



Blue Coat Church of England Academy

Suspensions and Permanent Exclusion Policy

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	Signature	
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Exclusion Policy

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Hebrews 12:11 "For the moment all discipline seems painful rather than pleasant, but later it yields the peaceful fruit of righteousness to those who have been trained by it."

1. Aims

Our school aims to ensure that:

- The suspensions' process is applied fairly and consistently
- The suspensions' process is understood by governors, staff, parents/carers and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

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 pupils
- 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

This policy complies with our funding agreement and articles of association.

3. The decision to suspend

Only the Principal can suspend a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend a pupil, either permanently or for a fixed period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Pupils with disabilities and SEN (Special Educational Needs) including those with EHCPs (Education, Health and Care Plans).

The Equality Act 2010 requires schools to make reasonable adjustments for SEN pupils. Under the Children and Families Act 2014, governing boards must use their best endeavours to ensure the appropriate special educational provision is made for pupils with SEN, including any support in relation to behaviour management.

Schools must engage proactively with parents/carers in supporting the behaviour of pupils with additional needs. Where a school has concerns about the behaviour, risk of suspension or permanent exclusion of a pupil with SEN, a disability or an EHC plan, it should, in partnership with others (including the Local Authority where relevant) consider what additional support or alternative placement may be required. This process should also involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the Local Authority and raise any behavioural concerns at an early stage and consider requesting an early annual review. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may in turn provide a point for schools to request an EHC assessment or a review of a pupil's current package of support.

Pupils who have a social worker, including LAC (Looked After Children) and previously LAC

For the majority of children who have an assigned social worker, this is due to safeguarding risks at home or in the community. For these children, education is an important protective factor providing a safe space for children to access support, be visible to professionals and realise their full potential. When children are not in school, they can become more vulnerable to harm. However, the principal should balance this important reality with the need to ensure calm and safe environments for all pupils and staff.

Where a pupil has a social worker and is at risk of suspension or permanent exclusion, the principal should ensure the social worker is informed, as well as the DSL (Designated Safeguarding Lead) and the pupil's parents/carers for an early involvement.

Where a Looked After Child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher for LAC should contact the Local Authority's Virtual School Head (VSH) as soon as possible. The VSH working alongside the Designated Teacher for LAC should consider what additional assessment and support need to be implemented to help the school address the factors affecting the child's behaviour and endeavour to reduce the need for suspension or permanent exclusion. The school should also engage with a child's social worker, foster carers or children's home workers where relevant.

Any concerns regarding a LAC's behaviour should be recorded in their PEP (Personal Education Plan) as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of suspension. The school may seek advice of the VSH on strategies to support any LAC who is at risk of suspension or permanent exclusion.

4. Definition

For the purposes of suspension, the school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

The Principal

Informing parents

The Principal will immediately provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' rights to make representations about the suspension to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Principal will also notify parents/carers by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers of suspension:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day
- A meeting at the chosen alternative provision is also arranged for the pupil, parent/carer and a member of the pastoral team (usually the Assistant Principal) to ask any questions and gain clarity on the Alternative Provider.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

Informing the governing board and local authority

The local authority must be informed without delay of all school suspensions regardless of the length of the suspension. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension; in the event of a permanent exclusion the fact that it is permanent needs to be stated. The local authority may wish to request this information in a standardized format.

The Principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a permanent suspension, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the pupil's 'home authority' of the suspension and the reason(s) for it without delay.

For all other suspensions, the Principal will notify the governing board and LA once a term.

5.2 The governing board:

Responsibilities regarding suspensions are delegated to Governors Exclusion Committee.

The Governors Exclusion Committee has a duty to consider the reinstatement of a suspended pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any suspension in the last 12 months.

For a fixed-period suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a pupil

The Governors will consider the reinstatement of a suspended pupil within 15 school days of receiving the notice of the suspension if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents/carers, the governing body will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term. :

Where suspension would result in a pupil missing a public examination, Governors will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Governors will consider the suspension and decide whether or not to reinstate the pupil.

Governors Exclusion Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, Governors will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Principal followed their legal

duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

Governors will notify, in writing, the Principal, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where a suspension is permanent, the Governors Exclusion Committee decision will also include the following:

- The fact that it is permanent
- Notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the suspension
 - That, regardless of whether the suspended pupil has recognised SEN, parents/carers have a right to require to appoint a SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
 - That if parents believe that the suspension has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

7. An independent review

If parents/carers apply for an independent review, the Academy will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by Governors Exclusion Committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the Principal category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Principals during this time
- Principals or individuals who have been a Principal within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the Academy trust, or governing board of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Academy trust, or the governing board, of the excluding school (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the Academy trust, governing board, parents or pupil, or the incident leading to the suspension, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover).

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or

- The parents/carers have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for a suspended pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents/carers, a member of senior staff and/or pastoral team or other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Spending time in the Academy's Success Centre. This allows for restorative practice, mediation meetings to take place (i.e. if this is necessary between pupils) or any additional interventions, such as mentoring, reflective work etc. to take place before the pupil is reintegrated into lessons.
- Agreeing a behaviour contract, ISP or PSP.
- Putting a pupil 'on report'

10. Monitoring arrangements

The Assistant Principal monitors the number of suspensions every term and reports back to the Principal and governors. They also liaise with the local authority to ensure suitable full-time education for suspended pupils.

This policy will be reviewed by the Assistant Principal every two years. At every review, the policy will be shared with the governing board.

11. Links with other policies

This suspensions and permanent exclusion policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: independent review panel training

The [LA/academy trust] must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Principals, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act