

# The 3-18 Education Trust

## Suspensions and Permanent Exclusions Policy

*Every individual is in a great school.*

Approved: Summer Term 2024

[www.3-18education.co.uk](http://www.3-18education.co.uk)



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## **Introduction**

The following is taken from The 3-18 Education Trust's (Trust) schools' Behaviour Policy:

The 3-18 Education Trust (Trust) believes that good behaviour in schools is central to a successful education. In order to become accomplished, resilient and compassionate young people when they leave the Trust, all young people must feel confident enough to take risks and make mistakes.

However, in order to fully reach their potential, pupils require clear boundaries and support so that they can learn in a calm, safe and supportive environment and are protected from disruption.

It is the Trust's aim that every member of the Trust's community – pupils, staff, parents, local governors, trustees, the wider community - feels valued and respected, and all stakeholders must be treated fairly. It is expected that **all** members of its community set an example to others in order to establish the highest standards of behaviour.

In so doing the Trust aims to promote good behaviour, self-discipline, respect, prevent bullying and ensure pupils complete their work to the best of their ability. Ultimately, the Trust's aim is to prepare pupils for life after school.

## **Types of Exclusion**

There are two main types of exclusion: suspension and permanent.

### **Suspensions** (previously called fixed-term exclusions)

Suspensions are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum of 45 days of suspension in an academic year before being permanently excluded.

### **Permanent Exclusions**

Permanent exclusions are where, subject to a decision of a Trust Permanent Exclusion Review Committee to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the Trust's Behaviour Policy, and where, allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others, such as staff or pupils, in the school.

## **Roles and Responsibilities**

### **Headteacher**

All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Trust's Behaviour Policy and this Policy.

### **Local Governors and Trustees**

Local Governors and Trustees are responsible for forming Review Committees to consider suspensions and permanent exclusions when:

- required to do so,
- requested by parents/carers, or
- it is prudent to review an individual decision.

In each case, the decision of the Review Committee will be to decide whether to uphold the suspension or permanent exclusion, or instead to reinstate the pupil to the school.

### **Parents/Carers**

Parents will be informed without delay of any suspension or permanent exclusion. It is possible for parents/carers to make representations in regard to any suspension or permanent exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

### **Pupils**

All pupils of the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the Trust's Behaviour Policy will apply.

### **CCTV, Witness Evidence and Pupil Views**

Some of the schools within the Trust use Close Circuit Television (CCTV) within their premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or permanent exclusion, then it may be shown in some format (redacted as necessary) at any Review Committee meeting.

Please refer to the Trust's Operation of CCTV Policy and Privacy Notices. The Notices can be found on the Trust's and schools' websites. The Policy and Privacy Notices can be provided by contacting an individual school.

Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any Review Committee meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

Before taking a decision to suspend or permanently exclude and where appropriate, the Headteacher will take the pupil's views into account, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

### **Suspensions**

The following incidents or offences can lead to a suspension, although extenuating circumstances may alter the sanction applied to an individual pupil. This list is not exhaustive:

- persistent disruption / defiance
- continual refusal to comply with the school rules and sanctions

- deliberate damage or vandalism
- theft
- swearing directly at a member of staff
- physical violence towards a pupil or member of staff
- persistent bullying or bullying behaviour (See Behaviour Policy)
- bringing the school into disrepute
- bringing an offensive weapon onto the school premises
- possession of illegal substances on the school site
- inappropriate use of social media
- sexual abuse
- sexual harassment
- racism (including graffiti)

The following factors will be considered before the decision to suspend (and the length of the suspension):

- Ensuring that the pupil is invited to give their version of events (if circumstances allow, this will be a written statement).
- Pupil status e.g. PP, LAC, SEND.
- Ensuring that a thorough investigation has been carried out.
- Consideration of all the evidence available to support the allegations, taking account of the schools' behaviour and equal opportunities policies.
- Consideration of whether the incident is provoked, e.g. by bullying/bullying behaviour or by racial or sexual harassment (provocation will not necessarily mean an exclusion/suspension will not be given).
- Gathering written statements from all involved where appropriate and possible.
- The age of the pupil.
- The disciplinary record.
- The nature of the offence.
- Exam obligations.

The standard of proof to be applied is on the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the Headteacher may suspend/exclude the pupil.

Where a pupil is suspended the school will:

- Inform parents/carers immediately.
- Confirm the decision, details and expectations in writing within one working day.
- Notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any suspension (parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so).
- Undertake to set and monitor work for that pupil for the first five days of the exclusion.
- Provide full time education (off site or in a shared provision) from the sixth day of any period of suspension of six days or longer.
- Advise any sanctions that may be imposed for non-attendance of the provision for the sixth day onwards.
- Consider how the time out of school might be used to address the pupil's problems.
- Consider what support will best help with the pupil's reintegration into the school at the end of the suspension.

## **Reintegration Strategy Meetings Following Suspension or Off-site Direction**

Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents will be invited to a reintegration meeting. The purpose of the meeting is to:

- Emphasise the importance of parents/carers working with the school 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.
- Create a useful forum to consider with parents/carers the possibility of a parenting contract.
- Hear from the pupil of their reflection on the reasons behind suspension and for the headteacher (or an appropriate senior member of staff) to judge if such reflection warrants their return. The suspension may be extended if it is felt that the pupil has neither reflected nor learnt from their actions and the resulting suspension.

School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

Schools within the Trust may use the following measures to support a pupil's successful reintegration including:

- Daily contact with a designated pastoral professional in-school.
- Use of a report card with personalised targets leading to personalised rewards.
- Ensuring the pupil receives academic support upon return to catch up on any lost progress.
- Planned pastoral interventions.
- Mentoring by a trusted adult.
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the pupil, parents and staff of potential external support.

This list is not exhaustive and different measures will be used in different schools to suit the needs of individual pupils.

Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to one of the Trust's schools or being put in mainstream classes because a meeting has not taken place.

## **Permanent Exclusions**

Repeated offences could ultimately lead to permanent exclusion. Permanent exclusion will usually be considered as a 'last resort' action, applied only when all other methods and strategies have failed. However, permanent exclusion could follow after certain single incidents, which are deemed to be extremely serious.

These might include and this is not an exhaustive list:

- Serious actual or threatened violence against a member of staff.
- Serious actual or threatened violence against another pupil.

- Theft from school, a pupil or a member of staff.
- Continual refusal to comply with the school rules and sanctions.
- Sexual abuse or assault.
- Possession or supplying (including the intent to supply) an illegal substance.
- Carrying an offensive weapon (with possible intent to cause harm).
- Through social media or other means, slanderous offensive behaviour/language towards any member of the internal or wider school community.

Schools have a power to screen and search pupils for weapons. The Trust will consider whether or not to inform the police where a criminal offence may have taken place. Contacting the Young Offending Team and/or social workers will also be considered.

The Trust school will not exclude for:

- truanting or non-attendance
- uniform or appearance
- poor academic progress
- behaviour of parents/carers
- refusal to sign a home school agreement

If a pupil is permanently excluded the school will:

- Notify parents of their responsibility to ensure that their child is not present in a public place in school hours during their first five days of any permanent exclusion.
- Undertake to set and mark work for that pupil for the first five days of the exclusion.
- Advise parents or carers that, during the first week of the exclusion, that the pupil's home Local Authority will arrange to assess the pupil's needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full-time education is provided.
- Arrange a meeting of the Trust's Permanent Exclusion Review Committee to review the permanent exclusion and decide whether to uphold it, inviting the pupil's home and school Local Authorities to be in attendance.

Pupils who are permanently excluded will remain on the school roll during the period allowed for appeals or removed sooner if the Local Authority confirms there will be no appeal.

### **Suspensions before a permanent exclusion**

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light, or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

### **Cancelling a suspension or permanent exclusion**

A suspension or permanent exclusion can be cancelled by the Headteacher as long as the suspension or exclusion has not been considered by the Suspension/Permanent Exclusion Review Committee. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.

Where a suspension or permanent exclusion is cancelled, the relevant parties will be informed by the Headteacher in accordance with the Statutory Guidance on Suspensions and Exclusions.

### **Directing off-site and managed moves**

Before taking any decision to permanently exclude a pupil, the Headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

For a managed move to take place there needs to be agreement between the school, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the pupil will attend the new school for a fixed period as a direction off-site to ensure that the new school would be suitable for them. Relevant information would be shared with the new school. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

### **The Role of the Suspension/Permanent Review Committee**

Responsibilities regarding suspensions and permanent exclusions are delegated by the Trust Board to the Suspension/Permanent Exclusion Review Committee. A Governance Support Administrator who is experienced in pupil suspension/permanent exclusions will be appointed by the Governance Professional.

The Suspension/Permanent Exclusion Review Committee has a duty to consider reinstatement of a suspended/permanently excluded pupil as follows:

For suspensions of five days or less:

- The Suspension Review Committee will consider any representation from parents/carers within 50 days after receiving notice of the suspension but does not have to meet with the parents/carers.
- The Suspension Review Committee has no power to re-instate or overturn a decision (but can place findings in the pupil's record).

For suspensions of 6 – 15 days in any one term (single event or cumulative):

- The Suspension Review Committee will consider any representation if parents/carers request a meeting within 50 days after receiving notice of the suspension.
- The Suspension Committee can uphold a suspension or reinstate the pupil (earlier or immediately)

For suspensions exceeding 15 days in any one term, and in all permanent exclusion cases:

- The Suspension/Permanent Exclusion Review Committee must meet within 15 days after receiving notice of the suspension/permanent exclusion.



For a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test:

- The Suspension/Permanent Exclusion Review Committee must take reasonable steps to meet before the date of the examination and in any event within 15 days after receiving notice of the suspension/permanent exclusion.

References to days are 'school days.'

### **Suspension/Permanent Exclusion Review Committee Meeting with Parents/Carers and Pupil.**

The following parties will be invited to the meeting and are allowed to make representations:

- Parents (and, where requested, a representative or friend) and the pupil.
- The Headteacher and other relevant school personnel.
- Parents may request that the local authority and/or the home local authority attend a meeting as an observer. That representative may only make representations with the Pupil Discipline Committee's consent.
- The child's social worker if the pupil has one.
- The Virtual School Head if the child is a Looked After Child.

The Suspension/Permanent Exclusion Review Committee must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but within the time limits set out above. However, any decision will not be invalid simply on the grounds that it was not made within these time limits.

Where possible, any written evidence and information, including a list of those who will be present, will be circulated to all parties at least five school days in advance of the meeting.

Reasonable adjustments will be made to support the attendance and contribution of parties at the meeting.

The suspended/permanently excluded pupil will be encouraged to attend the meeting and speak on their own behalf, taking into account the pupil's age and understanding. If attending the review meeting is not possible, other means will be considered to allow the suspended/permanently excluded pupil to make representations.

### **Considering the Suspension/Permanent Exclusion of a Pupil**

The Suspension/Permanent Exclusion Review Committee can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the Suspension/Permanent Exclusion Review Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. The Committee will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept.

The Suspension/Permanent Exclusion Review Committee will notify, in writing, the Headteacher, parents/carers and the Local Authority(ies) of its decision, along with reasons for its decision, without delay.

### **Independent Review Panels (IRPs)**

The Trust school's Local Authority arranges IRPs on the Trust's behalf, and requests where a permanent exclusion decision has been upheld, should be made within 15 school days.

Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions and Suspensions.

### **Reconsideration by the Permanent Exclusion Review Committee**

Where an IRP either recommends reconsideration or quashes the initial decision of the Permanent Exclusion Review Committee, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the school and parents or may be a reconsideration with only the Permanent Exclusion Review Committee members and the Governance Support Administrator present.

### **Remote Meetings**

Parents/carers can request that a Review Meeting, or independent review panel, be held remotely. If the parents/carers do not express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen.
- All the participants will be able participate fully.
- The remote meeting can be held fairly and transparently.

Social workers and the virtual school head always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that cannot be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently.

## Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feel that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's Complaints Policy and Procedure. If the concern relates to an exclusion, the statutory procedure set out in the Statutory Guidance on Exclusions and Suspensions will be followed.

## Equality Impact

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

## Suspensions and Permanent Exclusions Monitoring Arrangements

The Trust Board and each school's Local Governing Body review data on suspensions and permanent exclusions to ensure that the use of suspensions and exclusions is appropriate.

The following are monitored by each Local Governing Body to ensure the processes and support for pupils are appropriate:

- The interventions put in place for pupils at risk of suspension and permanent exclusion.
- The processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefitting from it.
- The full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
  - any previous placements have been evaluated, including support for any applicable SEND;
  - there is a process in place to monitor the pupil's attendance and behaviour at the provision;
  - the correct attendance code is being used;
  - the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible.
- Whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils.
- Whether the school register and absence codes have been recorded correctly.
- How the Trust's Behaviour Policy is applied and specifically its consistency.
- The circumstances in which pupils receive repeat suspensions.
- Whether Personal Education Plans for looked after children have been reviewed on a termly basis.

## Policy Monitoring and Review

### Monitoring

The Deputy Chief Executive Officer will monitor the outcomes and impact of this policy on an annual basis.

**Review**

Member of Staff Responsible	Deputy Chief Executive Officer
Relevant Guidance/Advice/Legal Reference	Statutory Guidance on Suspensions and Exclusions (September 2023) School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
Policy Adopted By	Trust Board
Consultation	
Date of Policy	Summer Term 2024
Review Period	Annually
Date of Next Review	Summer Term 2025