



Suspensions and Exclusions Policy

Ernest Bevin Academy

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Part of United Learning

Strategic Aims

This policy aims to:

- Ensure the suspensions process is applied fairly and consistently
 - Detail factors that lead to a suspension or permanent exclusion
- Provide alternatives to such behaviours

Responsibility: Principal	Date Approved: Autumn 2023
Approved by: Local Governing Body	Review Date: Autumn 2024
Monitored by: Principal	Links to other policies: Behaviour for Learning policy SEND policy Anti-bullying policy Child Protection policy Equality policy

1. Introduction

To ensure good order and behaviour for learning it may be necessary to suspend students from attending school or to permanently exclude them. Any form of exclusion is the ultimate sanction and used only in response to serious incidents, beyond that which could be managed alternatively. The decision to exclude is the Principal's alone or in his/her absence, the designated teacher in charge.

2. Legislation and Guidance

Note that in applying this policy, the school will adhere to current legislation, including the Equality Act 2010. The school fulfils its obligation to have regard to the DfE Exclusions Guidance; Section 1 of this makes specific reference to the Equalities Act.

Sanctions will be applied fairly, reasonably and proportionately and after due investigative action has taken place.

The Principal and governing body will comply with their statutory duties in relation to SEND when administering the exclusion process. This includes having regard to the SEND Code of Practice.

The exclusion policy relates to behaviour not only in school but also to behaviour out of school: for example travelling to and from school; on school trips; work experience placement; over the telephone or online (such as on social media) etc.

3. *Types of Exclusion*

Suspension

A suspension is where a student is withdrawn from normal classes and sent home from school for a period of time, depending upon the severity of the offence.

A suspension may apply for a single occurrence of serious misconduct or for persistent misbehaviour. Lunchtime suspension is equivalent to a half day suspension.

If a student is suspended, parents will be notified by telephone in the first instance. This will be followed, subsequently, by a letter in which the terms of the suspension are set out, together with the time and date of the reintegration meeting. The letter will also advise parents that during the term of suspension the student is the responsibility of the Local Authority and parents, and that the student must not come within the vicinity of the school. In addition, the letter will advise parents of a named person they may contact in the Local Authority if they require advice or guidance. Parents are also advised that they have a right to make representations in writing to the Governing Body if they wish to challenge the terms of the suspension. However, for suspensions of five days or less, the Governing Body will write to parents after considering the appeal and will not hold a meeting with the parents.

If the suspension is for more than five school days, but no more than 15 days in any one term or school year, the Principal will immediately notify the Governing Body and the school must arrange alternative suitable full-time education. This provision must begin no later than the sixth day of suspension. The Governing Body must consider any appeal and hold a Disciplinary Committee meeting, if parents request one, between the 6th and 50th day.

If the suspension is over 15 days, parents will be informed that a meeting will be held. The Governing Body must hold a Disciplinary Committee meeting between the 6th and 15th day. The Governing Body will invite the parents, Principal and may invite the Local Authority Suspensions Officer to attend. Full-time supervised education will be provided by the school from day six of the suspension.

If a student is suspended, work will be set for students to complete at home. This may be sent home with the student, emailed, posted or parents may be asked to collect it from the school. Students may also be asked to complete work set on the VLE or study independently, especially if the suspension is for only one day. Parents will be advised of the method(s) used to set work. Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

Following a suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate. **It is essential that a parent or responsible adult attends the re-integration meeting.**

The following measures may be implemented when a student returns from a suspension:

- Agreeing a behaviour contract

- Putting a student on report
- Internal isolation

When suspension is not appropriate

Suspension will not be used for:

- Minor incidents such as failure to do homework
- Poor academic performance
- Lateness or truancy
- Breaches of school uniform rules or rules of appearance (including jewellery and hairstyle) except where these are persistent and in open defiance of such rules
- Punishing students for the behaviour of their parents, for example where parents refuse or are unable to attend a meeting

Permanent exclusion

A permanent exclusion is used as a last resort in response to:

- 1) a serious breach or persistent breaches of the school's behaviour policy and;
- 2) where allowing the student to remain in the school would seriously harm the learning or welfare of the student or others in the school.

A decision to exclude a student permanently is a serious one. 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 school that it has exhausted all available strategies for dealing with the student and would normally be used as a last resort.

However, in exceptional cases it can be appropriate to impose permanent exclusion for a first or 'one-off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Dealing of illegal substances
- Carrying an offensive weapon
- Arson

Please see Appendix 1 for examples of why a student may be permanently excluded but the list of examples is not exhaustive.

Where the Principal makes a decision to permanently exclude a student from the school the following procedures will be followed:

The Principal, or the most senior person acting in that role, will immediately (within 24 hours) inform the parents by phone of the decision. This will be followed, subsequently, by a letter in which the terms of the exclusion are set out. Parents are also informed of their rights regarding an appeal of the terms of the exclusion. The Governing Body Disciplinary

Committee will hold a meeting between the 6th and 15th day. The Governing Body must invite the parents, Principal and may invite the Local Authority Exclusions Officer to attend. The committee will examine the reasons for the decision and look at appropriate evidence such as the student's behaviour log, incident reports, witness statements and the strategies used by the school to support the student prior to permanent exclusion.

All paperwork including written statements and other relevant information held by the school should be circulated to all parties at least five working days in advance of the meeting of the Governing Body Disciplinary Committee.

4. *Investigations*

Any investigation will be conducted in accordance with DfE guidance to be lawful¹, reasonable, fair and proportionate.

Each case will be judged on the facts and the context, taking into account:

- That an appropriate investigation has been carried out including interviews with all students and staff witnesses and full records kept
- That the student has had the opportunity to give his or her version of events.
- That consideration is given to all the evidence available to support the allegations, taking account of key policies such as Behaviour for Learning, Anti-Bullying, SEND, Child Protection and the Equality policy
- The degree of severity of the offence
- The likelihood of re-occurrence (including a consideration of the student's previous behavioural record);
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, special educational needs and disabilities, peer on peer abuse, harassment);
- Support/or adjustments previously provided;
- The school behaviour policy, special educational needs policy and equality law obligations.

If satisfied that, on the balance of probabilities, the student did what he or she is alleged to have done, the Principal may decide to suspend or permanently exclude the student.

Where a police investigation leading to possible criminal proceedings has been initiated, the evidence available may be very limited. It should, however, still be possible for the Principal to make a judgement on whether to suspend or permanently exclude the student.

¹ with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties

5. *Role of the Local Governing Body for Permanent Exclusions*

The role and responsibilities of the Governing Body in the exclusion process includes:

- the duty to facilitate and consider the representations of the parents;
- to either uphold the exclusion or direct reinstatement (and if the latter is not practical still consider if the decision to exclude was justified);
- to provide a decision in writing and without delay and will give the reasons for the decision.

6. *Additional Requirements for Permanent Exclusion*

Where the Governing Body has upheld the decision of the Principal to exclude, they will set out:

- the statutory timeframe for applying to an independent review panel;
- to whom an application must be sent, together with the grounds and evidence;
- the right for parents to request a special educational needs expert;
- the right for parents to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

9. *Independent Review Panel Procedure*

The set up and process of the IRP is set out in the DfE Exclusions Guidance which contains important aspects in terms of timeframe, constitution, and the powers of the IRP. An IRP cannot compel reinstatement.

10. *Monitoring and Review*

EBA monitors behavioural issues and regularly evaluates the effectiveness of the behaviour policy. This helps the school to consider whether there are patterns of concerning, problematic or inappropriate behaviour among students which may indicate that there are possible cultural issues within the school which may be enabling inappropriate behaviour to occur. When patterns are identified, the school will decide an appropriate course of action, which may include more staff training, incorporating learning points into student's PSHE/RSE lessons, or amending the policy.

Analysis of suspensions and exclusions and findings are reported to governors every term.

Alternatives to suspensions or Permanent Exclusion

In some circumstances the school will look for possible alternative solutions such as:

- Behaviour support plan
- Internal suspension in the Reflection Room
- Temporary alternative placement at another local school
- Staggered start days
- Restorative Justice
Staff may make use of 'restorative practices' where appropriate. This alternative form of dealing with a misdemeanour or incident will be implemented with the full agreement of the victim(s) and the offender(s). Restorative practices will be utilised alongside, or instead of, an existing sanction / punishment. Heads of Year, Pastoral Support or a member of the Senior Leadership Team will make the decision based on their professional judgement.
- Pastoral Support Plan (PSP)
- Use of external provision such as a Pupil Referral Unit or other alternative learning programme
- A Managed Move to another school
This allows a student the opportunity of a 'fresh start' in another school. This will be attempted only with the full knowledge and co-operation of all parties, including the parents and Principals/Headteachers of both schools.

Exclusions data is analysed annually in order to highlight possible trends and to review the impact of this policy.

Further information and guidance is available in the statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' (DfE September 2022).