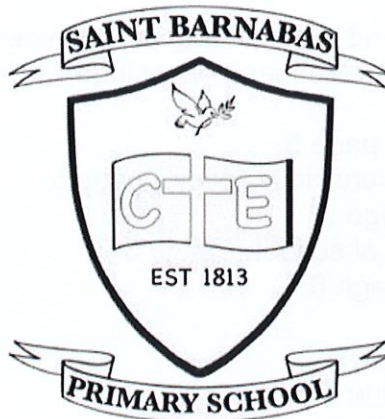


Fioretti Trust



Exclusion and Suspension Policy

"We encourage one another and build each other up, to be our best selves."

Committee Responsible: Full Governing Body

Date Proposed: 29.03.23

Date accepted: *29th March 2023*

Review Date: Spring 2024

Signed by Chair of Governors:

A handwritten signature in blue ink, appearing to be 'E. J. P.', is written over the line for the Chair of Governors.

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1. Background

This policy follows the Department for Education's current statutory guidance: 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' (2022). The guidance reflects the primary legislation around suspension and exclusion.

Duties under the Education and Inspections Act 2006 Under the Education and Inspections Act 2006

Headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- promoting, among pupils, self-discipline, and proper regard for authority,
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- securing that the standard of behaviour of pupils is acceptable,
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of pupils.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

We will only permanently exclude a pupil as a last resort and 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 in the school. We will only suspend or exclude a pupil when to do so would be lawful, reasonable and procedurally fair.

The decision to suspend or permanently exclude is a very serious one. As such, only the Headteacher can make this decision in discussion. The decision to exclude can only be made on disciplinary grounds and not for non-disciplinary reasons such as a pupil's additional needs, academic attainment, or failure to attend a reintegration meeting.

2. The Equality Act (2010) and Special Educational Need

We have a statutory duty not to discriminate against pupils on the basis of protected characteristics. We will give particular consideration to pupils who are more vulnerable, based on national figures, to be excluded, and those groups who are vulnerable to exclusion.

For disabled children, we will make reasonable adjustments to policies and practices and the provision of auxiliary aids as appropriate. We will not create policies or use practices that discriminate against pupils with protected characteristics by unfairly increasing their risk of suspension or exclusion. We will comply with our statutory duties in relation to SEN when administering the suspension/exclusion process. This includes having regard to the SEND Code of Practice.

Where we have concerns about the behaviour, or risk of suspension/exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, we will, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC

plan, we will evaluate whether there is a need to request an early annual review or interim/emergency review.

The governing board must also comply with their statutory duties in relation to pupils with Special Educational Need (SEN) when administering the exclusion process, including using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and having regard to the Special Educational Need and Disability (SEND) Code of Practice

3. The headteacher's power to suspend or permanently exclude

This government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe, and supportive environment in which pupils can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

Only the headteacher of a 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.

The headteacher will inform the chair of governors and the Trust CEO when permanent exclusions occur.

4. Suspensions

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool. 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

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion.

If a pupil's behaviour is such that they are sent home, this is a suspension. If a pupil is suspended for part of a school day (for example, at lunch time) this will be recorded as half a day's suspension. We do not use informal suspensions or 'sending home to cool off' periods - with or without parents' agreement.

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.

Where pupils have multiple suspensions, or the 45-day limit is being approached, it could be that the sanction of suspension is not effective in helping a pupil to behave well. In these cases we will explore different ways of supporting a pupil to behave well.

5. Permanent exclusions

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.

6. Serious breaches of the behaviour policy

No policy can cover every circumstance and each case will be judged on its merits. The following list provides *examples* of what may constitute a serious breach (in or out of school). The list is neither exhaustive nor definitive and members of staff may use their discretion so long as they are following the School's Code of Conduct.

- Repeated incidents of behaviour reaching stage 4 in the behaviour policy
- Persistent breaches of the school's code of conduct
- Serious violence, actual or threatened, against a student or member of staff
- Bringing onto school premises or being found in possession of anything that constitutes an offensive weapon or illegal substance
- Threatening with an offensive weapon
- Bullying/cyberbullying or other harmful online behaviour
- Bringing 'outsiders' onto school property
- Sexually inappropriate behaviour, sexual abuse or assault
- Verbal abuse or threatening a child or adult
- Cursing or inappropriate gestures – particularly towards an adult
- Deliberate involvement in or instigation of conflict
- Verbal aggressiveness towards a peer or adult
- Wilful disobedience or serious disrespect to an adult
- Stealing
- Knowingly possessing stolen property
- Vandalism and destruction of property
- Consistently disrupting learning
- Playing with fire alarms or extinguishers
- Smoking (including shisha pens or e-cigarettes) or drinking alcohol, using or distributing drugs or other illegal substances
- Wearing, displaying or graffiti-ing 'gang' affiliated items and phrases
- Or any other one-off behaviour event considered by the Headteacher to be exceptionally serious.
- Physical assault against a pupil or adult
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

7. Evaluating evidence

When establishing the facts in relation to a suspension or exclusion decision the Headteacher must apply the civil standard of proof; i.e. '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.

8. Pupils' behaviour outside of school

Pupils' behaviour outside of school *can* be considered as grounds for exclusion.

9. Getting early support

When we have initial concerns about a pupil's behaviour, we will explore causal factors and intervene early to attempt to avoid a subsequent suspension/exclusion. Where appropriate, we will draw on the support of other agencies to assess whether support beyond a pupil's educational needs is required.

10. Pupils' participation

We will encourage pupils to take part in all stages of the suspension/exclusion process, according to their age and ability to understand that process. Where practical, the Headteacher will give a pupil the opportunity to present their case before deciding to exclude a pupil.

11 Communication:

11a With parents

We will make sure that, when we communicate with parents, we take reasonable steps to be clear and easily understood. Where a parent's first language is not English, we will, where practical, take further steps to ensure that parents understand the information we give.

Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

We will also, without delay, after the decision, provide parents with the following information in writing:

- 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 (in line with the requirements set out in paragraphs 95 to 105) 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

When the Headteacher suspends or excludes a pupil, on each occasion we will communicate the following information to parents without delay (by the end of the afternoon session), verbally or in writing:

- the reason(s) for the exclusion
- the length of the exclusion

- (where an excluded pupil is of compulsory school age) we will also notify 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
- arrangements for the continuity of education.

We will then, without delay, give parents the following information in writing:

- the reason(s) for the exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- that parents' have a right to make representations to the governing body and how the pupil may be involved in this;
- (where an excluded pupil is of compulsory school age) we will also notify 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
- details of arrangements for the continuity of education
- details of any alternative provision to be provided, where appropriate and where this information is available
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the suspension/exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring someone else with them
- sources of free and impartial information about exclusion as outlined in paragraph 75 of the [statutory guidance](#).

11 b With the Local Authority

We will, without delay, notify the local authority of all suspensions and exclusions, but particularly:

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

11 c With socials workers, social care or Virtual schools

Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, or are in social care or looked after and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

If the Headteacher suspends or permanently excludes a pupil they will, without delay, notify the social worker, if a pupil has one, and the Virtual School Head, if the pupil is a LAC. These individuals will also be invited to attend any panel review meetings.

12.The first five days of suspension/exclusion

We will take all reasonable steps to provide and assess work in the first five days of a suspension/exclusion. We will arrange alternative provision, at the latest, on day 6 of a continuous suspension. The local authority is responsible for educational provision from day 6 following a permanent exclusion.

13.‘Reintegration’

When a pupil has a suspension, we will use our reintegration strategy to help manage their behaviour.

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. They should design a reintegration strategy that 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.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil’s return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil’s parents. A pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

Where necessary, we will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable will not usually be used to manage a pupil’s behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement will have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There will also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

We can consider a range of measures to enable the pupil’s successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support

14 . Cancelling exclusions

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;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

15. Duty of the Governing body to Consider Suspensions and Exclusions

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

Guidance for governing boards on considering an excluded pupil's reinstatement can be found here

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (these requirements are illustrated by the diagram below)

The governing board may delegate to a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

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.

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. 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. It must, so far as is reasonably practicable, 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, the pupil's reinstatement may be considered by a committee of the trust board, including a local governing body, if the trust's articles of association allow them to do so.

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 headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

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 limit

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.

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.

16. Governing Body Using Data

Governing boards should already be challenging and evaluating what their school's data is telling them about their school or academy trust. Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort. Governing boards should review suspensions and permanent exclusions,

those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in AP and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, academy or trust may wish to consider reviewing its SEN support. Multi-academy trusts (MATs) may also choose to work with their academies to consider this information, and whether there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis.

Governing boards should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure they are only used when necessary
- timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

Further information can be found here: Understanding your data: a guide for school governors and academy trustees - GOV.UK (www.gov.uk)

A summary of the governing board's duties to review the headteacher's exclusion decision

Conditions of exclusion

Governing board duties

Does the exclusion meet any of the following conditions?

- It is a permanent exclusion
- It is a suspension 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
- It is a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test*

↓ Yes

The governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁴⁹

*If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁰

↓ No

Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

↓ No

Yes

The governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

Have the pupil's parents requested a governing board meeting?

↓ Yes

The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

↓ No

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

