

The Park Federation Academy Trust
Suspensions and Permanent Exclusion Policy

This is the Exclusion Policy for all academies in The Park Federation.

It is the policy of The Park Federation to try to deal with all behavioural issues in an active, supportive and positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of suspension and permanent exclusion. (See each academy's Behaviour Policy).

Purpose of this Policy

A policy was designed to briefly outline the Federation's approach to exclusions within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2017. This has been updated in line with the guidance of September 2022 'suspension and permanent exclusion from maintained schools, academies and pupil referral units in England including pupil movement'. The 2022 guidance has replaced that of 2017.

Main Changes to Note from previous guidance (terminology changed to fit into language used by the academy):

- Principals may cancel an exclusion that has not been reviewed by the **Chair of the Academy Council and CEO**. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the academy council and the local authority should be notified, and if relevant, the social worker and Virtual School Heads (VSH). Actions as set out in the 2022 guidance should then be followed in such cases.
- When principals suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the principal must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.
- When principals suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- Guidance on the role of a social worker and VSH, during academy council meetings and Independent Review Panel (IRP) meetings.
- Guidance on managed moves, what they are and how they should be used.
- Clarified guidance on the use of off-site direction as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision: <https://www.gov.uk/government/publications/alternative-provision>
- Guidance for the Board to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary, as a last resort.

The principal legislation to which the guidance and this policy relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- 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.

Principles and Practice

The decision to exclude a pupil must be lawful, reasonable and fair. Behaviour in Schools guidance will be utilised by each academy:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101597/Behaviour_in_schools_guidance_sept_22.pdf

The Park Federation recognises its statutory duty to not discriminate against pupils based on protected characteristics, such as disability or race and that particular consideration is provided to the fair treatment of pupils from groups who are vulnerable to exclusion. Where an academy in The Park Federation has concerns about a pupil's behaviour, it will try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent suspension. In this situation, the academy would consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

1) Suspension and permanent exclusion is a sanction used by the Federation only in cases deemed as serious breaches of each Federation academy's Behaviour Policies. A pupil may be at risk of suspension from a Federation academy for (examples):

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions inside or outside of the academy.

2) A suspension from a Federation academy can only be authorised by the Principal or one of the senior leaders (Deputy or Vice Principal) acting on behalf of the Principal. If the decision was being made by a senior leader, he or she must try to contact the Principal or Chief Executive Officer to discuss. However, if this was not possible, the Deputy or Vice Principal would have the authority to use this sanction. The local authority would be notified in all cases.

3) In the case of a Permanent Exclusion this can only be authorised by the Principal after full consultation with and guidance from the Federation's Chief Executive Officer. Moreover, if there is the intention to permanently exclude, the Chair of the Academy Council and the Chair of the Federation's Board of Directors must be consulted. It is crucial to state that all reasonable efforts would be taken to avoid a permanent exclusion, including the possibility of a managed move to another school. If a permanent exclusion or a managed move was

being considered for a child with an Educational Health and Care Plan or a Looked After Child, the Local Authority would be consulted. The local authority would be notified in all cases.

4) The Federation seeks to reduce the number of incidents leading to suspensions and exclusions by promoting a positive atmosphere of mutual respect and discipline within its academies.

5) The Federation regularly monitors the number of suspensions and exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Suspensions

A pupil may be suspended for one or more fixed periods¹⁴ (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. After five consecutive days, there is a statutory duty to ensure the pupil receives full time education in an alternative provision.

However, pupils will still receive their education within the first five days of a suspension. Principals will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This would use online pathways such as Google Classroom or Oak National Academy. The academy's legal duties to pupils with disabilities or special educational needs would remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways would always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the academy's premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the principal's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether an **academy council meeting: see appendix 2** is triggered (15 days plus in a term).

Parents will be notified as soon as possible of the decision to suspend a pupil and the reason for the suspension. This will be done on the day of the suspension being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension will be sent to parents the same day.

The Principal also without delay will provide parents with the following information in writing:

- the reason(s) for the suspension;
- the period of the suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension to the Academy Council (governing body) and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the Academy Council (local governing body) to consider the suspension (see appendix 2), that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Where a suspended pupil is of compulsory school age, the Principal will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of a suspension (or until the start date of any alternative provision or the end of the exclusion where this is earlier).

Where suspensions are becoming a regular occurrence for a pupil, the principal and the CEO will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

The academy will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. A reintegration strategy will offer the pupil a fresh start; help the pupil to understand the impact of their behaviour on themselves and others; teach the pupils how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

A part-time timetable will not be used to manage a pupil's behaviour and if in place, only be in place for the shortest time necessary. A pastoral support programme or other agreement will have a time limit by which point the pupil is expected to attend full-time, either at the academy or alternative provision. There will be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, an academy has agreed to a pupil being absent for part of the week or day and therefore must treat absence as authorised.

A suspension cannot be 'converted' into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend the academy (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the academy's behaviour policy; and
- where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, principals will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will be considered.

The principal may cancel any exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Chair of the Academy Council and CEO. Where an exclusion is cancelled, then:

- Parents and the LA will be notified without delay and, if relevant, the social worker and VSH;
- Parents will be offered the opportunity to meet with the principal to discuss the circumstances that led to the exclusion being cancelled;
- Academies will report to the academy council once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling the academy council to have appropriate oversight and;
- The pupil will be allowed back into the academy.

Principals will consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), academy council and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days

Gaming and Off-Rolling

Telling or forcing a pupil to leave the academy, or not allowing them to attend, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave the academy, or forbidden from attending, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

The Park Federation will not off-roll. An academy will not exercise undue influence over a parent to remove their child from the academy under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another academy place. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they should follow the academy's complaints procedure.

Managed Moves

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves are voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. Managed moves only occur when it is in the pupil's best interests.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are

in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan

Managed moves will not be offered as part of a planned intervention. The original academy should be able to provide evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. The new school will be provided with an effective integration strategy.

Monitoring and Review

- 1) The impact of this policy will be reviewed by the Academy Council in each academy and by the Chief Executive Officer on behalf of the Federation's Board of Directors.
- 2) The Principal will provide the Academy Council with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

Appendix 1

Taken directly from September 2022 Guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement.

Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to Keeping Children Safe in Education

Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education.

Appendix 2

A summary of the governing board's duties to review the headteacher's exclusion decision

1. Is It A Permanent Exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension.

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in pupil missing public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or permanent exclusion

The governing board must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider the pupil's reinstatement alone.

If the answer is no, go to step 4.

4. Will The Suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

The governing board may delegate its functions to consider an exclusion to a designated committee.
The ability for a chair to review in the case of public exams refers only to maintained schools.