



Exclusions Policy

Document Control	
Title	Exclusions Policy
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Purpose of the policy	To set out how the school will respond on those occasions when a young person's behaviour leads to them being excluded from school
Related policies/guidance	Behaviour policy and Principles Anti Bullying Safeguarding and Child protection DfE guidance - Behaviour and discipline in schools
Review	Annually
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Under the Public Sector Equality Duty, Manchester Hospital School has due regard to the need to



eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. Manchester Hospital School will take into account equality considerations when policies are being developed, adopted and implemented

Manchester Hospital School serves the needs of a very large and diverse range of children, young people and their families at times when they are extremely vulnerable. Our core purpose as a school is to uphold the child's right to Education and our policies and procedures are necessary to keep staff and children safe . We acknowledge that our students are often living with a range of very complex medical conditions including mental ill health and therefore we keep the needs of the student at the heart of all decisions. We will , therefore, work within the parameters of all statutory policies whilst seeking to understand and support the child's long term education and health needs.



1. Aims

This policy sits alongside our Behaviour Policy and has been produced in light with the DfE guidance, [Suspension and Permanent Exclusion from maintained school, academies and pupil referral units in England, including pupil movement](#), published in September 2022.

The policy will support us in following the legislation and regulations about suspension (fixed term exclusion) and permanent exclusion. We will only follow this policy when our strategies and interventions set out in the behaviour policy have not been successful or require a more significant intervention.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - September 2022

It is based on the following legislation, which outline schools' powers to exclude students:

Section 52 of the Education Act 2002, as amended by the Education Act 2011.

The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded students;

Section 579 of the Education Act 1996, which defines 'school day';

The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 .



3. The decision to exclude

3.1 Only the headteacher of our school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

3.2 . A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be reasonable; fair; and proportionate.

3.3 When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher will decide 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher will take account of their legal duty of care when sending a pupil home following an exclusion.

3.4. The Headteacher will also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They will inform the pupil about how their views have been factored into any decision made.

4. Suspension

4.1 A suspension, where a pupil is temporarily removed from the school, is set out as a sanction within our school's behaviour policy.

4.2 A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

4.3 Where there is more than one suspension, the head teacher will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour and whether the needs of the pupil are still compatible with the safety and wellbeing of the other pupils or if another placement should be sought.

4.4 During a suspension, pupils still receive their education. The site lead will ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Google Classroom or Oak National Academy.



4.5 As all our pupils have SEND, we will make reasonable adjustments in how we support disabled pupils during this period.

4.6 Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways this will always be recorded as a suspension which can also be for parts of the school day.

5. Permanent exclusion

5.1 A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- 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 such as staff or pupils in the school.

5.2 For any permanent exclusion, the school will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will also be considered.

6. Cancelling exclusions

6.1 The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;



- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- We will report to the governing board once per term on the number of exclusions which have been cancelled. This will include the circumstances and reasons for the cancellation
- The pupil should be allowed back into school.

7. The exclusion process

7.1 If the school suspends or permanently excludes a pupil we will, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

We will write to parents to inform them of

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

7.2 The Written notification of the information above will be given directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be



given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

7.3 We will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted. The headteacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion

7.4 . When notifying parents about a suspension or permanent exclusion, the headteacher will draw attention to relevant sources of free and impartial information. This information will include:

- Details of Manchester's SENDIAS service is available through the link below. They provide information, advice and support to children and young people with SEND, including on exclusions.

<https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>

- Coram's Child Law Advice service can be accessed through their website

<https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am - 6pm.

- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.

- Independent Provider of Special Education Advice (known as IPSEA - www.ipsea.org.uk) is a registered charity. It offers free and independent



information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

7.5 If the school suspends or permanently excludes a pupil we will, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC37, of the period of the suspension or permanent exclusion and the reason(s) for it.

In summary we will

- adopt a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensure there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- provide up-to-date links to sources of impartial advice for parents;
- reintegrate suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensure a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

8.Reasons and recording exclusions

8.1 Our Head teacher will use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a pupil
- Physical assault against an adult



- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

9. Off-rolling and unlawful exclusions

9.1 We will not take any pupils from our school roll without following the correct procedures. If a placement breaks down for a dual rolled pupil then we will work with the home school to find a suitable alternative placement as quickly as possible. For a single rolled pupil, we will work with the LA to find a suitable alternative as quickly as possible

9.2 When necessary we will consider suspending a pupil for a short period of time, such as half a day, however, if there has been a breach of discipline, we will always follow the formal suspension process.

9.3 Each disciplinary suspension and permanent exclusion will be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

and will be formally recorded.

9.4 We will not send pupils home to 'cool off' following a disciplinary incident unless they become distressed and anxious and therefore become medically unfit for school.

9.5 We would never exercise undue influence over a parent to remove their child from the school under the threat of a permanent exclusion or encourage them to choose Elective Home Education or to find another school place.

9.6 If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure available on the school website or complain to Manchester City Council.



10.Reintegration after a suspension or off-site direction

10.1 We will support pupils to reintegrate successfully into school life and full-time education following a suspension and will design a reintegration strategy which:-

- offers the pupil a fresh start
- helps them understand the impact of their behaviour on themselves and others;
- teaches them to how meet the high expectations of behaviour in line with the school culture;
- fosters a renewed sense of belonging within the school community; and
- builds engagement with learning.

10.2 The reintegration strategy will be clearly communicated at a reintegration meeting with the pupil and ideally, their parents, before or at the beginning of the pupil's return to school.

10.3 Where necessary, the school will work with relevant staff and multi-agency organisations, such as social workers, educational psychologists, school nursing and CAMHS.

11.Informing the governing board about an exclusion

11.1The headteacher must, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

11.2 When removing a pupil from the school roll, the governing board must ensure this is



done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.

12. Informing the local authority about an exclusion

12.1 The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.

12.2. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

12.3. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

13 Informing the governing board about an exclusion

13.1 There are clear processes in place for considering suspensions and permanent exclusions, such as:

- Ensuring parents and pupils are aware of their right to consideration by the governing board
- Asking whether the governing board have taken steps to find a convenient date



that the parent, other relevant parties, the local authority representative (if relevant) and the headteacher can attend, within the legal time limits

- Asking the governing board whether they have considered how to involve the pupil in the consideration process
- Collecting all relevant documents, anonymising them, if required, and providing them to all parties

13.2 The headteacher will inform the governing board about reinstatement and specify the correct timescale. They will also make clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations.

13.3 For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age to begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

13.4 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.



13.5 In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement. This is our preferred course of action as all our pupils have complex SEND needs whether they have an EHCP or not.

14. Guidance for governing boards on considering an excluded pupil's reinstatement

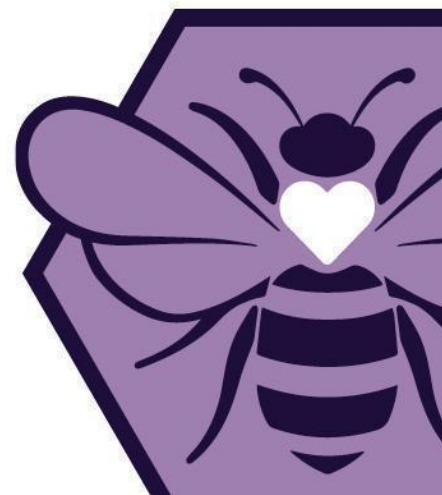
14.1 The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. This has been delegated to a designated sub-committee consisting of at least three governors.

14.2 The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- it would result in the pupil missing a public examination or national curriculum test.

14.3 The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

14.4 Where a suspension or permanent exclusion would result in a pupil missing a public



examination or national curriculum test, there is a further requirement for a governing board to consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

14.5. The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

14.6. The governing board must make reasonable endeavours to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

14.7 Where the chair is unable to make this consideration, then the vice-chair may do so instead.

14.8 In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

14.9. Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board



meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

Summary

At our school we will use suspension as exclusion as a very last resort and only when all other strategies have been unsuccessful. We will always endeavour to arrange an alternative placement rather than a permanent exclusion because all of our pupils have complex SEND needs but not all of them have an EHCP. However, this policy sets out the clear and transparent process we will follow should there need to be a suspension or permanent exclusion.

