LAWRENCE SHERIFF SCHOOL RUGBY

A Teaching School Hub

Suspension and Permanent Exclusion Policy

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1. Aims

Whilst we aim to foster an atmosphere in which students may reach their academic potential and also develop fully as individuals, we recognise that there will be occasions when behaviour falls below the high level we are trying to achieve. Therefore, clear guidelines for what may happen if behaviour is unacceptable are essential. The school behaviour policy sets out how the school fosters this positive environment and the sanctions put in place. This policy sets out how the school deals with suspensions and permanent exclusions on the rare occasion that it is necessary.

Our school aims to ensure that:

- The exclusions /suspensions process is applied fairly and consistently
- The exclusions / suspensions process is understood by trustees, staff, parents and pupils
- Ensure all suspensions and exclusions are carried out lawfully.
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

1.1 A note on 'off rolling'

The school is aware that off rolling is unlawful. Ofsted defines off rolling as:

'The practice of removing a pupil from a school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when removal is primarily in the interest of the school rather than in the best interest of the pupil'.

Lawrence Sheriff will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they haven't met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011.
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils.

- Section 579 of the Education Act 1996, which defines 'school day'.
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014.
- Children and Families Act 2014.
- Equality Act 2010 The school will follow the guidance on the Equality Act 2010. This guidance states that whilst a school must not discriminate against a pupil by excluding them from school, it does not mean a school cannot exclude a pupil with a protected characteristic. The guidance recognises that there may be occasions when it is appropriate to exclude a pupil with a protected characteristic; but it stresses it is important that a school does not exclude ***because of*** the protected characteristic.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or permanently exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- in response to serious or persistent breaches of the school's behaviour policy, **and**
- if allowing the pupil to remain in school would seriously harm the education or welfare of others.

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- allow the pupil to give their version of events
- consider whether the pupil has special educational needs (SEN)
- consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (CLA)

- consider whether all alternative solutions have been explored, such as an off-site direction .

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents

If a pupil is at risk of permanent exclusion the headteacher will inform parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the headteacher, or delegated persons, will make every effort to inform parents of an exclusion before the end of the school session by telephone or email. This will be followed up with a letter, to provide the following information:

- The reason(s) for the suspension or exclusion.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension or permanent exclusion to the Trust Board and how the pupil may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the Trust Board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- for the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- parents may be given a fixed penalty notice or prosecuted if they fail to do this
- if alternative provision is being arranged, the following information will be included, if possible:
    - the start date for any provision of full-time education that has been arranged.
    - 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
    - any information the pupil needs to identify the person they should report to on the first day.

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or

permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the Trust Board

The headteacher will, without delay, notify the Trust Board of:

- any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.

The headteacher will notify the Trust Board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **pupil who is a looked-after child (CLA)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.
If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- they have decided to suspend or permanently exclude the pupil
- the reason(s) for the decision

- the length of the suspension or, for a permanent exclusion, the fact that it is permanent
- the suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant).

The social worker / VSH will be invited to any meeting of the Trust Board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Trust Board. Where there is a cancellation:

- the parents, Trust Board and LA will be notified without delay
- where relevant, any social worker and VSH will be notified without delay
- parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- the pupil will be allowed back in school.

As referred to above, the headteacher will report to the governing board once per term on the number of cancellations.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set for the pupil. Online pathways such as Google Classroom may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary. If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The Trust Board

Considering suspensions and permanent exclusions

The Trust Board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.
Within 14 days of receiving a request, the Trust Board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Trust Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension. The governing board does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

Trustees will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves. This responsibility is delegated to the Pastoral Committee; however, the data is also presented to the full Trust Board each term for transparency and comment.

The Pastoral Committee will consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- Instances where pupils receive repeat suspensions.
- Interventions in place to support pupils at risk of suspension or permanent exclusion.
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working.
- The characteristics of suspended and permanently excluded pupils, and why this is taking place.
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- The cost implications of directing pupils off-site.

4.3 **The local authority (LA)**

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are CLA or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The Pastoral Committee members of the Trust Board will consider and decide on the reinstatement of a suspended or permanently excluded pupil (see appendix 1) within 15 school days of receiving the notice of the suspension or exclusion if:

- the exclusion is permanent
- it is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term or
- it would result in a pupil missing a public exam or National Curriculum test.

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Trust Board must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Trust Board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet, and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Pastoral Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Pastoral Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the Trustee board and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend).
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend).
- The headteacher.
- The pupil's social worker- if they have one.
- The VSH, if the pupil is looked after.

The Pastoral Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Pastoral Committee can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section).

In reaching a decision, The Pastoral Committee will consider:

- whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- whether the headteacher followed their legal duties
- the welfare and safeguarding of the pupil and their peers
- any evidence that was presented to the governing board.

The Pastoral committee will also decide whether or not a fact is true 'on the balance of probabilities'. Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Pastoral Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- the parents, or the pupil, if they are 18 or older
- the headteacher
- the pupil's social worker, if they have one
- the VSH, if the pupil is looked after
- the local authority
- the pupil's home authority, if it differs from that of the school.

Where an exclusion is permanent and the Pastoral Committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion.

- Notice of parents' right to ask for the decision to be reviewed by an independent review panel.
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted.
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion.
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Academy Trust to appoint an SEN expert to advise the review panel.
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review.
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review.
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

6. **Independent review**

If parents / carers apply for an independent review within the legal timeframe, the school will arrange for an independent panel to review the decision of the Pastoral Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Pastoral Committee of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school trustee category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor / trustee or volunteer.
- Current or former school governors / trustees who have served as a governor / trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time.
- Headteachers or individuals who have been a headteacher within the last 5 years.

A person may not serve as a member of a review panel if they:

- are a member / trustee of the academy Trust of the excluding school
- are the headteacher of the excluding school, or have held this position in the last 5 years
- are an employee of the Academy Trust, or the Trust Board, of the excluding school (unless they are employed as a headteacher at another school)

- have, or at any time have had, any connection with the Academy Trust, school, Trust Board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- have not had the required training within the last 2 years (see appendix 2 for what training must cover).

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do one of the following:

- Uphold the Trust Board's decision.
- Recommend that the Trust Board reconsiders reinstatement.
- Quash the Trust Board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Trust Board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.
The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:
- The panel's decision and the reasons for it.

- Where relevant, details of any financial readjustment or payment to be made if the Trust Board does not subsequently decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the governing board to place on the pupil's educational record.

7. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of The Pastoral Committee's decision to not reinstate the pupil and no application has been made for an independent review panel, or;
- the parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made within 15 school days, the Trust Board will wait until that review has concluded before removing a pupil's name from the register. While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name.
- The full name and address of any parent with whom the pupil normally resides.
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency.
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion).
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school.
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house.

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

- The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life: Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school.
- 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.
- Offer support from the Wellbeing Department following a reintegration meeting.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

8.2 **Reintegration meetings**

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend. The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

9. **Monitoring arrangements**

The school will collect data relating to suspensions and permanent exclusions on the following:

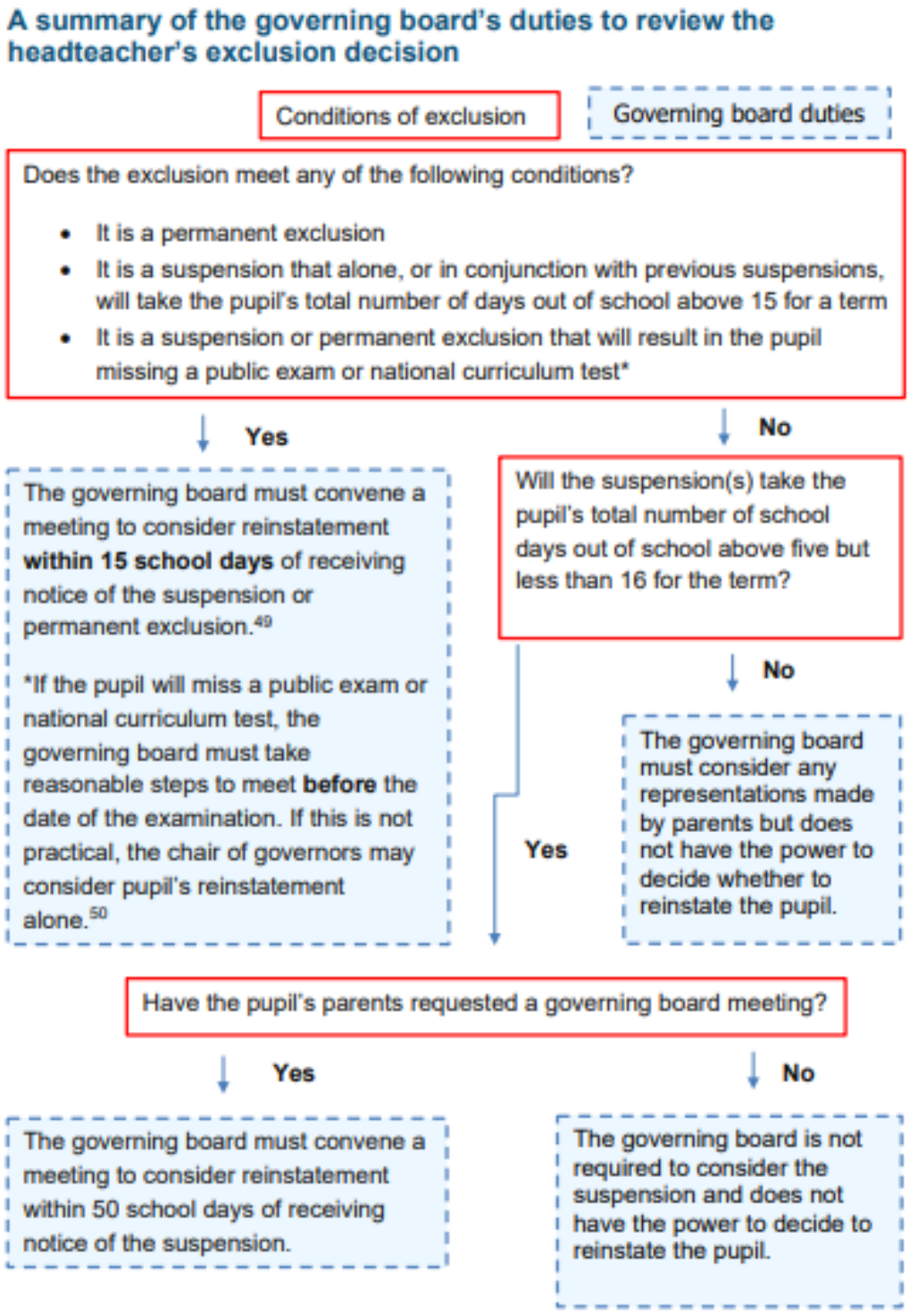
- Attendance, permanent exclusions, and suspensions.
- Use of pupil referral units, off-site directions, and managed moves.
- The data will be analysed every Term by N Dandy (Deputy Headteacher) who will report back to the headteacher and Pastoral Committee.

The data will be analysed from a variety of perspectives including:

- at school level
- by age group
- by time of day/week/term
- by pupil group (age, gender, SEN, Pupil Premium, ethnicity).

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

Appendix 1: Flow Chart [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (publishing.service.gov.uk)]



[49] The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

[50] The ability for a chair to review in the case of public exams refers only to maintained schools.

Appendix 2: Independent review panel training

The academy trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair and the clerk of a review panel.
- The duties of headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.