



# Suspension and Permanent Exclusion Policy

## BASE Academy Trust

Policy Reviewed:	September 2023
Next Review:	September 2024
Signature of Chair of Trust Board: Craig Graham	Signature of Executive Headteacher: Lisa Whittaker

## **BASE Academy Trust Exclusion Policy**

It is the policy of BASE Academy Trust to ensure that all schools within the Trust try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion. Details of these strategies can be found in the behaviour policy of each school.

This policy is underpinned by guidance from the Department of Education (DfE) who state, *'Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.'*<sup>1</sup>

### **Purpose of this policy**

This policy is designed to briefly outline the school's approach to suspensions and permanent exclusions within the guidance outlined by the Department of Education. This guidance provides greater detail and as such should be considered in conjunction with this policy. At BASE Academy we acknowledge that disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension or permanent exclusion. In this situation, schools will consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

### **Types of Exclusion**

There are two types approaches outlined in this policy: suspension and permanent exclusion.

- *Suspensions*: are for a limited period and may include lunchtime suspension. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 schools days per academic year). The pupil returns after the suspension period has expired.
- *Permanent exclusion*: involves the pupil being removed from the school roll. If a pupil is permanently excluded from any school, the Local Authority (LA) has the duty to provide other suitable education.

### **Principles**

1) All schools in the Trust seek to reduce the number of incidents leading to suspension or permanent exclusion by promoting a positive atmosphere of mutual respect and discipline.

2) Suspension and permanent exclusion is a sanction used by schools in cases of serious breaches of the School Behaviour Policy such as:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult

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<sup>1</sup> DfE (2023) *Suspension and Permanent Exclusion from maintained schools, Academies and pupil referral units in England, including pupil movement.*

- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

A decision to permanently exclude a pupil will only be taken:

- in response to a serious breach, or persistent breaches of the school 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.

3) A suspension from the school can only be authorised by the Executive Headteacher or the Head of School. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

4) In the case of a Permanent Exclusion this can only be authorised by the Executive Headteacher

5) The Trust regularly monitors the number of suspensions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### **The Decision and Power to Exclude**

The decision to suspend or exclude a pupil must be lawful, reasonable and fair. Care is taken not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Particular consideration is given to the fair treatment of pupils from groups who are vulnerable to exclusion.

When establishing the facts in relation to a suspension or inclusion decision the civil standard of proof i.e. '*on the balance of probabilities*' will be applied requiring proof that it is more likely than not that a fact is true as opposed to the criminal standard of '*beyond reasonable doubt*'

**Suspension** - The decision to suspend a pupil on a fixed term basis is the responsibility of the Executive Headteacher or Head of School. Suspensions may not exceed 45 days in any one year.

**Permanent Exclusion** - The decision to permanently exclude is for the Head of School or Executive Headteacher. Where the Head of School makes the decision, they will consult the Executive Headteacher.

### **Notification of a Suspension**

1) Parents will be notified as soon as possible of the decision to suspend a pupil and the reasons for the decision bearing in mind that incidents requiring suspension will require significant investigation and therefore notification may be some time after the original incident although without unnecessary delay. Notification will be given on the day of the suspension being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension will be sent to parents.

2) In the case of a suspension parents will be notified by the Head of School or Inclusion leader in a face-to-face meeting.

3) A pupil who has been suspended will have the reason for his/her exclusion explained to them so that they understand the nature of their misbehaviour.

5) For a suspension, a copy of the letter sent to parents is kept in school and the suspension is recorded on to SIMS.

6) The Local Governing Board and Trust Board are informed termly about the number of suspensions and permanent exclusions.

### ***Permanent Exclusions***

A school will only permanently exclude a pupil as a last resort, after trying to improve the pupil's behaviour through other means. However, there are exceptional circumstances in which the Head of School or Executive Headteacher may decide to permanently exclude a pupil because of ongoing issues or in the case of an extremely serious 'one-off' incident.

If a pupil has been permanently excluded:

- As with fixed term exclusions, parents will be informed in writing of the decision to exclude and their right of representation and appeal at a disciplinary committee meeting, to be arranged within 15 school days.
- Work will be sent home and marked when returned for the first 5 days.
- From day 6 the local authority are responsible for providing full time alternative educational provision
- If the Local Governing Board confirms the exclusion, parents can appeal to an independent appeal panel

### **Pupils Returning from a Suspension**

All pupils returning from a suspension are invited to attend a reintegration meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspension can be avoided and behaviour modified to acceptable standards in partnership between the pupil, parent and school. The school will also work to support the pupil on his/her return. This will include input from staff at the school, parents and any other appropriate bodies e.g. Behaviour Support Service, Attendance Officer or in house pastoral provision. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following a suspension, the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

### **Appeals<sup>2</sup>**

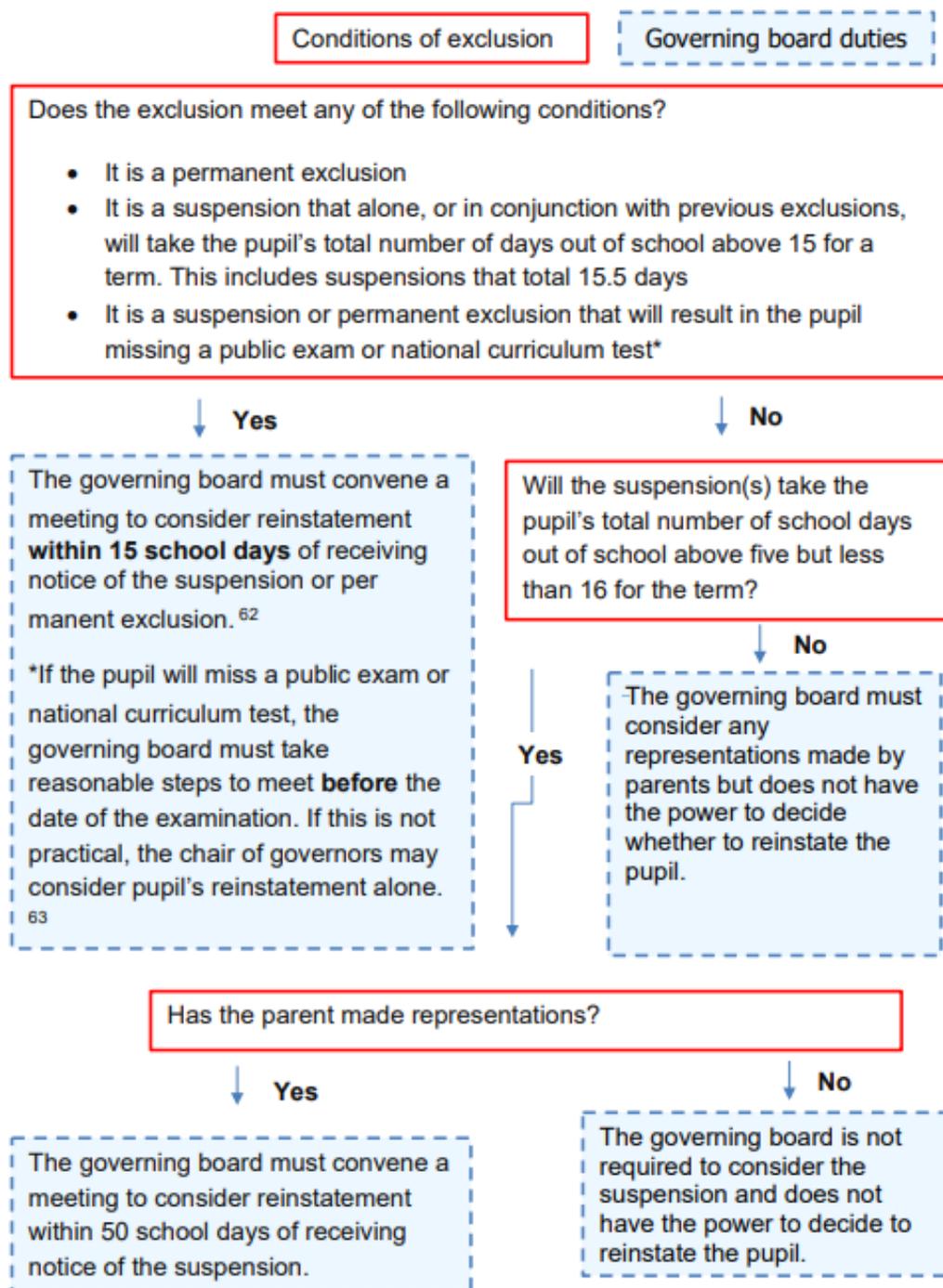
The local governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a local governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors:

- the exclusion is permanent;
- it is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- where it would result in a pupil missing a public examination or national curriculum test

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<sup>2</sup> DFE (2023) *Suspension and Permanent Exclusion from maintained schools, Academies and pupil referral units in England, including pupil movement.*

## A summary of the governing board's duties to consider reinstatement<sup>61</sup>



<sup>61</sup> Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

<sup>62</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>63</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.

Where the Local Governing Board is legally required to consider a suspension or permanent exclusion they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The Local Governing Board must also consider any representations made by:

- parents;
- the Head of School or Executive Headteacher

In the light of their consideration, the Local Governing Board can either:

- uphold a suspension or permanent exclusion; or
- direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a suspension the parents make clear they do not want their child reinstated, the Local Governing Board must, in any event, consider whether the decision to exclude the child was justified based on the evidence.

Where legally required to consider suspension or permanent exclusion, the Local Governing Board must notify parents, the Executive Headteacher and the local authority of their decision, and the reasons for their decision, in writing and without delay.

### **Independent Review**

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 not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 74); 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
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Any application made outside of the legal time frame must be rejected by the Trust.

The trust must not delay or postpone arranging an IRP where parents also make a claim of discrimination in relation to the permanent exclusion to the First-tier Tribunal (Special Educational Needs and Disability) or the County Court.

Parents may request an IRP even if they did not make representations to, or attend, the meeting at which the governing board considered reinstating the pupil.

### **Relationship to other school policies and guidance**

The Suspension Exclusion Policy should be read in conjunction with the school's Behaviour Policy as well as other relevant school policies, particularly those related to Special Educational Needs and Equality. It also has a close inter-relationship with the Anti-Bullying Policy and Attendance Policy.

Further detail to support the implementation of this policy is within the DFE statutory guidance *Suspension and Permanent Exclusion from maintained schools, Academies and pupil referral units in England, including pupil movement*.

### **Roles/Responsibilities**

#### **Executive Headteacher:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to suspend or permanently having checked all evidence.
- Monitor the implementation of the policy and regularly report to the Trust Board.

#### **Head of School:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to suspend or permanently exclude having checked all evidence.
- Send details of the suspension or permanent exclusion to the Chair of the Trust and the LA.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and by letter.
- Send details of the exclusion to the Executive Headteacher
- Report fixed term exclusions termly to the Trust and the Local Governing Board
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to the Local Governing Board and Trust Board.

#### **Inclusion lead/ SENCO:**

- To ensure the maintenance of appropriate records of incidents that may lead to the decision to suspend or exclude.
- Use the time of a suspension to review provision e.g.: seating arrangements, differentiation, behaviour support, referrals to outside agencies
- To ensure all staff are well trained and equipped to meet the needs of pupils in their class
- To ensure that pupils needs are met through appropriate assessment and referral as necessary

#### **Class teacher:**

- Keep appropriate records of incidents that may lead to the decision to suspend or exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

#### **Local Governors:**

- Attend Suspension or permanent exclusion hearings as legally required.

#### **Trustees:**

- Review the policy in the light of monitoring.
- Arrange independent review panel as legally required

## **Equality**

All children will be treated equally and fairly throughout the implementation of this policy. The Head of School in conjunction with the Behaviour Lead will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed to the behaviours of those children eg: if more boys/SEND/minority ethnic group are represented in the records.

## **Training**

Whole staff and individual training needs will be identified through the Academy's self-evaluation process and staff appraisal.

## **Monitoring and Review**

- 1) The impact of this policy will be reviewed by the Local Governing Board and Academy Trust Board
- 2) Each school will report termly on the number of fixed term exclusions to the Local Governing Board and the Trust Board
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders