

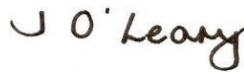


SUSPENSIONS AND PERMANENT EXCLUSIONS POLICY

SHINE Multi Academy Trust

Management log

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Chair of the board CEO

Related Policies

- Equality
- Anti-Bullying
- Attendance
- Behaviour
- Special Educational Needs and Disabilities (SEND)

All above policies are available through our academies local servers, directly through SHINE or through the Trust website www.shine-mat.com

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This policy MUST be read in conjunction with the latest statutory guidance when implementing a suspension OR a permanent exclusion.

[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

1 Promoting positive behaviour and early intervention

1.1 At SHINE Multi Academy Trust (SHINE) we believe in promoting positive behaviour (as depicted within our academies' behaviour and discipline policies) and see suspension/exclusion as a last resort when all other options have been explored.

2 Alternatives to suspension/exclusion may include:

- restorative justice approach (where the “offender” redresses the harm caused to the “victim”);
- mediation (including the use of third parties to resolve conflicts);
- internal suspension (moved to another class or from particular activities but kept within the academy setting);
- managed move (to another academy to allow the child to have a fresh start).

3 Removing pupils from an academy site and the decision to suspend/exclude

3.1 There are four circumstances in which a pupil may be required to leave the academy premises:

- If there is sufficient evidence that a pupil has committed a disciplinary offence and the pupil remaining on-site could harm the welfare of him/herself and or others.
- A pupil is accused of a serious criminal offence but the offence took place outside the academy's jurisdiction.

- For medical reasons a pupil's presence on the site represents a risk to the health and safety of others.
- The pupil is given permission to temporarily leave the academy premises to remedy breaches of the academy rules.

A decision to exclude a pupil permanently will be taken as a last resort

- in response to a serious breach or persistent breaches of the academy's behaviour policy; and
- if allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others in the academy.

3.2 Pupils' behaviour outside of the academy e.g. on school trips, at sports events, is subject to the behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in the academy; and additionally, this includes any serious breach of policy which could 'bring SHINE or its academies into disrepute'.

3.3 The academy must take account of any Special Educational Needs and Disabilities (SEND) when considering whether or not to exclude a pupil. The headteacher must ensure that all reasonable steps, in line with the Discrimination Disabilities Act⁴ have been taken by the academy to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to their disability.

Before suspending/excluding a child with SEND, the headteacher must look first at what additional support is needed, have they explored strategies with outside agencies or whether a different school/academy would be more suitable.

3.4 A decision to exclude a child permanently is serious and will only be taken where the basic facts have been clearly established on the balance of probabilities. It will usually be the final step in a process for dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an

acknowledgement by the academy that it has exhausted all available strategies for dealing with the child and will be used as a last resort.

3.5 There are, however, exceptional circumstances where, in the headteacher's judgment, it is appropriate to permanently exclude a child for a first or 'one off' offence. The following is not a comprehensive list, but such exceptional circumstances might include:

- serious actual or threatened violence against another pupil or a member of staff;
- sexual abuse or assault;
- supplying an illegal drug; or
- carrying an offensive weapon.

In these circumstances the police or relevant agencies (such as social workers or Youth Offending Teams) will be informed where appropriate.

4 Fixed term suspension

4.1 A decision to suspend a pupil for a fixed period will be taken only in response to breaches of the academy's behaviour policy, including persistent disruptive behaviour, where these are not serious enough to warrant permanent exclusion and lesser sanctions such as detention or internal suspension are considered inappropriate. Individual fixed period suspensions will be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate into the academy afterwards.

5 Factors to consider before making a decision to suspension/exclusion

5.1 Suspension/Exclusion will not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others in the academy or the pupil concerned. Before deciding whether to suspend/exclude a pupil, either permanently or for a fixed period, the headteacher will:

- ensure that a thorough investigation has been carried out;

- consider all the evidence available to support the allegations, taking account of the academy's behaviour and equal opportunities policies;
- allow and encourage the pupil to give their version of events;
- check whether the incident may have been provoked, for example by bullying, or by racial or sexual harassment;
- if necessary, consult others, but not anyone who may later have a role in reviewing the headteacher's decision, for example a member of the governing body⁵;
- keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible.

6 When suspension/exclusion is not appropriate

6.1 Suspension/Exclusion will not be used for:

- minor incidents such as failure to do homework or to bring dinner money;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- breaches of academy uniform rules or rules on appearance (for example, relating to jewellery, body-piercing, hairstyles, etc.), except where these are persistent and in open defiance of such rules;
- punishing pupils for the behaviour of their parents/carers, for example where parents/carers refuse, or are unable, to attend a meeting;
- protecting victims of bullying by sending them home.

7 Procedure for suspending/excluding a pupil: role of headteacher

- 7.1 If the headteacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and needs to be removed from the academy site for that reason, formal suspension/exclusion is the only legal method of removal. Informal or unofficial suspensions/exclusions are illegal regardless of whether they are done with the agreement of parents/carers. If pupils are sent home in response to a breach of discipline, even for short periods of time, this must be formally recorded as a suspension/exclusion.
- 7.2 In every instance where a pupil is sent home for disciplinary reasons, headteachers must formally record and specify the length of the exclusion (for reporting purposes this should be recorded as a half day, whole day or lunchtime). They should ensure that:
- they are meeting their legal duty of care towards pupils, and that parents/carers are formally notified of the suspension/exclusion without delay;
 - inform the Local Authority without delay;
 - if a pupil has a social worker or if a pupil is looked after the headteacher must inform the social worker without delay;
 - child protection issues are taken into account e.g. bearing in mind the child's age and vulnerability, that a parent/carer is at home and the child is not placed at risk by, for example, being left to wander the streets; and
 - that work is sent home or alternative provision is arranged.

8 Length of fixed period exclusions

- 8.1 Regulations allow headteacher's to suspend a pupil for one or more fixed periods which, when aggregated, do not exceed a total of 45 school days in any one academy year. The limit of 45 school days applies to the pupil and not to the institution. Therefore, any days of fixed period exclusion served by the pupil in any academy or PRU in the same academy year will count towards the total. It is important therefore that, when a pupil transfers to a new academy during the academic year, records of the fixed period exclusions a pupil has received and served so far during the current academic year are also transferred promptly to the

new academy. When imposing fixed period exclusions headteacher's should bear in mind the duration and frequency. Exclusions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite exclusion for which no legal authority exists.

9 Lunchtime suspension

- 9.1 Pupils whose behaviour at lunchtime is disruptive may be suspended from the academy premises for the duration of the lunchtime period. Lunchtime suspensions are counted as one half of a school day for statistical purposes and to trigger governor/management committee meetings so that parents/carers can make representations.
- 9.2 Lunchtime suspensions will not be counted towards the academy's duty to provide fulltime education from day six of a fixed period suspension. Therefore, lunchtime suspensions are not affected by the regulations on providing pupils with education from the sixth day of their suspensions. Taking into account the child's age and vulnerability, the headteacher should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime suspension. A lunchtime suspension for an indefinite period, like any other indefinite suspension, would not be lawful. The Secretary of State does not expect lunchtime suspensions to be used for a prolonged period, e.g. for longer than a week. In the long run another strategy for dealing with the problem should be worked out. Arrangements should be made for pupils who are entitled to free academy meals to receive their entitlement which may mean, for example, providing a packed lunch.

10 Procedures following a fixed period suspension

- 10.1 The academy's obligation to provide education continues and must be met during a fixed period suspension. Parents/carers are not responsible for making any educational provision for their suspended child, but are expected to cooperate with academy in this regard. Where a pupil is given a fixed period suspension of a duration of six school days or longer, the academy has a duty to arrange suitable full-time

educational provision from and including the sixth school day of the suspension/exclusion - this does not apply to pupils of non-compulsory school age.

11 Re-integration interview

- 11.1 The headteacher must arrange a reintegration interview with parents /carers during or following the expiry of any fixed period exclusion of a primary-aged pupil. An interview is not necessary where the pupil is leaving the academy within the period of the suspension for a reason unconnected with his or her behaviour or where the first day of the suspension falls within the last ten school days in the academy year. The pupil should normally attend all or part of the interview. The interview should be conducted by the headteacher or a senior member of staff. In some circumstances it may be helpful for another person to be present such as the designated teacher or nominated governor.
- 11.2 The purpose of the reintegration interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:
- emphasise the importance of parents/carers working with the academy to take joint responsibility for their child's behaviour;
 - discuss how behaviour problems can be addressed;
 - explore wider issues and any circumstances that may be affecting the child's behaviour;
 - reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour; and
 - create a useful forum to consider with parents/carers the possibility of a parenting contract.
- 11.3 The interview must be held during the period beginning with the first school day to which the exclusion relates and ending with the fifteenth school day following the day on which the pupil returns to academy. The headteacher must try to arrange the

interview for a date and time that is convenient to the parent. If possible, the interview should be held on the day the pupil returns to the academy.

- 11.4 At least one of the child's parents/carers is expected to attend the meeting. A parent's failure to attend will be one factor taken into account by a magistrates' court when deciding whether to impose a parenting order, if at any future date a parenting order has been applied for by the academy or local authority.
- 11.5 Academies must keep records of the failure to attend a reintegration interview, and of any explanation given by the parents/carers for failure to attend, as the court may need to see them. However, a fixed period suspension must not be extended if such an interview cannot be arranged in time or the parents/carers do not attend. The interview must be conducted on academy premises. The notice relating to a reintegration interview can be combined with the notice informing the parents/carers of the suspension or relating to the alternative educational provision that the pupil must attend whilst excluded.

12 Penalty notice for suspended/excluded pupils

- 12.1 During the initial period of up to five school days of any suspension/exclusion, whether fixed period or permanent, the parents/carers of the excluded pupil must ensure that he or she is not present in a public place during normal academy hours without reasonable justification. This requirement applies whether or not the pupil is in the company of the parent. A failure to comply with this requirement is an offence. Parents/carers can be given a fixed penalty notice of £60 if they fail to do this. The penalty payable increases to £120 if unpaid after 28 calendar days, and if this is still unpaid after 42 days the parent will be subject to prosecution for the original offence.

13 Parental co-operation

- 13.1 If a parent does not comply with a suspension/ exclusion, for example by sending the suspended/excluded child to academy, or by refusing to collect or arrange collection of the child, including at lunchtime, the academy must have due regard for the pupil's safety in deciding

what action to take. A suspension/exclusion should not be enforced if doing so may put the safety of the pupil at risk. If efforts to resolve the issue with the parents/carers are unsuccessful the academy should consider whether to contact the Education Welfare Service and seek the advice of the Local Authority (LA). In some circumstances, police or community support officers could become involved. Where there is a persistent lack of parental co-operation and this is affecting the child's behaviour, the academy or LA may consider applying for a parenting order.

14 Procedures for review and appeal, governance & local authority responsibilities

14.1 The headteacher must notify the Board of Trustees (Board), their appointed local governing bodies and LA of the types of exclusion listed below:

- permanent exclusions;
- suspensions which would result in the pupil being excluded for more than five school days (or more than 10 lunchtimes) in any one term; and
- exclusions which would result in the pupil missing a public examination.

14.2 Where the Board and their local governing bodies are notified of an suspension/exclusion, they must (whether or not the parent/carer requests) review any exclusion which is a permanent exclusion from their academy, or a fixed period suspension that would result in a pupil being suspended for more than 15 school days in any one term, or missing a public examination.

14.3 The Board has delegated the function of reviewing suspensions/exclusions to a committee consisting of at least three trustees and/or local governors. Procedures are set out in the guidance document School suspensions and permanent exclusions - GOV.UK (www.gov.uk)

14.4 The exclusion committee (committee) will hold an independent and impartial meeting and will be seen to do so. No trustee or local governor may sit on the committee if they have had any prior involvement in the exclusion.

- 14.5 The Board appreciates attendees may feel nervous and inhibited in a formal setting and parents/carers often feel emotional when discussing an issue that affects their child. The committee is obligated to ensure the permanently excluded child is invited to the meeting and they will take extra care when a child is present. The committee will respect the views of the child and give them equal consideration to those of adults.
- 14.6 The committee will ensure parents/carers are made aware that they are entitled to be accompanied by a friend or a representative - if they are to be accompanied, they must inform the clerk in advance of the name of their chosen companion prior to the meeting.
- 14.7 The committee cannot impose any guidance on which parts of the meeting the child needs not attend. However, the parent/carer may decide which parts of the meeting is not in their child's best interests and should inform the committee of their decision so they can accommodate.
- 14.8 The Board appointed exclusion committee must decide whether the headteacher's decision to exclude the pupil was justified/appropriate. In reaching their decision they will conclude to either;
- decline to reinstate the pupil; or
 - direct reinstatement of the pupil immediately or on a particular date.
- 14.9 If parents/carers apply for an independent review, the Board will arrange for an Independent Review Panel (IRP) to review the decision of the exclusions committee not to reinstate the permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the exclusion committee of its decision to not reinstate a pupil. An independent clerk will be appointed to the IRP.

The IRP will decide one of the following:

- uphold the exclusion committee decision;
- recommend that the exclusion committee reconsiders reinstatement;

- quash the exclusion committee decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed on the grounds of illegality, irrationality or procedural impropriety).