



Suspensions & Exclusions Policy

Contents:

1. Statutory requirements	2
2. Recommended Good Practice.....	2
3. Statutory Guidance	2
4. Rationale.....	2
5. Types of Exclusion.....	2
6. Monitoring & Review	4
Appendix 1 (Statutory Guidance):.....	4
Appendix 2 (Permanent Exclusion processes):	5
Appendix 3 (Temporary arrangements applying to suspensions and permanent exclusions):	8

1. Statutory requirements

- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education Act 2002 (as amended by The Education Act 2011)
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (as amended 2014)
- The European Convention on Human Rights (ECHR)
- The Equality Act 2010

2. Recommended Good Practice

2.1. Furze Platt Senior School Governors' Relationships Policy

3. Statutory Guidance

- *DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'*
- *DfE (2016) 'Behaviour and discipline in schools'*
- *DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'*
- *DfE (2018) 'Mental health and behaviour in schools'*

4. Rationale

It is the policy of Furze Platt Senior School to avoid exclusions, fixed term or permanent, whenever possible. The school Relationships Policy and ladder of sanctions provides a coherent framework which contains a number of more constructive sanctions.

The decision to exclude a student from school for either a fixed term, or permanently is regarded as a last resort, and usually only after a range of these strategies have been undertaken. Parents will be informed of such decisions at all times.

5. Types of Exclusion

At Furze Platt Senior School, there is an escalating scale of exclusions:

- Students may temporarily be excluded from a lesson. In most cases, this will be after the school's positive behaviour procedure has been followed, and a student still refuses to co-operate. In this instance, the student can be removed from the lesson either by the Head of Department, or the Senior Leadership Team member on duty. Students will then be placed in a 6th Form lesson.
- For more serious or repeated misdemeanours, a student may be placed in the Isolation Room for a period of up to two days. They will be supervised and provided with work, but will not be allowed into lessons. Additionally, their break and lunch will be at a different time to the rest of the school.
- Suspensions (formerly fixed-term exclusions) from school. These will usually only be applied once a student has failed to respond to lesser sanctions or for a small number of incidents considered so serious by the school that a one day exclusion is automatic (e.g. swearing at a member of staff).
- In the most serious cases, permanent exclusion from Furze Platt Senior School may be the only option left to the Headteacher.

5.1. Suspensions

- A student can be suspended for an aggregated total of 45 school days in any one academic year.
- Students can be excluded from the school site during lunchtimes, but the Headteacher has a duty to ensure that the parent/carer has been informed.
- During the first five days of a suspension, the student is the responsibility of the parent/carer, although the school must ensure that adequate work is set. It is the

parent/carer's responsibility to ensure that the student does not come onto the school site, or is in a public place during school hours without reasonable justification.

- On the 6th day of suspension, the school must provide suitable full-time education, either on or off the school site. Furze Platt Senior School rarely suspends a student for this number of days. If a student is suspended for longer the school will make arrangements with another school or alternative curriculum provider for education from the 6th day.
- A reintegration meeting will be held between a school representative, the student and the parent/carer after any suspension (except in very exceptional cases).
- Following suspensions of 5 days or more, a reintegration interview must take place.

5.2. Permanent Exclusions

- A permanent exclusion is a serious step, and should only be taken when all other alternatives have been explored. However, it is clear that for some students, in some circumstances, this is the only available and appropriate option. The DfE lays out the following criteria for permanent exclusion:
 - serious breach *or persistent breaches* of the school's Relationships Policy; and
 - allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.
- In most cases, a permanent exclusion will be the final step in a process of dealing with disciplinary offences following a wider range of strategies which have been tried without success. It is an acknowledgement by the school that it has exhausted all available strategies for dealing with the child and should normally be used as a last resort.
- There will however, be circumstances where a 'first offence' is so serious that permanent exclusion has to be considered. This could include:
 - serious actual or threatened violence against another student or member of staff;
 - sexual abuse or assault;
 - evidence of illegal drugs being brought on to, used or supplied on school premises will result in permanent exclusion unless exceptional circumstances (e.g. physical coercion) can be proven. Evidence of students entering the school site while under the influence of any illegal substances, even if they consumed the substance off site, could also result in permanent exclusion;
 - carrying an offensive weapon.

This is not an exhaustive list. The school may then also wish to inform the police or other appropriate agency.

The DfE guidance is clear that we have a statutory duty not to discriminate against students on the grounds of protected characteristics such as disability or race and that we should give particular consideration to the fair treatment of students from groups who are vulnerable to exclusion.

5.3. Alternatives to permanent exclusion

The school will work actively to avoid permanent exclusion from school. It is very much a last resort and where possible we will pursue the following before a permanent exclusion is confirmed:

- a managed move to another local school;
- a placement at an alternative curriculum provider;
- a highly personalised curriculum programme ;
- securing an Education Health Care plan.

6. Monitoring & Review

- 6.1. This policy is reviewed annually by the Headteacher.
- 6.2. The scheduled review date for this policy is November 2022.

Appendix 1 (Statutory Guidance):

Useful extracts from the statutory guidance

- *Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspension, such as the headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.*
- *The behaviour of students outside school can be considered as grounds for exclusion¹. This will be a matter of judgement for the headteacher in accordance with the school's published behaviour policy.*
- *When establishing the facts in relation to an 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'.*
- *Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy / maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.*

Statutory guidance to headteachers on the exclusion of students from groups with disproportionately high rates of exclusion

- *The exclusion rates for certain groups of students are consistently higher than average. This includes: students with SEN; students eligible for free school meals; looked after children²; and students from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy / Roma; Travellers of Irish Heritage; and Black Caribbean communities.*
- *In addition to the approaches on early intervention set out above, headteachers should consider what extra support might be needed to identify and address the needs of students from these groups in order to reduce their risk of exclusion. For example, schools might draw on the support of Traveller Education Services, or other professionals, to help build trust when engaging with families from Traveller communities.*

Statutory guidance to headteachers on the exclusion of students with statements of SEND and looked after children

- *As well as having disproportionately high rates of exclusion, there are certain groups of students with additional needs who are particularly vulnerable to the impacts of exclusion. This includes students with statements of special educational needs (SEND)*

¹ Section 89(5) of the Education and Inspections Act 2006. Non-statutory advice on maintained schools' powers to discipline outside of the school are set out in Behaviour and Discipline in Schools – A Guide for Headteachers and School Staff (2012).

² As defined in section 22 of the Children Act 1989

and looked after children. Headteachers should, as far as possible, avoid excluding permanently any student with a statement of SEND or a looked after child.

- *Schools should engage proactively with parents in supporting the behaviour of students with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.*

Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEND or a looked after child, it should, in partnership with others, (including the local authority as necessary) consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a student's SEND. Where a student has a statement of SEND, schools should consider requesting an early annual review or interim / emergency review.

Appendix 2 (Permanent Exclusion processes):

What is the procedure for permanently excluding a pupil?

When the Headteacher decides to permanently exclude a pupil, the parent(s) or carer(s) will be notified immediately, usually in a meeting, followed by a letter without delay. Parents will be provided an opportunity to ask questions and next steps will be explained. Where it has not been possible to get hold of parents to speak to them directly, they may be sent an exclusion notice electronically.

The correspondence will state:

- the reasons for the exclusion;
- the parent's right to make representations to the governing body, and how the student can be involved in this;
- who to contact about making such representations;
- the arrangements made by the school for the student to continue their education during the first 5 days of the exclusion, including setting and marking of work (with parent(s) having responsibility for ensuring that work sent home is completed by the student and returned to school);
- the school days (or school day from) which the student will be provided with alternative suitable education.

Suspension vs Permanent Exclusion

The DfE Exclusions Guidance (September 2017) states that *"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 suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period."*

The student should not return to school between these periods. This does mean that the school could suspend while 'investigation is underway' and decide to permanently exclude or extend the suspension if new evidence is provided to them during the investigation period.

If the student is suspended for a further period, or is permanently excluded following the original exclusion, the Headteacher will issue a new suspension/exclusion notice to parents, and notify them of the new exclusion without delay.

For the first five days after Permanent Exclusion, the school will provide sufficient work for the student. From the sixth day of a Permanent Exclusion it is the statutory responsibility of the Local Authority to provide full time education for all students. The Access & Inclusion Officer will be in touch with the family within the first five days to make arrangements for the sixth day and beyond.

What are the obligations of parents after their child is permanently excluded?

For the first 5 days after permanent exclusion, the parents of an excluded student, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed fine of £60.

For all permanent exclusions, the Local Authority must arrange suitable full-time education for the student, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 Education Act 1996.

In addition, where a pupil has a Statement of Special Educational Needs (SEN) or Education, Health & Care Plan (EHCP), the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

Does the school have to provide education during the first 5 school days of an exclusion?

It is important for schools to help minimise the disruption that exclusion can cause to an excluded student's education. Whilst the statutory duty on governing bodies and Local Authorities is to provide full-time education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible.

The school will always take reasonable steps to set work for students to complete during the first five days after permanent exclusion. The work provided will be accessible and achievable by students outside of school.

When will a governing body review a Permanent Exclusion?

The governing body has a duty to consider parents' representations about all Permanent Exclusions. All permanent exclusions will be reviewed by a Governing Body Disciplinary Panel within 15 school days of receiving notice of the exclusion.

Governors will either uphold the decision to exclude the student or consider their reinstatement.

What will happen at a Governing Body Disciplinary Panel meeting?

The following parties will be invited to a meeting of the governing body and can make representations:

- parents;
- the Headteacher;

The governing body will:

- ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's special educational needs);
- circulate any written evidence and information, including a list of those who will be present, to all parties at least 5 school days in advance of the meeting;
- allow parents and students to be accompanied by a friend or representative;
- identify the steps they will take to enable and encourage the excluded student to attend the meeting and speak on their own behalf (taking into account the student's age and understanding), or participate by other means if attending the meeting is not possible.

When considering the exclusion, the governing body will consider:

- the interests and circumstances of the excluded student;
- the circumstances in which the student was excluded; and
- the interests of other students and people working at the school.

When establishing the facts in relation to an exclusion decision, the governing body will apply the civil standard of proof – i.e. ‘on the balance of probabilities’, it is more likely than not that a fact is true.

In reaching a decision on whether or not to reinstate a student, the governing body will consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher’s legal duties.

In the light of their consideration, the governing body will either:

- uphold an exclusion; or
- direct reinstatement of the student immediately or on a particular date.

The governing body will notify parents, the Headteacher and the Local Authority of its decision, and the reasons for its decision, in writing and without delay. The governing body will set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

For all permanent exclusions, the governing body’s notification will also include the following information:

- the fact that it is permanent;
- notice of the parents’ right to ask for the decision to be reviewed by an Independent Review Panel, including:
 - the date by which an application for a review must be made;
 - the name and address to whom an application for a review (and any written evidence) should be submitted;
 - that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the student’s special educational needs are considered to be relevant to the exclusion;
 - that parents must make clear if they wish for a SEN expert to be appointed in any application for a review;
 - details of the role of the SEN expert and that there would be no cost to parents for this appointment; and
 - that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review;
- that, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the (Special Educational Needs and Disability), First-Tier Tribunal in the case of disability discrimination, or the County Court in the case of other forms of discrimination;
- that 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, e.g. the day on which the pupil was excluded.

What will happen at an Independent Review Panel?

If the governing body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or

- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

These are strict deadlines and any application made outside of the legal time frame will be rejected by the school.

Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion.

Parents must submit written representations and, if applicable, supporting evidence, when lodging their application. New evidence can be submitted to the Independent Review Panel. However, when deciding whether to quash the decision, the panel should only take account of evidence available to the governing body at the time of making its decision not to reinstate. The Panel is able to take account of evidence that they consider would, or should have been available to the governing body, and that the governing body ought to have considered.

Appendix 3 (Temporary arrangements applying to suspensions and permanent exclusions):

All suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates) are subject to temporary arrangements with regards to the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels. This is a contingency measure should there be any further public health restrictions to limit the spread of COVID-19 that might make it difficult for meetings to be held in person within the normal statutory timescales.

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss a suspension or permanent exclusion that occurs between 25 September 2021 and 24 March 2022 (inclusive), must ensure that any such meeting takes place within the normal statutory timescales described in the statutory guidance “Suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England”.

If the deadlines are missed because of COVID-19, the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

Governing boards and IRPs should:

- facilitate remote access meetings where it is not reasonably practicable to meet in person
- consider the actions for schools during the coronavirus (COVID-19) outbreak

A permanent exclusion should be taken as having ‘occurred’ on the first day of the permanent exclusion.

Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.

For any suspension or permanent exclusion that occurred between 25 September 2020 and 24 September 2021, the above also applies.