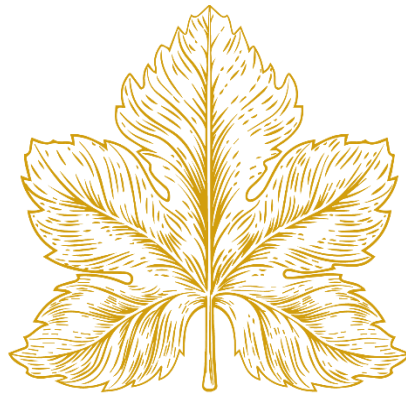


# School Suspensions & Permanent Exclusion Policy



# EPWORTH

## EDUCATION TRUST

Reviewed by:	J Buckley (Operations)
Approved by Education & Ethos Committee:	26 <sup>th</sup> September 2023
Next Review Date:	Autumn 2024

## **Mission Statement**

The Epworth Education Trust is a Multi-Academy Trust established with the aim of providing outstanding learning and opportunities for the children within its care.

Children are our nation's most precious resource. Their school life and learning experience will shape them for the whole of their lives.

## **Safeguarding Statement**

At the Epworth Education Trust, we recognise our moral and statutory responsibility to safeguard and promote the welfare of all children.

We work to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection, and justice.

The procedures contained in the Safeguarding Policy apply to all staff, volunteers, and governors.

## Version Control

### Change Record

Date	Author	Version	Section	Reason for Change
March 21	Jo Buckley	1		Trust policy rewritten to reflect merged Trust
Jan 22	Jo Buckley	1	n/a	Addition of Version Control,
			Statement of Intent	Note re. exclusions prior to Sept 17 removed from Statement of Intent. Appendix re. covid 19 removed and reference made to DFE guidance instead – as dates constantly changing.
			2.2	Addition of informing LA via pupil census for all exclusions under 5 days.
			2.4	Addition of consultation with Trust CEO or DOE re. exclusion of 4 days or more
			6/7	Reference to governing bodies changed to Local advisory Boards
July 23	Jo Buckley	2	Throughout	Change of name to policy, Updated in line with new 2023 DFE guidance. Original policy reduced to just outline key responsibilities as DFE guidance must be always referred to as supersedes all policies.

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## **Statement of intent**

At the Epworth Education Trust, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the schools within Epworth Education Trust recognise that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of their Behavioural Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the school's headteacher, Local Advisory Board and LA when responding to pupil exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

## 1. Dfe Guidance

- 1.1. The Epworth Education Trust follows the latest DFE Suspensions and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement [Guidance](#)
- 1.2. This policy outlines the key considerations and tasks required for each school within the trust when considering a suspension or permanent exclusion but it should always be read with the latest DFE guidance on exclusion before taking action.
- 1.3. This policy will be implemented in conjunction with the following trust/school policies and procedures:
  - Positive Behaviour Policy
  - Anti-Bullying Policy
  - Special Educational Needs and Disability (SEND) Policy
  - Social, Emotional and Mental Health (SEMH) Policy
  - Child Protection and Safeguarding Policy
  - Equality, Diversity & Inclusion

## 2. Grounds for exclusion

- 2.1. The schools within the Epworth Education Trust will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the School's Behavioural Policy, have failed to be successful.
- 2.2. The following examples of behaviour may underline the school's decision to exclude a pupil:
  - Any incident which poses a risk to other pupils or members of staff, e.g., bringing a weapon onto the premises
  - Any incidents which breach the law
  - Persistent and severe bullying
  - Verbal and physical abuse
  - Constant disruption
  - A single, serious and major incident, e.g. serious assault on another individual leading to injury

## 3. The headteacher's power to exclude

- 3.1. **Part three** within the DFE guidance must be followed when considering exclusion.
- 3.2. 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.

- 3.3. The headteacher must take into consideration all the **factors** outlined in **Part four** of the guidance.
- 3.4. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day.
- 3.5. All suspensions of more than three days and exclusions will be discussed with the Director of Education where possible and formally recorded on the pupil information system (MIS).
- 3.6. When sending a pupil home following any exclusion, the headteacher will ensure that they always exercise their duty of care and will always inform the parents.
- 3.7. The headteacher will not issue any 'informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool-off', regardless of whether the parents have agreed to this.

#### **4. Duty to inform Parents**

- 4.1. **Part five within the DFE guidance** must be followed when informing parents.
- 4.2. Following the headteacher's decision to exclude a pupil, the headteacher will immediately inform the parents, in person or by telephone, of the period of the exclusion and the reasons behind this. This can be delegated to another senior member of staff if the Headteacher is not available, but the parents need to understand, the decision has been made by the Headteacher.
- 4.3. The headteacher will use the Trust Exclusion Template to inform the parents in writing of the following:
  - The reason(s) for the exclusion
  - The length of the fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent
  - Their right to raise any representations about the exclusion to the governing board, including how the pupil will be involved in this and how the representations will be made
  - Their right to attend a meeting where there is a legal requirement for the Local Advisory board to consider the exclusion, and the fact that they are able to bring an accompanying individual
  - The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school.
  - That for the first five days of the exclusion (or until the start date of any alternative provision or the end of the exclusion where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine if they fail to do so.

- Relevant sources of free, impartial information

*Only the blank sections within the template must be complete. The template must not be changed in any other way without discussion with the central team.*

- 4.4. Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision.
- 4.5. Where it is not possible to arrange alternative provision during the first five days of exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil.
- 4.6. If the headteacher has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.
- 4.7. The Parents Guide to Exclusion should also be sent to parents for any permanent exclusion or exclusion lasting more than 5 days.

## 5. Duty to inform the Local Advisory board and LA

- 5.1. As per **Part Five** within the DFE guidance, the headteacher will inform the Local Advisory Board and LA, without delay, of the following:
  - Any permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil)
  - Any exclusions which would result in the pupil being excluded for more than five school days in a term (or more than 10 lunchtimes)
  - Any exclusions which would result in the pupil being absent from an examination or national curriculum test
- 5.2. For any exclusions, other than those above, the headteacher will notify the chair of the Local Advisory Board immediately and LA once per term.
- 5.3. All notifications to the Local Advisory Board and LA will include the reasons for exclusion and the duration of any fixed-period exclusion.
- 5.4. If the pupil who is excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

## 6. Local Authority Responsibilities

- 6.1. As per DFE guidance, **part six**, for any fixed-period exclusions of more than five school days, the Local Advisory Board will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.



- 6.2. Where a pupil receives consecutive fixed-period exclusions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of exclusion.
- 6.3. For permanent exclusions, full-time education will also be provided for the pupil from the sixth day of exclusion.
- 6.4. The LA should review and reassess 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.

## **7. Exclusion Review Committee**

- 7.1. The Exclusion review Committee will consist of 3 members of the Local Advisory Board where possible. Where there is conflict of interest (eg. parent governors or staff governors), then members of another Local Advisory board from a school within the trust will attend.
- 7.2. The Local Advisory Board will consider any representations made by parents in regard to exclusions.
- 7.3. **Part seven** within the DFE guidance outlines the Exclusion Review's committee to consider an exclusion.
- 7.4. The Local Advisory Board will consider the reinstatement of an excluded pupil, where:
  - The exclusion is permanent.
  - The exclusion is fixed period and would bring the pupil's total number of excluded school days to more than 15 in any given term.
  - The exclusion would result in the pupil missing a public examination.
- 7.5. In the case of a fixed-period exclusion where the pupil's total number of excluded days is more than five but less than 15 school days within a term, if requested by the parents, the Local Advisory Board will consider exclusions within 50 school days of receiving notification.
- 7.6. In the case of a fixed period exclusion, where the pupil's total number of excluded school days does not amount to more than five, in the absence of any such representations, the Local Advisory Board is not required to meet and cannot direct the reinstatement of the pupil.

## **8. Removing permanently excluded pupils from the school register**

- 8.1. **Part eight** within the DFE guidance outlines when to remove an excluded pupil's name from the register and informing the LA.
- 8.2. The headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing board's decision not to reinstate the pupil and no application for an independent panel review has been received.
  - The parents have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.
- 8.3. If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:
- All the particulars which were entered in the register.
  - The address of any parent with whom the pupil normally resides.
  - The grounds upon which the pupil's name is to be removed from the register.
- 8.4. 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

## 9. Independent review panel (IRP)

- 9.1. If applied for by parents within the legal time frame, the Academy Trust must, at their own expense, arrange for an independent review panel hearing to review the decision of a Local Advisory Board not to re-instate a permanently excluded pupil.
- 9.2. **Part nine** within the DFE guidance outlines to academy's trust duty to arrange an IRP.
- 9.3. The Academy Trust will constitute an independent review panel of three or five members that represent the following categories:
- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity.
  - A current or former school governor who has served for at least 12 consecutive months in the last five years.
  - A headteacher or individual who has been a headteacher within the last five years.
- 9.4. Every care should be taken to avoid bias or an appearance of bias. The local Academy Trust should request that prospective panel members declare any conflict of interest at the earliest opportunity.
- 9.5. Where possible, panel members who are governors or head teachers should reflect the phase of education (primary/secondary) and type of school from which the pupil was excluded, for example: special school; boarding school; PRU; academy or maintained school.

- 9.6. **Part ten** of the DFE guidance outlines that within the Independent Review, the parent can request a SEND expert, social worker and VSH to attend. It also outlines their roles and responsibilities.
- 9.7. If requested by parents in their application for an independent review panel, the Academy Trust will appoint a SEND expert to attend the panel and cover the associated costs of this appointment.
- 9.8. The Academy Trust will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel. This must not be the same person that served as clerk to the Exclusion Review Committee when the decision was made not to reinstate the pupil.
- 9.9. Where a clerk is not appointed, the Academy Trust should consider what additional steps it may need to take to ensure that the independent review panel is administered properly.

## **10. Criminal investigations**

- 10.1. The headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 10.2. The headteacher will give consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.
- 10.3. If the Exclusion review Committee is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

## **11. Training requirements**

- 11.1. The Epworth Education Trust will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.
- 11.2. Training will cover:
  - The requirements of the legislation, regulations, and statutory guidance governing exclusions.
  - The need for the panel to observe procedural fairness and the rules of natural justice.
  - The role of the chair of a review panel.
  - The role of the clerk to a review panel.
  - The duties of headteachers, governing boards and the panel under the Equality Act 2010.
  - The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

## **12. Monitoring and review**

- 12.1. This policy will be reviewed on an annual basis by the Epworth Education Trust.
- 12.2. All senior leaders are required to familiarise themselves with this policy as part of their induction programme.

## Reviewing the Headteacher's Exclusion Decision

