



*Creative
Education
Trust*

Suspensions and Permanent Exclusions Policy

This policy covers all Creative Education Trust academies and should be read in conjunction with the Behaviour for Learning policy.

Executive Summary

The Trust is responsible for communicating to pupils, parents and staff its expectations of behaviour. Procedures are in place to promote good behaviour and appropriate conduct and these are set out in the Behaviour for Learning Policy. To ensure good order and behaviour for learning it may be necessary to exclude students from the premises for a fixed term or permanently. The decision to exclude is the Headteacher's alone or in his/her absence, the designated teacher in charge.

In applying this policy, the Trust and its schools will adhere to current legislation, including the Equality Act 2010. The Trust acknowledges its obligation to have regard to the latest DfE guidance on exclusions -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162401/Suspension_and_permanent_exclusion_guidance_May_2023.pdf

All parties involved in exclusions, including Headteachers, parents, governing bodies and Independent Review Panels, must have regard to the statutory guidance. This policy outlines the key principles, roles and responsibilities around exclusion to ensure that all exclusion proceedings are conducted in line with statutory guidance. It relates to behaviour not only in school but also to behaviour out of school.

Headteachers should ensure that the behaviour policy is regularly reviewed, considering the views of stakeholders including pupils, parents, staff and Academy Council Members, and that it is published on the academy website. Academies must also ensure that pupils understand the expectations within the behaviour policy and the potential consequences for noncompliance. This goes beyond publishing the policy on the website and should include proactive work with pupils to secure their understanding.

Types of Exclusion

Exclusion can only be for a disciplinary offence, i.e. a breach of an academy's behaviour policy which is published on the academy's website and shared with pupils and parents. It is important that all pupils understand the academy's expectations of behaviour and the consequences for noncompliance with school policy.

There are two types of exclusion: suspension (fixed term) and permanent:

Suspensions must always be processed and recorded as a formal exclusion. This includes any short period of time when the pupil is excluded, such as lunchtimes or being sent home early. Lunchtime exclusions are equivalent to a half day exclusion. There is a maximum limit of 45 school days in an academic year for suspensions. Suspensions may be used for a single occurrence of serious misconduct or for persistent misbehaviour. All suspensions will result in a Pastoral Support Plan being set up.

Permanent exclusions can only be used as a last resort when all other strategies and interventions have been attempted and are only issued in response to a serious breach, or series of persistent breaches of the academy's behaviour policy and where allowing the pupil to remain in school would seriously harm the welfare or education of other pupils or staff.

Headteachers must consider alternative arrangements, such as a managed move, before permanently excluding any pupil.

Examples (non-exhaustive) of when a suspension or permanent exclusion may be appropriate are:

- violence, whether expressed in actions or threats, towards other people on the premises;
- actions or words to a member of staff, or in the presence/hearing of a member of staff, which are judged to have the effect of seriously undermining their authority;
- offensive written material which is judged to have the effect of undermining the authority of a member of staff;
- persistent misbehaviour which prevents other pupils from learning;
- bringing to the academy, or handling, items likely to endanger the safety of other people or to be injurious to the well-being of others, such as weapons or dangerous/illegal substances;
- attending the academy under the influence of alcohol, illegal drugs or volatile substances;
- acts of major and/or malicious damage;
- actions likely to cause significant disruption to the orderly running of the academy;
- being in persistent or serious breach of a previously drawn-up contract of behaviour.

The law does not allow for extending a period of suspension or 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the behaviour policy, the school may issue a suspension pending investigation. Following investigation, the school may issue a further separate suspension to begin immediately after the first suspension ends or a separate permanent exclusion to begin immediately after the end of the suspension.

A headteacher may cancel an exclusion that has not yet been reviewed by the academy council. When an exclusion is cancelled, the parents, the Academy Council, LA(s) and, if relevant, the pupil's Social Worker and/or Virtual School Headteacher must be notified without delay. The notification must provide the reason for the cancellation. The duty of the Academy Council to consider reinstatement ceases and there is no requirement to hold a meeting to consider reinstatement. Parents (or the excluded pupil if they are 18 years or over) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay. The pupil will be allowed back in to the academy without delay. Any days spent out of school as a result of any exclusion prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 days in a school year or if they will have been so by the time the cancellation takes effect.

The Investigation

Where an excluded pupil has special educational needs and/or a disability (SEND), the academy must demonstrate that they have met the requirements of the SEND Code of Practice. This includes considering whether disruptive behaviour could be caused by underlying unmet needs and putting in place a range of provision and support to meet any need. If a pupil has an Education, Health and Care Plan (EHCP) and they are at risk of permanent exclusion, the academy should request an emergency EHCP review.

Under the Equality Act 2010, pupils must not be discriminated against, victimised or bullied because of protected characteristics. This includes ensuring that policies and practices do not discriminate by unfairly increasing a pupil's risk of exclusion. Academies must make reasonable adjustments to policy and practice, where needed, to avoid discrimination.

Where any pupil has received multiple suspensions or is approaching the legal limit of 45 school days of suspension in an academic year, the headteacher should consider whether exclusion is providing an effective sanction. Academies should engage with all appropriate interventions and support strategies before excluding pupils. Academies will have regard to the DfE Behaviour in Schools (September 2022) guidance.

Thorough investigation will be undertaken prior to making any decision to exclude. Witnesses will be questioned and statements taken and the accused pupil will be given the opportunity to have his/her say.

Each case will be judged on the facts and the context considered, for example:

- The degree of severity of the offence;
- The likelihood of re-occurrence;
- The student's previous record;
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, disability, harassment);
- Support provided.

The academy's behaviour policy, special educational needs policy and any Equality Act policy will also be considered.

The decision to exclude will be made after a review of the evidence available and will be taken on the balance of probabilities - i.e. is it more probable than not that the accused acted as alleged. The headteacher will consider whether the sanction is reasonable, fair and proportionate.

Academies have a statutory duty to safeguard and promote the welfare of their pupils and must have regard to the statutory guidance Keeping Children Safe in Education. Where an exclusion, or the academy council's reinstatement of a pupil, coincides with a safeguarding investigation, the Designated Safeguarding Lead (or Deputy) should undertake the appropriate risk and needs assessments and take a leading role, supported by other agencies, to ensure the welfare and best interests of the child come first.

When a Headteacher decides that a pupil should be permanently excluded, he or she must follow Trust procedures by using the report, correspondence and agenda templates provided on the Trust cloud. These must be used in line with the procedures and timescales set out in DfE guidance.

Notification

Parents/carers, the pupil's social worker and the virtual school head (if relevant) must be informed without delay of the length and type of exclusion, the reason(s) for exclusion and their right to make representations to the Academy Council Members. Initially, this notification should be by telephone or in person followed by a letter without delay. The letter must also include information about:

- The parent/carers' right to make representations, how to do so and how the pupil can be involved;
- The parent/carers' right to attend any Academy Council review;
- The fact that the pupil should not be in a public place during school hours;
- The arrangements for the education of the pupil from the 6th day of exclusion;
- Sources of free and impartial information.

Where alternative provision will be arranged from day 6, parents must be informed of the start date, name and address of the provider, start and finish time, and name of the person the pupil should report to on the first day.

Academies must, without delay, inform the Academy Council Members of any exclusion of more than 5 days or an exclusion which will mean that the pupil will miss a public examination or national curriculum test. The Local Authority (LA) must also be notified of any exclusion and the reasons for it.

Role of Academy council

For any exclusion, parents/carers have the right to make representations to Academy Council Members who will consider the reinstatement of the pupil. The type and duration of exclusion determines the process and timeframe for governor review.

Within 15 school days a panel of Academy Council Members must meet to review:

- All permanent exclusions;
- Suspensions that would result in a pupil missing a public examination or national curriculum test. 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. In exceptional circumstances, the Chair of the Academy Council may review the exclusion on behalf of the Academy Council;
- Suspensions that result in a pupil being excluded for more than fifteen days in one academic term.

If requested by the parent/carer, a suspension that takes the pupil's total number of days out of school during the term above six but below sixteen days must be reviewed by a governor panel within fifty school days of the exclusion being issued. The governor panel does not have the power to reinstate the pupil.

If requested by the parent/carer, a suspension of five or fewer days must be considered by Academy Council Members, but they do not have to meet. The governor panel does not have the power to reinstate the pupil.

Members of the panel must be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal interest in its result. The Academy Council must ensure that all parties have an opportunity to make their representations and have their views heard before any decision is made.

The panel should proceed in accordance with paragraph 112 of the statutory guidance.

The review panel may either decline to reinstate the pupil (upholding the headteacher's decision) or direct reinstatement of the pupil. Governors must consider the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff and the school community.

Parents may be accompanied at the Academy Council review, on request, by a friend or representative. After the hearing, parties will be notified in writing as soon as possible of the outcome, with the reasons for the Academy Council's decision.

Where the Academy Council has upheld the decision of the Headteacher to exclude, parties will be notified of the statutory timeframe for applying to an independent review panel (15 school days from receiving the Academy Council's decision), to whom an application must be sent and the right for parents to request a special educational needs expert. Parents/carers should also be notified of their right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

Reintegration

Suspension is a disciplinary mechanism used to improve behaviour. Academies will support pupils to successfully reintegrate into school life following a suspension and will have a reintegration strategy that offers pupils a fresh start, helps them understand the impact of their behaviour and supports them to meet behaviour expectations in the future. The strategy should be discussed with the pupil at the reintegration meeting before or at the beginning of their return to school.

Independent Review Panel Procedure

If a permanent exclusion is upheld, parents/carers must be informed of their right to seek an independent review of the Academy Council's decision and the deadline for seeking such a review. The Independent Review Panel cannot direct an academy council to reinstate a pupil. It may:

- a) uphold the exclusion;
- b) recommend that the academy council reconsider its decision;
- c) quash the original academy council's decision and direct Academy Council Members to reconsider its decision.