

## Suspension & Exclusion

### POLICY STATEMENT

- Exclusion is only used as a very last resort at school and will only happen if the presence of a Pupil at the school could affect the safety, welfare or education of others or themselves.

#### Document Control

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# 1. Scope

## 1.1 Introduction

1.1.1 The school's focus of attention and expertise is in the education of children and young people with SEND, to include those who demonstrate complex behaviours that challenge. The school therefore maintains a high level of capability and resource to be able to respond to such needs.

## 1.2 Definitions

1.2.1 Suspension – when a Pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

1.2.2 Permanent exclusion – when a Pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

1.2.3 Throughout this policy we will refer to 'suspensions' when referring to a temporary removal of a Pupil and 'permanent exclusion' when referring to a permanent exclusion where a Pupil's name is removed from the school roll.

## 1.3 Types of Exclusion

1.3.1 Suspensions and permanent exclusions are different:

1.3.2 Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year.

1.3.3 Permanent exclusions are where, subject to a decision of the panel, not to reinstate the pupil to the school, the pupil is prevented from attending the school again. Exclusion on the grounds of a Pupil's behaviour will only be considered if it meets the following criteria:

- The nature of the behaviour is beyond the capability and/or resource of the school (e.g., where a high level of medical intervention is required, where necessary Team Member support cannot be provided, where necessary physical resources are not available)
- The behaviour presents a level of risk to the Pupil/Team Member that the school is unable to manage/sustain.
- The behaviour presents a level of risk to other Pupils and/or Team Members that the school is unable to manage/sustain.

1.3.4 In the circumstance where there is no other option but to suspend a Pupil, the school's preferred option would be to do so for a fixed term period. This will allow further time for all parties to meet and review the situation and agree the best course of action. There will, however, be exceptional circumstances where, the Headteacher's and/or Operations Director for Education will make a judgement that the most appropriate action is to permanently exclude a Pupil for a first or 'one off' offence. These might include:

- Extremely serious violence against another Pupil or Team Member

- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- A criminal act

1.3.5 The school will consider whether to inform the police and make a referral to the safeguarding teams where such an offence has taken place. We will also inform other agencies, e.g., Youth Offending Teams, social workers etc.

1.3.6 These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour can affect the order and well-being of the school community.

1.3.7 The school fully recognises the difficulty that exclusion presents to parents and to the sponsoring Placing Authority, and as such will only pursue such action when all other reasonable avenues have been explored. Nonetheless, we consider the safety and well-being of our Pupils and Team Members as paramount and reserve the right to pursue exclusion where this is being materially undermined.

1.3.8 The school is committed to Equal Opportunities and will comply with any relevant legislation.

1.3.9 Any permanent exclusion will be approved by the Headteacher following full consultation with the Operations Director for Education.

#### **1.4 School Provision**

1.4.1 At the heart of our school's philosophy and practice is the principle that 'if we pay good attention to identifying and responding to a Pupil's needs, their vulnerability to demonstrating behaviour that places them at risk of exclusion will diminish.' Such needs include:

- Physical, emotional, material, and social well-being needs
- Health needs
- Needs arising from their learning needs (communication, socialisation, flexible thinking, sensory)
- Educational and personal development needs

#### **1.5 Identifying if a Pupil is at Risk of Exclusion.**

1.5.1 The school adopts a range of processes through which any Pupil whose behaviours present a potential risk of exclusion will be identified. These include:

- Child centred planning processes
- Positive behaviour support meetings
- Monitoring of behaviours through Databridge
- School team meetings

- Senior management team meetings
- Multidisciplinary meetings
- Pupil progress data

1.5.2 When the school's senior management team identifies a Pupil's behaviour as being such that it places him/her at risk of exclusion, it will convene an 'at risk of exclusion meeting' which may include other relevant school team and any external professionals who are involved in the Pupil's education, strategies, or interventions as well as the Pupil and their parents/carers.

## **1.6 Risk of Exclusion Meeting**

1.6.1 The Headteacher will chair the risk of exclusion meeting. Minutes to include agreed actions will be recorded.

1.6.2 The meeting will consider:

- The nature of the presenting behaviour/issues and the extent to which it meets the policy statement re: grounds for exclusion.
- That the Therapeutic Approach (Behaviour) policy is being fully and properly applied and, in particular:
  - The appropriateness and accuracy of current plans and the assessment on which they are framed. If necessary, to action re-assessment and describing of more appropriate and relevant plans.
  - The consistency of implementation of plans, strategies, and interventions. If necessary, action improved consistency of implementation
- The necessary changes in behaviour and/or circumstances required for the risk of exclusion to have abated and those that would escalate the exclusion process.
- Necessary recording of strategies, interventions, and behaviours.
- Any environmental changes – to include the behaviour/actions of Team Members.
- The need to further involve others – professionals, agencies, Parents/Carers.
- Any short-term measures to promote safety and well-being whilst any re-assessment and development of new strategies and interventions is pursued. This may include the question of suspension.
- Communication to Parents/Carers and the sponsoring Placing Authority. Unless there is good reason otherwise, at this stage parents and the Placing Authority will be informed that the Pupil's behaviour is outside the school's normal frame of reference and that a 'risk of exclusion process' is underway.

- Where appropriate and should the process move towards exclusion, the Parents/Carers and Placing Authority will be invited to attend any exclusion prevention and associated meetings.
- Further interventions could include:
  - A change of teaching set or class
  - Curriculum alternatives
  - Additional support in school
  - Further training for Team Members
  - A part time onsite provision
  - A short period of home tuition
  - A temporary change to the timetable

1.6.3 The outcome of the first and subsequent risk of exclusion meetings will be a clear exclusion prevention plan and accurate minutes.

1.6.4 The exclusion prevention plan and any risk management plan will clearly describe the interventions to overcome the issues that are creating a risk of exclusion and how the current risk(s) being presented will be safely managed. If risks cannot be safely managed with increased control measures implemented, suspension maybe needed to develop appropriate provision or resources such as further Team Member training or setting up an individualised teaching base. Plans will have clear timescales and monitoring/review procedures.

## **1.7 Outcome of a 'Exclusion Prevention Plan'**

1.7.1 There are three possible outcomes from the exclusion prevention plan.

- The Pupil is no longer at risk of exclusion.
- Though the school can keep the Pupil safe, the interventions are not reducing the risk and an alternative provision/school is required. The school will work with the Pupil, family and placing authority to support a planned transition.
- The interventions are not providing positive improvement and the Pupil's behaviour meets the criteria for exclusion and a suspension is issued.

## **1.8 Unforeseen Circumstances Leading to Exclusion**

1.8.1 Some Pupils may suddenly experience significant challenges that result in their behaviours or actions meeting the criteria for exclusion. This will mean there would not have been time for any exclusion prevention meetings or planning. However, the Headteacher may feel that to keep the Pupil and/or others safe they need to issue a suspension with immediate effect. This will allow time for the school to make emergency changes/arrangements and/or arrange an 'exclusion planning meeting.' This meeting will follow the same process as the 'at risk of exclusion meeting.' The parent/carer(s), Pupil if appropriate, the placing authority and appropriate members of team from the school will be invited to this meeting(s).

1.8.2 There can be four outcomes from the ‘exclusion planning meeting.’

- A return from suspension / exclusion plan is implemented and is reviewed overtime following the same procedures and potential outcomes of an ‘at risk of exclusion plan.’
- It is agreed that the Pupil’s needs and presenting risks are beyond the capability of the school and an alternative provision is sought by the parent/carers and Placing Authority. The school will support with this process, though it is likely the Pupil will not return.
- It is agreed that the Pupil’s needs and presenting risks are beyond the capability of the school and the Pupil is permanently excluded.
- The Pupils’ actions fall under the ‘one off’ events describe as being exceptional under the school’s criteria for permanent exclusion.

## **1.9 Suspensions**

1.9.1 A suspension may be agreed within the exclusion prevention process for the following purposes:

- To provide space within which planning, and resourcing may take place.
- To allow other Pupils and/or team to recover from and debrief/reflect extreme challenging behaviour and to be adequately prepared for the Pupil’s return.
- To secure the short-term safety and well-being of the Pupil and/or others

## **1.10 Permanent Exclusion**

1.10.1 Permanent exclusion will be pursued in the following circumstances:

- The behaviour meets the policy criteria.
- A full and proper implementation of the exclusion prevention plan has failed to mitigate the presenting behaviours and risks, or the resources required to fulfil a ‘return from exclusion plan’ is beyond the capability and reasonable adjustment limitations of the school.
- That all other potential strategies have been fully considered

## 2. Procedures Related to Exclusions

### 2.1 The Role of the Headteacher

2.1.1 The Headteacher should carefully follow the procedures set out in law and statutory guidance, which are designed to ensure fairness and openness in the handing of exclusions. Following this policy will also reduce the chance of any successful legal challenge to the exclusion at a later stage. The Headteacher should ensure that they pay due regard to the SEND code of practice in regard to all exclusions.

### 2.2 Considerations Following a Suspension

2.2.1 The school's obligation to provide education continues while the Pupil is on the roll and must be met during the suspension/ exclusion period. In all cases of more than a day's suspension / exclusion, work should be set and marked. The Headteacher considering whether to suspend a Pupil for a longer fixed period, for example for more than 15 school days, should plan:

- How the Pupil's education will continue during the period of suspension/ exclusion
- How the time might be used to address the Pupil's difficulties
- Together with the school's maintaining Placing Authority, agree what educational arrangements will best help with the Pupil's reintegration into the school at the end of the exclusion.

### 2.3 Length of Suspensions

2.3.1 The regulations allow the Headteacher to suspend a Pupil for one or more fixed periods not exceeding 45 school days in any one school year. The limit of 45 school days applies to the Pupil and not to the institution. Therefore, any days of fixed period suspension served by the Pupil in the same school year will count towards the total.

2.3.2 However, individual suspensions should be for the shortest time necessary, bearing in mind that suspensions or s of more than a day or two make it more difficult for the Pupil to reintegrate into the school. Ofsted inspection evidence suggests that 1-3 days is often long enough to secure the benefits of exclusion without adverse educational consequences. Suspensions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite suspension or exclusion for which no legal arrangements exist.

### 2.4 Informing Parents

2.4.1 Whenever the Headteacher suspends or excludes a Pupil, the parent must be notified immediately, ideally by telephone followed up by a letter/email within one school day. Letters of notification of exclusion must state:

- For a suspension, the precise period that this will last.
- For a permanent exclusion, the fact that it is a permanent exclusion.
- The reasons for the exclusion



- The parent's right to make representations about the exclusion to the Operations Director for Education
- 2.4.2 Note: Letters may need to be translated into other languages, where parents' first language is not English.
- 2.4.3 Letters should also mention:
- In the case of a suspension, the date and time when the Pupil should return to school.
  - If the exclusion is permanent, the date it takes effect and any relevant previous history.
  - The arrangements made for enabling the Pupil to continue his/her education, including the setting, and marking of work. It is the parent's responsibility to ensure that work sent home is completed and returned to school.
  - The telephone number for the Advisory Centre for Education (ACE) exclusions helpline: 0300 0115 142 or visiting ACE Education Advice CIC & ACE Education Training LLP | Home ([ace-ed.org.uk](http://ace-ed.org.uk)). ACE are a long established independent national charity providing advice to parents.
- 2.4.4 All exclusion cases should be treated in the strictest confidence.
- 2.4.5 In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion. In such cases the Headteacher must once again write to the parents explaining the reasons for the change. The Headteacher may withdraw an exclusion that has not yet been reviewed by the Operations Director for Education if they feel the school can safely meet the Pupils' needs and that the impact of doing so would not place others at risk.

## **2.5 Informing the Placing Authority**

- 2.5.1 Within one school day the Headteacher must inform the Pupil's social services and the Placing Authority of:
- Permanent exclusions
  - Suspensions which would result in the Pupil being excluded for more than five school days in any one term.
  - Exclusions or suspensions which would result in the Pupil missing a public examination.
- 2.5.2 The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.
- 2.5.3 The notification will include:
- The reason(s) for the suspension or permanent exclusion
  - The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

- For a permanent exclusion, if the Pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the Pupil's 'home authority' of the exclusion and the reason(s) for it.
- The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

## **2.6 Informing the Pupil's Social Worker and/or Virtual School Head (VSH)**

### **2.6.1 If a:**

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible.
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible.

## **2.7 Notifying Those Involved of a Cancelled Suspension/Exclusion**

### **2.7.1 When an exclusion is cancelled, the Headteacher, must notify without delay:**

- Parents/carers; or the Pupil (if they are 18 or older)
- The Operations Director for Education (Operational Governance and Oversight)
- The local authority (LA)
- The Pupil's social worker (where relevant)
- The VSH (where relevant)
- The Headteacher must provide all parties with the reason for cancellation.

### **2.7.2 Parents/carers must be offered the opportunity to meet with the Headteacher without delay, to discuss the circumstances that led to the cancellation.**

### **2.7.3 Any days out of school will count as a suspension and any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a Pupil can be suspended in any school year.**

### **2.7.4 Permanent exclusions cannot be cancelled if a Pupil has already been suspended for more than 45 days in a school year.**

### **2.7.5 Pupils should be reintegrated without delay once the Headteacher is confident that appropriate control measures have been implemented to support a suitable return to the premises.**

### **2.7.6 The Headteacher must ensure that the school offers the same support to Pupils whose suspensions/exclusion have been cancelled, as they would to a Pupil who has been suspended on their return to school.**

## **2.8 Exclusion Reports Should Include**

- The Pupil's name.

- The length of the exclusion
- The reason for the exclusion
- The Pupil's age, gender, and ethnicity
- Whether the Pupil has an EHCP/IDP
- Whether the Pupil is in Placing Authority care

## **2.9 Unofficial Exclusions**

2.9.1 If the Headteacher is satisfied that, on the balance of probabilities, a Pupil has seriously breached our behaviour standards and the Pupil is being removed from the school site for that reason, formal suspension or exclusion is the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

## **2.10 Appeals**

2.10.1 An appeal can be made to the Operations Director for Education

2.10.2 If parents/guardians wish to appeal the decision to exclude or suspend, the matter will be referred to the Operations Director for Education. The Operations Director for Education will acknowledge the complaint and respond in line with the school's complaints policy.

2.10.3 Records relating to the decision to exclude or suspend, and the parents/guardians' complaint will be copied to all parties not later than five days prior to the hearing. In no circumstances, however, will the school or its Team Members be required to divulge to parents/guardians or others any confidential information on, or the identities of, Pupils or others who have given information which has led to the exclusion or which the Headteacher has acquired during an investigation.

2.10.4 The parents/guardians may be accompanied to the hearing by one other person. This may be a relative, legal advisor or friend.

### 3. Additional Guidance

#### 3.1 Alternative Approaches

3.1.1 Several different alternatives may be available in response to a serious breach of behaviour policy.

- Restorative practice, which enables the offender to redress the harm that has been done to a 'victim' and enables all parties with a stake in the outcome to participate fully in the process. This has been used successfully to resolve situations that could otherwise have resulted in exclusion. All professionals involved in the process need to be thoroughly involved and this can only work with the consent of all parties. However, given the nature of our Pupil group this may not always be an appropriate strategy.
- Mediation through a third party is another approach that may lead to a satisfactory outcome, particularly where there has been conflict between two parties, e.g., a Pupil and teacher, or two Pupils.
- Temporary internal seclusion which can be used to defuse situations that occur in school that require a Pupil to be removed from class but may not require removal from the school premises. The seclusion could be to a designated area within the school, with appropriate support and supervision, or to another class on a temporary basis, and may continue during break periods. Internal seclusion should be for the shortest time possible and should be subject to review. Please note that this response would not place the Pupil within an environment which was detrimental to their own health, wellbeing, or development.

3.1.2 Throughout the exclusion prevention process the Pupil's parents and sponsoring Placing Authority will be kept fully informed of progress and arising issues.

#### 3.2 Removal of Pupils other than by Exclusion

3.2.1 Exceptional Circumstances:

- There may be exceptional circumstances in which the Headteacher needs to remove a Pupil(s) from the school site when exclusion would be illegal. An example is where a Pupil is accused of committing a serious criminal offence which took place outside the Headteacher's jurisdiction (perhaps during a weekend or school holiday and off site) and/or there is insufficient evidence to warrant exclusion.
- The Headteacher would be unable to exclude a Pupil in this situation. However, there may be compelling reasons for removing that Pupil from the school premises pending the outcome of a police investigation.
- Whether the Pupil has been granted leave of absence or is being educated elsewhere, the school must ensure that the Pupil's full-time education continues while off site. Any such arrangements do not amount to a formal exclusion from school and should be kept under periodic review.

### 3.2.2 Health and Safety:

- The Headteacher may send a Pupil home, after consultation with that Pupil's parents, social worker, and a health professional as appropriate, where because of a diagnosed illness such as a notifiable disease he/she poses an immediate and serious risk to the health and safety of other Pupils and Team Members.
- This is not exclusion and should be for the shortest possible time and may only be done for medical reasons. If difficulties persist, The Headteacher should seek medical advice.
- If there is sufficient evidence that a Pupil has committed a disciplinary offence the Pupil may be suspended from school for a fixed period or excluded permanently.
- If a Pupil's presence on the school site represents a serious risk to the health or safety of other Pupils or school Team Members the Headteacher may exclude the Pupil that day after consultation with the Operations Director for Education, parents and /or the Placing Authority.

### 3.3 Remote Access to Meetings

- 3.3.1 In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.
- 3.3.2 Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.
- 3.3.3 The Education Governance and Oversight Team and the /LA should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:
- 3.3.4 All the participants have access to the technology which will allow them to hear, speak, see and be seen.
- 3.3.5 All the participants will be able participate fully.
- 3.3.6 The remote meeting can be held fairly and transparently.
- 3.3.7 Social workers / Case workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.
- 3.3.8 The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and:
- 3.3.9 Compromise the ability of participants to contribute effectively, or
- 3.3.10 Prevent the meeting from running fairly and transparently.

## 4. Factors to Consider Before Making an Exclusion

4.1.1 Exclusion or Suspension will not be imposed in the heat of the moment unless there is an immediate threat to the safety of others in the school or the Pupil concerned. Before deciding whether to exclude a Pupil, either permanently or suspended for a fixed period, the Headteacher should:

- Ensure that the procedures described in this policy are adhered to.
- Consider all the evidence available to support the allegations, taking account of the school's Therapeutic Approach (Behaviour) and equal opportunities policies, and, where applicable, the Race Relations Act 1976 as amended, and the Disability Discrimination Act 1995 as amended.
- Allow the Pupil to give their version of events.
- Check whether the incident may have been provoked, for example by bullying, including homophobic bullying, or by racial or sexual harassment.
- Consulted with the Operations Director for Education

4.1.2 The standard of proof to be applied is the balance of probabilities, i.e., if it is more probable than not that the Pupil did what he/she is alleged to have done, the Headteacher may exclude the Pupil. However, the more serious the allegation, the more convincing the evidence substantiating the allegation needs to be. This is not the same as requiring the criminal standard to be applied but it does mean that when investigating more serious allegations, the Headteacher will need to gather and take account of a wider range of evidence (extending in some instances to evidence of the Pupil's past behaviour), in determining whether it is more probable than not that the Pupil has omitted the offence.

4.1.3 Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. However, it may still be possible for the Headteacher to make a judgment on whether to exclude the Pupil.

### 4.2 Drug-Related Exclusions

4.2.1 The school follows the substance misuse policy and illegal drugs have no place within our School.

4.2.2 In deciding on whether to exclude or suspend for a drug-related incident the Headteacher should have regard to the therapeutic approaches, police involvement, and substance misuse policies. The decision will also depend on the precise circumstances of the case, for example, the seriousness of the incident, the circumstances and needs of those involved and the evidence available. Where legal drugs are concerned, The Headteacher should conduct a careful investigation to judge the nature and seriousness of each incident before deciding what action to take.

### 4.3 When Exclusions are not Appropriate

4.3.1 Exclusion or suspension should not be used for:

- Minor incidents such as failure to do homework.
- Poor academic performance

- Lateness or truancy
- Breaches of school uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc),
- Punishing Pupils for the behaviour of their parents, for example where parents refuse, or are unable, to attend a meeting.

## 5. Overview of Exclusion Process

