



## Exclusion and Suspension Policy

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Review Body	Trust Board	Status	Statutory

### Ratification

Role	Name	Date
Chair of Trustees	Richard Penska	14/02/2022
Chief Executive Officer	Kaye Palmer-Greene	14/02/2022

### Details of Policy Updates

Date	Details
January 2023	Change the term 'fixed-term exclusion' to suspension throughout
	Addition of reference to deliberately, targeted comments including reference to protected characteristics

## Introduction

Schools within North Star Academy Trust seek to avoid exclusions and suspensions.

Suspensions are used as a last resort when other interventions have been tried and we use the time during a suspension to review our processes and provisions to see if we can do something differently to avoid the situation occurring again.

Permanent exclusions take place only for the most serious incidents that lead us to conclude that our school is not able to meet the student's needs / is the inappropriate environment. We believe the better way forward is, when we have serious concerns about a placement potentially failing, that we ensure that the Local Authority is aware of our concerns and we will have held an early annual review to highlight changed needs rather than use exclusion. However, in some situations a permanent exclusion may be the result of a very serious one-off incident, where we believe that the health, safety and welfare of the students and / or staff are significantly at risk.

## Managing Challenging behaviours

Our behaviour strategies are comprehensive and are based on our values. Our starting point is that the challenging behaviour is a communication that there are unmet needs for the student and that at this point the student does not have an alternative way of communicating that need to us. Our approach to behaviour is detailed in the Behaviour and Self-Regulation Policy.

**Individual Student Risk Assessments** are used to help students at risk of exclusion and suspension in order to support the student to make improved behaviour choices. They will:

- include strategies for managing the environment, the class or group and the activities which give rise to the inappropriate behaviours;
- emphasise teaching the child alternative positive behaviours and ways to recognise and respond to the early warning signs and triggers;
- use positive rewards, and non-shaming language and behaviour from staff.

The law states:

- Only the Headteacher (or acting Headteacher) of a school can exclude or suspend a student and this must be on disciplinary grounds. A student 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. A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion.
- 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. As a specialist setting where many students are transported to and from school then it is unlikely that we will use a lunchtime suspension, however an internal exclusion over one or more lunchtimes may be used and this does not count as an exclusion under current legislation.

- The behaviour of students outside school can be considered as grounds for exclusion and suspension. This will be a matter of judgement for the Headteacher in accordance with the school's published behaviour policy.
- The Headteacher may withdraw an exclusion that has not been reviewed by the governing body.
- Any decision of a school, including exclusion and suspension, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- Headteachers must take account of their legal duty of care when sending a student home following an exclusion or suspension.
- When establishing the facts in relation to an exclusion or suspension 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.
- In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to: eliminate discrimination and other conduct that is prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- These duties need to be taken into account when deciding whether to exclude or suspend a student. Schools must also ensure that their policies and practices do not discriminate against students by unfairly increasing their risk of exclusion or suspension.

- Headteachers and governing bodies must take account of their statutory duties in relation to special educational needs (SEN) when administering the exclusion and suspension processes. This includes having regard to the SEN Code of Practice.
- It is unlawful to suspend, exclude or to increase the severity of an exclusion for a non- disciplinary reason.
- ‘Informal’ or ‘unofficial’ exclusions, such as sending students home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a student, even for short periods of time, must be formally recorded.
- Schools have the power to direct a student off-site for education to improve his or her behaviour. A student can also transfer to another school as part of a ‘managed move’ where this occurs with the consent of the parties involved, including the parents. However, the threat of exclusion must never be used to influence parents to remove their child from the school.

The school will use suspension and /or exclusion as its final sanction in ensuring the safety, welfare and progress of all members of the school community. The school is proactive in the steps that it takes to prevent exclusion and so exclusion will normally be used only after a range of support has failed to achieve the desired change in behaviour and attitude.

A serious offence could by itself justify a student’s suspension or exclusion. This may include an aspect of the following:

- Violence towards an adult or child
- Frequent high-level disruption in classrooms, which may include deliberately, targeted comments including reference to protected characteristics
- Damage to property
- Dangerous, to self and others

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

- In response to a serious breach, or persistent breaches of the school’s behaviour policy.
- Where allowing the student to remain in school would seriously harm the safety and welfare of the students or others in school.

When it is necessary to suspend or exclude a student, parents, the Local Authority and, where relevant, Social Worker, will be contacted immediately and be notified in writing of the following:

- the reasons for the suspension / exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;

- parents' right to make representations about the exclusion to the governing body and how the student may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the suspension or exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- Where a suspended or excluded student is of compulsory school age the Headteacher must also notify parents that for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the student during the suspension or exclusion;
- The start and finish times of any such provision, including the times for morning and afternoon sessions where relevant;
- The address at which the provision will take place; and
- Any information required by the student to identify the person he / she should report to on the first day.

The Headteacher will also notify the governing body and the local authority of:

- A permanent exclusion (including where a suspension is made permanent);
- Suspensions which would result in the student being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Suspensions which would result in the student missing a public examination or national curriculum test.

For a suspension of more than five school days, the governing body must arrange suitable full-time education for any student of compulsory school age. This provision must begin no later than the sixth day of the exclusion.

Where it is not possible, or appropriate, for the school to arrange alternative provision during the first five school days of a suspension or exclusion, reasonable steps to set and mark work for students will be taken. Work that is provided will be accessible and achievable by students outside of school.

For permanent exclusions, the local authority must arrange suitable full-time education for the student to begin no later than the sixth day of the exclusion.

If suspension or exclusion is being considered for any child in care to the local authority then the designated teacher in our school will be consulted and the relevant Headteacher for looked after children in the local authority will be informed and included in further discussions around plans for on-going education in the school. The school acknowledges that education from day 1 of the suspension / exclusion is the expectation of the local authority and we will endeavour to provide this as far as is reasonably practicable without impacting negatively on other students.