

# Exclusion and Suspensions Policy



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## 1. Purpose

- 1.1 The purpose of this policy is to establish the position taken by the Local Governing Board and staff in relation to serious breaches of the behaviour policy which could result in individual pupil suspension or exclusion.

## 1. Terminology

- The Trust means Advantage Schools.
- School means a school within Advantage Schools.
- Principal means the Principal of the school.
- CEO means the Chief Executive Officer of Advantage Schools
- Local Governing Board means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions related to the governance of a school or group of schools and includes any School Improvement Boards.
- SEND means Special Educational Needs and Disability.
- EHCP means Education, Health and Care Plan.
- LA means Local Authority.
- LAC means Looked After Children.
- A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. 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.
- An “**exclusion**” is defined as the permanent removal of a pupil from the school, in response to a serious breach (one-off incident) 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 pupils or staff in the school.

## 2. Policy

- 2.1. The staff and governors are fully committed to achieving high standards of discipline and behaviour in school.
- 2.1 The behaviour policy and pupil code of conduct sets out the behavioural standards expected of all pupils. All staff are in agreement with the policy and implement it consistently so that pupils understand what is expected of them and know the boundaries of behaviour.
- 2.2 Through the behaviour policy and pupil code of conduct, the school aims to promote among pupils civility, self-discipline, kindness and an understanding that excellent behaviour is expected but poor behaviour will be challenged, and sanctioned accordingly.
- 2.3 If a pupil’s behaviour is disruptive or violent, in spite of all the measures in the behaviour policy and related procedures, and undermines the quality of teaching and learning for other pupils, then procedures for the suspension or permanent exclusion of the pupil will be enforced.

- 2.4 The behaviour policy and school procedures detail the early intervention systems in place to deal with poor behaviour and as a result, permanent exclusion will only be used as a last resort, except when an immediate permanent exclusion is appropriate.
- 2.5 The school will ensure full-time provision is maintained for any permanently excluded pupil.
- 2.6 The school will ensure systems are in place to reinstate suspended pupils as soon as possible.
- 2.7 Good working relations will be established with parents/carers of pupils who have been suspended.
- 2.8 The Principal reserves the right to move straight to a permanent exclusion if the actions of a pupil endangers the safeguarding of themselves, other children, school staff and property.
- 2.9 The Principal reserves the right to vary the length of a suspension dependent upon the age or stage of a pupil in line with the related procedures.
- 2.10 The Principal also reserves the right to vary the length of a suspension dependent on the severity or frequency of an offence.
- 2.11 In any one academic year a pupil may be suspended for one or more fixed periods of up to but not exceeding 45 school days, or permanently excluded.
- 2.12 During any period of suspension, the school will continue to provide education for the pupil and plan for the pupil to be reinstated after the suspension period has ended. Following the suspension, the school will ensure that any appropriate support is identified to help positively change behaviour to prevent any further exclusion.
- 2.13 A pupil may be suspended where other disciplinary sanctions have failed to be successful, or where a pupil's behaviour is considered sufficiently serious. Examples include:
- 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
  - Bullying
  - Discriminatory abuse, e.g. racist, homophobic, transphobic or ableist abuse
  - Persistent refusal to follow instructions
  - Persistent breaches of the school rules or pupil code of conduct

*The list above is merely a number of examples which may lead to suspension, but the list is by no means exhaustive.*

- 2.14 A pupil may be permanently excluded if:
- All other strategies to address disruptive behaviour have failed.
  - The offence was a serious one-off offence such as:

- Serious, actual or threatened, violence against a pupil or a member of the school personnel, during or outside of school hours, on or off the school premises.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Being in possession of an illegal drug or substance.
- Carrying an offensive weapon.
- Any other serious offence.

*The list above is merely a number of examples suggested of serious one-off offences, which may lead to a permanent exclusion, but the list is by no means exhaustive.*

### **3 Responsibilities**

- 3.1 The Principal holds delegated powers and responsibilities to ensure all school personnel and visitors to the school are aware of and comply with this policy.
- 3.2 The Principal will ensure behaviour data is monitored and tracked so that pupils vulnerable to suspension or permanent exclusion can be identified early in order to provide supportive measures, considering the best interests of all parties. This may include working with pupils, parents and where appropriate the LA to provide additional in-school support or to initiate alternative provision or managed moves as preventative measures to exclusion.
- 3.3 The Principal has the authority to make the decision to suspend and permanently exclude. When making the decision the Principal will:
- Undertake a thorough investigation into any alleged incident by considering all the evidence that is available, applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion and basing their decision on the on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
  - Comply with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy, and ensuring compliance with the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
  - Keep a written record of all stages of the investigation and any signed witness statements.
  - Check whether the alleged incident was provoked by discriminatory harassment, and take into account any breach of the school's equal opportunities policy.
  - Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
  - Consult with any other relevant people.
  - Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
  - Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, or CLA
  - Consider alternatives to suspension or permanent exclusion.
  - Decide on the length of the suspension.
  - In the case of a permanent exclusion, consult on their decision with the Chief Executive Officer and advise the Chief Education Officer of their decision.
  - Inform parents/carers and relevant authorities immediately, and take steps to ensure all information provided to parents is clear and easily understood.

- If a pupil is looked after, inform their social worker and the Virtual School Head (VSH) immediately, and ensure the social worker and VSH are invited to attend meetings of the governing board regarding the pupil.
- 3.4 The Principal will notify the Local Governing Board and the LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
  - 3.5 The Principal will notify the Local Governing Board once per term of any suspensions and exclusions in the Principal's report to governors.
  - 3.6 The Principal will arrange for the provision of suitable work for excluded pupils where alternative provision cannot be arranged.
  - 3.7 The Principal will withdraw any suspensions or exclusions that have not been reviewed by the Local Governing Board where appropriate.
  - 3.8 The Principal will remove pupils from the school register when 15 school days have passed since the parents were notified of the Local Governing Board's decision not to reinstate the pupil and no application for an independent panel review has been received or when parents have stated in writing they will not be applying for an independent panel review following an exclusion.
  - 3.9 The Principal will ensure that whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:
    - Code B: Education off-site
    - Code D: Dual registration
    - Code E: Absent and not attending alternative provision
  - 3.10 The Principal retains responsibility for the effective implementation, monitoring and evaluation of this policy.
  - 3.11 The Local Governing Board has a responsibility to ensure a pupil's name has been removed from the school admissions register following exclusion, where appropriate.
  - 3.12 The Local Governing Board has a responsibility to ensure this policy is made available to parents and carers.
  - 3.13 The Local Governing Board has a responsibility to provide information to the Secretary of State and LA about any suspensions and exclusions within the last 12 months.
  - 3.14 The Local Governing Board has a responsibility to ensure suitable full-time education for any pupil of compulsory school age who is suspended is arranged.
  - 3.15 The Local Governing has a responsibility to consider parents' representations about suspensions (that take the pupil's total number of school days out of school above five but less than 16 for the term), within 50 school days of receiving notice if the appropriate requirements are met.
  - 3.16 The Local Governing Board has a responsibility to consider parents' representations about suspensions (that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term) and exclusions within 15 school days of receiving notice if the appropriate requirements are met.

- 3.17 The Local Governing Board has a responsibility to consider the impact of a suspension or exclusion that would result in a pupil missing a public examination or test, before the date of that examination or test. In these cases, the Local Governing Board has a responsibility to consider whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- 3.18 The Local Governing Board has a responsibility to arrange the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- 3.19 The Local Governing Board has a responsibility to adhere to its responsibilities to consider the reinstatement of pupils.
- 3.20 The Local Governing Board has a responsibility to consider the interests and circumstances of the suspended or excluded pupil, including the circumstances in which they were suspended or excluded, and have due regard to the interests of others at the school.
- 3.21 The Local Governing Board has a responsibility to use the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.
- 3.22 The Local Governing Board has a responsibility to ensure clear minutes are taken of the representation meeting.
- 3.23 The Local Governing Board has a responsibility to note the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- 3.24 The Local Governing Board has a responsibility to notify the pupil's parents, the Principal and the LA of its decision and the reasons for it, without delay.
- 3.25 The Local Governing Board has a responsibility to appoint a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- 3.26 The Local Governing Board has a responsibility to, where appropriate, inform parents of where to apply for an independent review panel.
- 3.27 The Local Governing Board has a responsibility to reconvene within 10 school days to reconsider reinstatement of a pupil where directed to do so by the independent review panel.
- 3.28 The Local Governing Board has a responsibility to use data to evaluate the school's practices regarding intervention, suspension and exclusion.
- 3.30 The clerk to the Local Governing Board is responsible for informing the appropriate individuals that they are entitled to:
- Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.

- 3.31 The clerk to the Local Governing Board is responsible for circulating copies of relevant papers at least five school days before the review to all parties.
- 3.32 The clerk to the Local Governing Board is responsible for giving all parties details of those attending and their role, once the position is clear.
- 3.33 The clerk to the Local Governing Board is responsible for attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.
- 3.34 The Local Authority is responsible for having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- 3.35 The Local Authority is responsible for arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- 3.36 The Local Authority is responsible for reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- 3.37 The Trust is responsible for arranging for an independent review panel hearing to review the decision of the Local Governing Board not to reinstate a permanently excluded pupil where required.

#### **4 Arranging education for suspended and excluded pupils**

- 4.1 For any suspensions of more than five school days, the Principal will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.
- 4.2 The Local Governing Board will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.
- 4.3 The Local Governing Board is aware that it is beneficial to suspend and exclude pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the Local Governing Board will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and provide feedback on work for the pupil.
- 4.4 If a pupil with SEND has been suspended or excluded, the Local Governing Board will ensure that:
- Any alternative provision is arranged in consultation with the pupil's parents, who are able to request preferences.

- When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in considering suspensions and exclusions

## **5 Related Documents**

- Advantage Schools Equalities and Diversity Policy
- Advantage Schools Behaviour Policy
- Schools Sanctions Procedure
- Schools Suspension and Exclusion Procedure

## **6 Legal Framework**

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

- Education Act 1996
- Education Act 2002
- Education Act 2011
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The European Convention on Human Rights (ECHR)
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' DfE
- 'Behaviour in Schools' DfE
- 'Special educational needs and disability code of practice: 0 to 25 years' DfE
- 'Mental health and behaviour in schools' DfE

## **7 Monitoring, Evaluation and Review**

7.1 This policy will be monitored and reviewed annually or as necessary by the Principal.