures should such bias be found.

Managed Moves

If your child has several exclusions and is therefore deemed to be at risk of permanent exclusion, the school may discuss with you the possibility of a managed move to another school. Parents must give consent for a managed move. In considering this, parents should take into account that a managed move is a strategy to avoid permanent exclusion, a very serious sanction which has the potential to significantly affect the pupil's education and therefore their future.

The school will request that you and your child attend an inclusion panel to discuss future provision. This panel, organised by the Local Authority, is attended by you and your child, school staff as well as a range of other professionals. The panel recommends a next step for your child. These may include:

- A move to another school. If this is the case the Inclusion Officer will approach other schools on your behalf. This may take some time as several discussions may be needed to try and secure a place and to put suitable support measures in place to make the chances of a successful transfer more likely
- A managed move to alternative provision. Our provider for this is The Links Alternative Provision Academy in Hatfield. This may be for a short period for intensive behaviour work or for a longer period, according to the difficulties presented
- The panel may also recommend that the student return to Bishop's Hatfield with recommendations for further support.

Permanent Exclusion

Permanent exclusions are incredibly rare at Bishop's Hatfield and the decision to impose a permanent exclusion is never taken lightly.

Pupils who face permanent exclusion do so for one of two reasons

- Persistent breaches of the school's behaviour policy for which they would already have served a number of fixed term exclusions – the permanent exclusion is considered after an excludable incident
- A serious one-off incident. Examples of this are included in the Behaviour for Learning policy and within our Actions & Consequences documentation; these include a serious assault, bringing a bladed article or other weapon onto the school site, possession of illegal drugs etc.

Permanent exclusion is a very serious sanction that could have a significantly detrimental effect on a pupil's education and the pupil against the impact of the pupil's behaviour on the rest of the school community. The DfE guidance on exclusions states that 'a pupil should only be permanently excluded 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 in the school'.

An investigation into the incident leading to the permanent exclusion is normally carried out by a member of the senior team. During this time the pupil will spend time in the Pupil Support Centre (PSC). As part of the investigation we will take a statement from the pupil concerned, or if they refuse, record that fact.

The burden of proof is different for schools than it is for criminal law. The headteacher needs to be satisfied that the pupil's behaviour is proven 'on the balance of probabilities', not 'beyond all reasonable doubt'. In other words, the Headteacher need only be satisfied that it is more probable than not that a child has done what they are alleged to have done to apply an exclusion if that is an appropriate response to the alleged behaviour.

The colleague investigating will then bring the findings of the investigation to the Headteacher. At this point the Headteacher will review not only the latest incident but the pupils' behaviour record as a whole, including the number of fixed-term exclusions imposed. Permanent exclusion can only be imposed by the Headteacher or someone appointed to act as the Headteacher in their absence.

All pupils at Bishop's Hatfield Girls' School have to follow the Behaviour for Learning policy. However, if the pupil is on our SEN register, particularly if it is for social emotional mental health (SEMH) reasons, the Headteacher will also look carefully at the amount of support that has been given. Some parents tell us it is illegal to exclude a child with special needs; this is not the case as long as the school is using the exclusion to achieve a 'legitimate aim' (e.g. safeguard the education and well-being of other students) **and** has put in place appropriate support for that child. The school is of course obliged to comply with its Public Sector Equality Duty (PESD) as required under the Equality Act, 2010.

It is also our usual practice when considering a permanent exclusion to discuss this with a colleague headteacher as a way of checking that the Headteacher's judgement in this circumstance is correct. We may also consult with a member of the board of trustees (although not one who may subsequently sit on the TDC), officers of the Local Authority, colleagues working closely with the pupil, other senior members of the school and appropriate private educational consultants.

Although we are not required to do so, it is this school's practice to ask parents and the pupil to a meeting to inform them of the permanent exclusion. Parents will then receive a letter confirming the Headteacher's decision to exclude the pupil permanently from the school. The letter will also provide details of the Local Authority Inclusion officer who they can contact to discuss the permanent exclusion and what might happen if the decision is confirmed, as well as organisations which support parents in these circumstances.

During the period of the exclusion it is parents' responsibility to keep the pupil away from the school premises and to ensure they are not in a public place at any time during school hours without reasonable justification. Failure to do so may result in the parents being given a fixed penalty notice or be prosecuted.

Work will be provided for the first 5 days of the permanent exclusion. The Local Authority inclusion team then has the responsibility to provide education for the pupil from day 6 of the permanent exclusion. This is usually, although not always, provided by The Links AP Academy at Hatfield.

As this is a serious sanction, there are a number of checks and balances to judge whether this decision is correct before it is confirmed or not. The pupil remains on the school roll until these processes have been carried out.

The Trustees' Disciplinary Committee (TDC)

The Headteacher's decision to impose a permanent exclusion must be considered by a committee of the school's trustees (TDC – commonly referred to as Governors' Disciplinary Committee in DfE guidance etc). The panel is composed of three of the school's trustees who have no previous knowledge of the circumstances surrounding the exclusion. A member of the Local Authority inclusion team may also attend. We always ask the LA officer to attend to provide balance and check for fairness, even though as an academy we are not required to do so.

Parents are invited to attend the committee meeting, which must take place within 15 school days of the Head's decision. Parents decide whether or not the pupil attends. Parents are not required to attend, but we would always recommend that they do. All of the arrangements for the panel hearing are made by the Clerk to the school's board of trustees, Dinah Tuck.

The school and the parents are invited to make a written submission to the panel. The Headteacher will write a report which you will receive in advance. Any papers are distributed to each party in advance of the meeting.

At the TDC meeting, both parties are invited to put their case and to ask each other questions. The LA officer will ask some procedural questions of the school. Following the meeting, the Clerk writes to both parties with the panel's decision. The panel can come to one of two conclusions:

- Uphold the Headteacher's decision
- Overturn the Headteacher's decision.

If the Headteacher's decision is overturned then the pupil returns directly to the school and the pupil's record is amended to reflect that the trustees reinstated the pupil.

The Independent Review Panel

If the Headteacher's decision is upheld by the trustees then there is a further opportunity to have the decision reviewed by the Independent Review Panel (IRP). The Local Authority's inclusion officer will explain the process to parents, and Hertfordshire publishes guidance: <https://www.hertfordshire.gov.uk/media-library/documents/schools-and-education/appeals/exclusion-review-guidance-for-parents.pdf>

Herts County Council (HCC) also has a webpage explaining the process and parents can apply for a panel on the website. Google: Hertfordshire Independent Review Panels. The website also gives much more detail about the panels, this is just a summary.

Parents need to write to say they wish an IRP to be set up within 15 school days after the day on which you were informed, in writing of the trustees' decision not to reinstate the pupil. Parents can do this by letter or on HCC's website.

Parents may request a review of their child's permanent exclusion even if they did not attend the meeting when the trustees' disciplinary committee (TDC) considered the pupil's permanent exclusion.

This panel is organised by the Local Authority and its members have no connection with the school. The panel is comprised of

- 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.
- Current or former school governors/trustees (including members of Pupil Support Centre management committees and directors of academy trusts) who have served as a governor for at least twelve consecutive months in the last five years, provided they have not been teachers or headteachers during that time.
- Headteachers or individuals who have been a head teacher within the last five years.

The format is similar to the TDC; parents and the school can submit papers in advance and then both parties make a statement and can raise questions. Witnesses can be called, including the pupil.

Parents have a right to appoint someone to represent them at their own expense and/or to bring a friend to the review.

Whether or not the school recognises that the pupil has special educational needs (SEN), all parents (or the pupil, if aged 18 or over) have the right to request the presence of an SEN expert at all independent Review Panels. They should do so in writing. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

The panel can make a number of decisions, but they cannot directly reinstate the pupil to the school. The decisions available to the panel are:

- uphold the Headteacher's decision to exclude the pupil
- recommend that the school (TDC) reconsiders its decision
- quash the decision and direct that the trustees (TDC) consider the exclusion again.

The panel can only quash the decision by testing:

- Illegality – did the Headteacher and / or the trustees act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality – was the decision so unreasonable that it was not one a sensible person could have made?
- Fairness (procedural impropriety) – was the exclusion process and the trustees' consideration so unfair or flawed that justice was clearly not done?

The panel's decision is binding on parents, the excluded pupil and the school.

If the panel's decision (or subsequent TDC – if recommended/ordered by the panel) is to uphold the exclusion, the pupil is removed from the school's roll. If the panel's decision is for the trustees to review the decision again and the trustees decide to reinstate the pupil, then the pupil returns directly to the school. The pupil's record is amended to reflect that the trustees reinstated the pupil.

The number of permanent exclusions imposed by the school is reported regularly to the full board of trustees, although no individual cases are discussed and trustees do not have the names of pupils permanently excluded. Trustees are supplied with permanent exclusion data broken down by ethnicity, gender and so on to check to see whether there may be unintentional bias and to decide on remedial measures should such bias be found.

What happens next?

If the pupil is permanently excluded from school then it is the role of the Local Authority inclusion officer to find further provision for the pupil. This may be at another school, through the fair access process (FAP), or in alternative provision, currently provided by The Links AP Academy at Hatfield.