

## **Hurworth House School**



## **Exclusion / Suspension Local procedure**

The Hurworth Way is unique, we strive to develop moral **character** and purpose, **coach** for endless possibilities beyond the expected and **creatively** inspire to learn

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### **Hurworth House School**

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<b>Associated Priory policy</b>	Use of Exclusion / Exclusion / Exclusion / suspension  Equality of opportunities  Behaviour	<b>Number</b>	ES12  ES16
<b>Associated Regulation/Standards</b>		<b>Number</b>	3
<b>Unit</b>	Hurworth House School	<b>Signature (Author)</b>	Claire Blackett
<b>Issue date</b>	Sep 25	<b>Review date</b>	Sep 26

### **Statement of intent**

At Hurworth House School, we understand that good behaviour and discipline is essential for promoting a high-quality education. Good behaviour is best maintained by the effort of pupils, parents and staff working together to ensure adherence to the school ethos and observance of the School Code to ensure that all members of the school community can enjoy a safe and productive learning environment. In the interest of keeping good discipline and as a result of serious offences, it is sometimes necessary for the Head teacher to 'exclude' pupils from school. This is a serious step for the school to take but reflects the importance of respect for the school's values and its members if a student is to continue to be part of this community. Suspending a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils will only be used as a means of last resort.

### **Aim:**

- To provide a framework for Exclusion / suspensions that is clear, fair, understood by pupils, parents/carers and staff and consistently applied.
- To ensure that Exclusion / suspensions are only used as a last resort.

This policy has been compiled to provide a clear framework to enable the effective handling of pupil Exclusion / suspension issues and to inform all stakeholders of the procedures.

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Education and Inspections Act 2006
- Education Act 1996
- The Education (Independent School Standards) Regulations 2014
- The European Convention on Human Rights (ECHR)
- Equality Act 2010
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

**The governing board will be responsible for:**

- In conjunction with the headteacher, ensuring arrangements are in place to allow for a prompt review of all permanent exclusions and suspension, where necessary.
- Considering written representations from parents/carers about Exclusion /suspensions within seven working days of receiving notice.
- Where an exclusion / Exclusion / suspension would result in a pupil missing an examination or test, considering the Exclusion / suspension before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the examination or test.

**The headteacher will be responsible for:**

- Applying the civil standard of proof when establishing the facts in relation to an exclusion / suspension. Complying with their statutory duties in relation to pupils with SEND when administering the Exclusion / suspension process, as outlined in the SEND Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g., if a pupil has suffered bereavement, bullying or has a mental health issue.
- Considering what extra support may be needed to identify and address the needs of our SEND individual pupils, particularly pupils e.g., looked after children and those on child protection plans.
- Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- Instigating parents and carers and multi-agency meetings to assess the behavioural issues of vulnerable pupils when necessary.
- Determining whether a pupil will be suspended and ensuring any decision to suspend is lawful, rational, reasonable, fair, and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to suspend a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following a suspension.
- Notifying a pupil's parents/carer without delay where the decision is taken to suspend the pupil.
- Notifying the LA within 24 hours of their decision to suspend a pupil where appropriate, as well as the pupil's home authority if required.
- Organising suitable work for suspended pupils where necessary.
- Considering problems, e.g., safeguarding concerns, that may be caused by a temporary suspension, e.g., inadequate supervision of the pupil during the suspension.

**Grounds for Exclusion / suspension**

The school will only suspend a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy have failed to be successful.

The following examples of pupil behaviour may underline the school's decision to suspend a pupil:

- The pupil has committed a serious disciplinary offence.
- The pupil is accused of a serious criminal offence.
- The pupil has seriously breached fire safety guidelines.
- For medical reasons, the pupil's presence in the school represents a serious risk to the health and safety of pupils and staff.
- The pupil has been involved with dangerous weapons, sexual abuse, actual or threatened violence, carrying an offensive weapon, or illegal drugs.

The above list is not intended to be exhaustive, and it will remain at the discretion of the headteacher to determine if Exclusion / suspension is an appropriate disciplinary action in response to an incident or series of incidents.

Pupils can be suspended on a fixed-period basis, i.e., up to 45 school days within an academic year, or permanently. Similarly, pupils can be permanently suspended, where further evidence is presented. In all cases, the headteacher will decide which Exclusion / suspension period a pupil will be subject to, depending on what the circumstances warrant.

The headteacher will decide if an offence warrants police involvement if there is a belief criminal activity may have taken place.

### **Underlying Principles**

Hurworth House is an inclusive school committed to equal opportunity for all. It is felt that Exclusion / suspension of pupils from the school, whether fixed term or permanent, are damaging to the school community. Consequently, a pupil will only be suspended when other strategies and sanctions have not been effective over time, or when there has been a single, clear and serious breach of discipline, or if allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or other pupils in the school.

'Informal' or 'unofficial' suspensions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any Exclusion / suspension of a pupil, even for short periods of time, must be formally recorded.

The decision to suspend a pupil must be lawful, reasonable and fair. At Hurworth house we have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. We give particular consideration to the fair treatment of pupils from groups who are vulnerable to suspension.

At Hurworth House School where there are concerns about a pupil's behaviour we try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension.

All parents/carers (or pupils if aged 18 or over) have the right to request the presence of a SEN expert at an independent review panel. The SEN expert's role is to provide impartial advice to the panel about how SEN could be relevant to the suspension; for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil.

At Hurworth suspended pupils are encouraged to participate at all stages of the Exclusion / Exclusion / suspension process, taking into account their age and understanding.

### **Objectives**

- To promote good behaviour and discourage inappropriate behaviour.
- To contribute to the maintenance of a calm and ordered school environment.

### **Making a decision to suspend**

Before deciding whether to suspend a pupil, the Headteacher will:

- Ensure that an appropriate investigation has been carried out.
- Consider all the evidence available to support the allegations.
- Allow the student to give his/her version of events.
- Look at the particular circumstances of each case, including diagnosis needs of each individual.
- The Head teacher has to be satisfied on the balance of probabilities that the pupil was responsible for the behaviour in question.

### **The Process**

1. The Exclusion / suspension of a pupil is an extreme sanction and is only administered by the Head teacher or in the absence of the Headmistress whoever is deputising. The Law of the United Kingdom allows a head teacher to suspend a pupil for up to 45 school days in any one school year.
2. Suspensions whether fixed term (usually 1-3 days), or permanent, may be used where a pupil has displayed unacceptable conduct which infringes that which is deemed to be acceptable in school.
3. Schools have a duty to arrange suitable, full-time education from the sixth day of a fixed period suspension. Suitable education means efficient education suitable to a child's age, ability and aptitude and to any SEN the child may have.
4. A pupil will be suspended immediately if there is an immediate threat to the safety of others in the school.
5. A thorough investigation must precede the Exclusion / suspension and it must be clearly shown that a wide range of strategies have been tried without success.
6. All the evidence must be very carefully assessed and collated. Extensive records will be kept of all Exclusion / suspension proceedings.
7. A pupil must be allowed and encouraged to give her account of events.
8. Staff must check whether or not the incident was caused.
9. In the event of an Exclusion / suspension being carried out the pupil's parents/ carers and must be notified immediately by telephone and then by letter.
10. All suspensions should be treated in the strictest confidence on a 'need to know' basis.
11. It is expected that most suspensions will be of a short (1-3 days), fixed-term nature.
12. Lunchtime Exclusion / suspensions are counted as half a school day for statistical purposes.
13. Pupils can also be suspended from the school premises at lunchtime 12pm. Each lunchtime is counted as one half school day.
14. The school is obliged to make sure that the pupil's parents have been fully informed of their duties during the first five days of the suspension. The parents/ carers are obliged to ensure that the pupil is not present in public during normal school hours without reasonable justification.
15. During the Exclusion / suspension period, the school must set work for the pupil and arrange for it to be marked.
16. The Headmistress must arrange a pastoral visit to fulfill a reintegration interview with the parents/ carers of the suspended pupil for any suspension. It is hoped the pupil should be present for all or part of the interview.
17. The Local Authority must be informed of the Exclusion / suspension on the day of the incident, if a pupil is permanently suspended.

18. The Head teachers will take account of their statutory duties in relation to special educational needs (SEN) when administering the Exclusion / suspension process. This includes having regard to the SEN Code of Practice.

### **The head teacher's duty to inform parents about a suspension.**

The following information will be provided in writing (see appendix 1/2)

- The reason(s) for the Exclusion / suspension
- The length of the Exclusion / suspension or permanency
- set out what arrangements have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school.
- Their right to raise any representations about the Exclusion / suspension to the governing body, including where a deadline applies, how the pupil will be involved in this and how the representations will be made.
- Relevant sources of free, impartial information

### **When notifying parents about an Exclusion / suspension head teachers should draw attention to relevant sources of free and impartial information.**

This information should include:

- a link to this statutory guidance on suspensions
- a link to the Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com); and
- where considered relevant by the head teacher, links to local services as appropriate.

Head teachers should ensure that information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the Exclusion / suspension and parents' right to make representations to the governing body have been understood.

### **Permanent Exclusion / suspension**

There are two main types of situations in which permanent Exclusion / suspension may be considered. The first is where a pupil exhibits a build-up of disruptive behaviours over time and continues to display persistent and defiant behaviour in spite of sanctions and the use of other strategies.

In this respect it is a final, formal step in a concerted process for dealing with the disciplinary offences and adverse behaviours.

The second is in the exceptional set of circumstances where, in the head teacher's judgement, it is appropriate to permanently suspend a student for a first or 'one off' offence, regardless of previous disciplinary history. Where the school considers that a criminal offence may have taken place, it reserves the right to inform the Police and other agencies, as appropriate.

### **Behaviour outside school**

Pupils who breach the school's Behaviour Policy whilst on school related activities 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 in school. For incidents that take place outside the school and not during school related activities, 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.

### **Exclusion / suspension of pupils with special educational needs (SEN), disability, race relations and looked after children**

Due to the nature of our provision Hurworth House pays due regard to the guidance on pupils with statements of SEN, looked after children and those from groups with consistently higher than average rates of suspension.

#### ***Other types of absence imposed by Hurworth House School***

1. If a pupil refuses to be screened for possession of offensive weapons, that pupil can be refused entry into school. This is not an Exclusion / suspension but an unauthorised absence.
2. If a pupil is deemed to be posing a serious risk to the well-being of other pupils.

#### **Re integration strategy:**

For fixed term suspensions: a reintegration meeting involving the child, parents and key staff will be arranged. a phased reintegration, including time in After School Provision, will normally be expected. Strategies designed to prevent further Exclusion / suspension will be agreed, these will be formalised into a Support Plan for pupils who are at risk of permanent suspension.

#### **Conclusion**

The staff at Hurworth House School accept that Exclusion / suspension is the final step, when all other strategies have been exhausted.

This policy has been evaluated with direct reference to issues of equality and diversity - please see

- Equality of Opportunities ACS16
- Use of Exclusion / suspension ACS12

#### **Appendix 1 – fixed term up to 5 days**

Dear **[Parent's Name]**

I am writing to inform you of my decision to exclude **[Child's Name]** for a fixed period of **[specify period]**. This means that he/she will not be allowed in school for this period. The Exclusion / suspension begins/began on **[date]** and ends on **[date]**.

I realise that this Exclusion / suspension may well be upsetting for you and your family, but the decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[reason for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during this Exclusion / suspension on **[specify dates]** unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[Child's Name]** to be completed on the days specified in the previous paragraph as school days during the period of his/her Exclusion / suspension **[detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the Schools Governance chair. If you wish to make representations, please contact **Mrs Blackett** on/at **[contact details — address, phone number, email]**, as soon as possible. The Governance chair will consider any representations you make

and may place a copy of their findings on your child's school record.

I would like to take this opportunity to signpost the following free and impartial advice:

- Statutory guidance on suspensions: guidance
- Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**[Optional paragraph for reintegration interview]**

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of your child's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

**[Child's Name]**'s Exclusion / suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely  
**[Name]**  
Head teacher

**Appendix 2- fixed term 5-15 days**

Dear **[Parent's name]**

I am writing to inform you of my decision to suspend **[Child's Name]** for a fixed period of **[specify period]**. This means that **[Child's Name]** will not be allowed in school for this period. The Exclusion / suspension start date is **[date]** and the end date is **[date]**. Your child should return to school on **[date]**.

I realise that this Exclusion / suspension may well be upsetting for you and your family, but my decision to suspend **[Child's Name]** has not been taken lightly. **[Child's Name]** has been suspended for this fixed period because **[specify reasons for suspension]**.

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days **[or specify dates if Exclusion / suspension is for fewer than 5 days]** of this suspension, that is on **[specify dates]**. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if your child is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

We will set work for **[Child's Name]** during the **[first 5 or specify other number as appropriate]** school

days of his/her Exclusion / Exclusion / suspension **[specify the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

**[if the individual Exclusion / suspension is for more than 5 days]**

From the **[6th school day of the pupil's Exclusion / suspension ] [specify date]** until the expiry of his Exclusion / Exclusion / suspension we **[set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]** will provide suitable full-time education. **[Set out the arrangements if known at the time of writing, e.g.]** On **[date]** he should attend **[give name and address of the alternative provider]** at **[specify the time — this may not be identical to the start time of the home school]** and report to **[staff member's name]**. **[If applicable — say something about transport arrangements from home to the alternative provider]** **[if not known say that the arrangements for suitable full time education will be notified shortly by a further letter]**

You have the right to make representations about this decision to the Schools Governance chair. If you wish to make representations, please contact **Mrs Blackett** on/at **[contact details — address, phone number, email]**, as soon as possible. The Governance chair will consider any representations you make and may place a copy of their findings on your child's school record.

If you do wish to make representations to the discipline committee/management committee and wish to be accompanied by a friend or representative, please contact **[name of contact]** on/at **[contact details — address, phone number, email]**, as soon as possible. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

I would like to take this opportunity to signpost the following free and impartial advice:

- Statutory guidance on suspensions: guidance
- Coram Children's Legal Centre: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)

**[Optional paragraph for reintegration interview]**

You **[and your child or name of pupil]** are invited to attend a reintegration interview with me **[alternatively, specify the name of another staff member]** at **[place]** on **[date]** at **[time]**. If that is not convenient, please contact the school before your child is due to return to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

You have the right to see and have a copy of, your child's school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of your child's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

**[Child's Name]**'s Exclusion / suspension expires on **[date]** and we expect **[Child's Name]** to be back in school on **[date]** at **[time]**.

Yours sincerely

**[Name]**  
Head teacher

