



# CARLINGHOW ACADEMY

# Suspensions and Exclusions Policy

<b>Approved by:</b>	LGB		
<b>Responsible department:</b>	Carlinghow Academy		
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## **Aims**

- to ensure the safety and well-being of all members of the Trust community, and
- to maintain an appropriate educational environment in which all can learn and succeed.

## Legislation and statutory guidance

- This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.
- 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
- The Equality Act 2010
- Children and Families Act 2014

## **Introduction:**

The decision to exclude/ suspend a pupil will be taken in the following circumstances;

- In response to a serious breach of the Academy's behaviour policy
- If allowing the student to remain in Academy would seriously harm the education or welfare of the pupil or others in the Academy.

Exclusion/ suspension is an extreme sanction and is only administered by the Principal (or, in the absence of the Principal the member of the Senior Leadership Team who is acting in that role).

Exclusion/ suspension, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the behaviour policy;

- Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour
- Verbal or physical abuse of other pupils or Academy staff
- Aggression towards other pupils leading to the possibility of physical or emotional harm
- Indecent behaviour

This is not an exhaustive list and there may be other situations where the Principal makes the judgment that exclusion is an appropriate sanction.

## **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 governing board of a maintained 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.

### **Exclusion procedure:**

- Most exclusions/ suspensions are of a fixed term nature and are of short duration. The DfE regulations allow the Principal to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- A fixed period exclusion/ suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.
- The Governors have established arrangements to review promptly all permanent exclusions from the Academy and all fixed term exclusions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.
- The Governors have established arrangements to review fixed term exclusions/ suspensions which would lead to a student being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following exclusion/ suspension parents are contacted immediately where possible. A letter will be sent home (on the same day if possible) giving details of the exclusion and the date the exclusion ends. Parents have a right to make representations to the Trust as directed in the letter.
- A return to school meeting will be held following the expiry of the fixed term exclusion/ suspension and this will involve a member of the Senior Leadership Team and other staff where appropriate.
- During the course of a fixed term exclusion/ suspension where the pupil is to be at home, parents are advised that the pupil is not allowed on the Academy premises, and that daytime supervision is their responsibility, as parents/guardians. Parents will also be informed of the risk of prosecution if their child is found in public place during the school day.
- Work will be provided by the class teacher for the first 5 days, with alternative provision from day 6.

### **Permanent Exclusion:**

The decision to exclude a pupil permanently is a serious one and is not taken lightly. There are two main types of situation in which permanent exclusion may be considered.

1. The final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying).
  2. When a serious criminal act has been committed, the school will involve the police in any such offence eg: dealing drugs or bringing in an offensive weapon.
- As with fixed term exclusions, parents will be informed in writing of the decision to exclude and their right of representation and appeal at a disciplinary committee meeting, to be arranged within 15 school days.
  - Work will be sent home and marked when returned for the first 5 days.
  - From day 6 the local authority are responsible for providing full time alternative educational provision

- Where parents dispute the decision of the Governors not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed-period or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).
- An independent review panel does not have the power to direct the Governors to reinstate an excluded pupil.

### **General factors the Academy considers before making a decision to exclude:**

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the School or the student concerned.

Before deciding whether to exclude a pupil either permanently or for a fixed period the Principal will;

- Ensure appropriate investigations have been carried out,
- Consider all the evidence available to support the allegations taking into account the school policies,
- Allow the student to give her/his version of events,
- Check whether the incident may have been provoked.
- Check that all available support has been provided eg: Pastoral Support Plan, Family Support Plan.

If the Principal is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome. Having made the decision and notified the parents, the Principal then informs the Trust and the Local Authority Exclusions Officer through the synergy portal.

The principal legislation to which this policy relates is:

- The Education Act 2002, as amended by the Education Act 2011;
- DfE Exclusions from maintained schools, academies and pupil referral units in England (2012);

### **Roles/Responsibilities**

#### **Principal:**

- Ensure the policy is implemented consistently and fairly.
- Make the decision to exclude having checked all evidence.
- Communicate promptly with parents, informing them of the decision to exclude immediately by telephone and within 24 hours by letter.
- Send details of the exclusion to the Chair of Governors, the Trust and the LA.
- Delegate responsibility for sending work home/marking of work.
- Monitor the implementation of the policy and regularly report to Governors.

#### **Class teacher:**

- Keep appropriate records of incidents that may lead to the decision to exclude.
- Send work home for the duration of the exclusion and mark any work returned.
- Use the time of the exclusion/suspension to review provision eg: seating arrangements, differentiation, behaviour support.
- Ensure the child returning from an exclusion is given every opportunity for a fresh start.

**Governors:**

- Review the policy in the light of monitoring.
- Attend Exclusion hearings as required.

**Equality**

All children will be treated equally and fairly throughout the implementation of this policy. The Principal and Senior Leadership Team will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed to the behaviours of those children eg: if more boys/SEND/minority ethnic group are represented in the records.

**Training**

Whole staff and individual training needs will be identified through the Academy's self-evaluation process and staff appraisal.

**Monitoring**

The impact of the policy will be reviewed regularly through careful monitoring of incidents. Termly reports will be made to Governors.

**Review**

The policy will be reviewed every two years, depending on changes in circumstance or legislation.

**Links to Other Policies**

- Anti-Bullying Policy
- Safeguarding Policy
- Behaviour policy

## Appendix A

### Exclusion Checklist

Question/Evidence	✓ or <input type="checkbox"/>
Would allowing the pupil to remain in school seriously harm the education or welfare of the pupil or others in the school?	
Is there evidence that the exclusion is in response to a serious breach, or persistent breaches, of the school behaviour policy?	
Does that pupil have a disability?	
Does the pupil hold a statement of SEN?	
Is the pupil a Child Looked After?	
Is the pupil eligible for Free School Meals?	
Has the pupil suffered bereavement, bullying, mental health issues?	
Have referrals been made related to the above?	
<i>Please give details and evidence of early intervention:</i>	
Multi-agency assessment	
Engagement of professionals	
Statement of SEN	
Evidence of early review	
PEP	
IEP	
PSP	
CAF / Details of Lead Behaviour Professional	
Summary of Red Cards/evidence of repeatedly disobeying academic instruction	
Behaviour Plans	
Evidence of engagement with parent/carer/	
Mentor interventions/evaluations	
Chronology of intervention	
Chronology of inclusions	
Chronology of fixed term exclusions	
Chronology of Record of Harms	
Risk Management Plan	
Chronology of incidents ( include witness statements)	
Relevant Policies including Behaviour Policy and Exclusion Policy	

# Exclusions Flow Chart



