

# Esland North Limited

## ED0030 - Suspension and Exclusion Policy

# Introduction

Our schools aim to ensure that:

- The suspensions and exclusion process is applied fairly and consistently.
- The suspensions and exclusion process is understood by members of the Governance Committee, staff, parents/carers and students.
- Students in school are safe and happy.
- Students do not become NEET (not in education, employment or training).

## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education:

It is based on the following legislation, which outline schools' powers to suspend and exclude students:

- Section 51a of the Education Act 2002, as (<http://www.legislation.gov.uk/ukpga/2002/32/section/52>) amended by the Education Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>)
- The School Discipline (Student Suspensions and Reviews) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/1033/made>)

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, w (<http://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2>)hich looks at parental responsibility for suspended and excluded students
- Section 579 of the Education Act 1996, wh (<http://www.legislation.gov.uk/ukpga/1996/56/section/579>)ich defines 'school day'
- The Education (Provision of Full-Time Education for Suspended Students) (England) Regulations 2007, (<http://www.legislation.gov.uk/uksi/2007/1870/contents/made>) as amended by The Education (Provision of Full-Time Education for Suspended Students) (England) (<http://www.legislation.gov.uk/uksi/2014/3216/contents/made>) (Amendment) Regulations 2014 (<http://www.legislation.gov.uk/uksi/2014/3216/contents/made>)
- The Equality Act 2010 (<https://www.legislation.gov.uk/ukpga/2010/15/contents>)
- Children and Families Act 2014 (<https://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>)

## Definitions

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

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

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

For the purposes of suspension, it is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## Roles and responsibilities

### The Headteacher

Deciding whether to suspend or exclude.

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a student from school. Permanent exclusions are not usually considered for students attending an Esland School. However, if the school considers that a student's place at school may no longer be safely maintained then the school will work closely with placing authorities,

social workers, parents/carers to review the suitability of the education placement. The headteacher reserves the option to cancel a suspension/exclusion before it's commencement.

We are committed to following all statutory suspensions procedures to ensure that every child receives an education in a safe and caring environment.

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

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

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked
- Allow the student to give their version of events
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
- Consider if the student has special educational needs (SEN)
- Consider if Outreach and alternative provision is appropriate.

Informing parents/carers

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

The Headteacher will provide the following information, in writing, to the parents/carers of a suspended student:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for an exclusion, the fact that it is permanent.
- Information about parents'/carers' rights to appeal the suspension to the Governance Committee
- How any appeals should be made.

The Headteacher will also notify parents/carers that they are legally required to ensure that their child is not present in a public place during school hours without a good reason.

Parents/carers will also be provided with information regarding work to be provided for the child during the course of the suspension.

Informing the Chief Operating Officer, Governance Committee and the student's LA process

The Headteacher will notify the Chief Operating Officer and the LA of:

- Any suspension (over 1 day) or exclusions
- Suspensions which would result in the student missing a formal examination
- Suspensions above 2 days will be notified to the Governance Committee Representatives by the Chief Operating Officer (see below)

### **The Governance Committee**

Responsibilities regarding suspensions are delegated to David Kistner-Doe (Safeguarding Governor) and Annie Chappell (Clinical Governor)

The Governance Committee has a duty to consider the reinstatement of a suspended student if an appeal is raised.

### **The Local Authority**

For all suspensions and exclusions, the LA must be notified as indicated above. A meeting should be arranged to discuss how best to continue to support students on their reintegration to school.

## Appeals

All correspondence regarding a suspension from the school will inform parents/carers of their right to appeal to the Chair of the Governance Committee against the decision to suspend. The person who should be contacted to initiate an appeal is the Chair of the Governance Committee. Guidance for parents/carers relating to the appeal process can be found in Appendix 1. An appeal may be considered if:

- the suspension exceeds 5 days.
- the total number of days missed totals 15.5 or more across an academic term.
- a formal examination may be missed.
- schoolwork has not been provided for the duration of the suspension.

# Returning from suspension

Following a suspension, a re-integration meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate.

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

- Planned 'Intensive Support'
- Phased reintegration
- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to school
- Contact in school with a designated pastoral professional

# Monitoring arrangements

The number of suspensions are monitored regularly and reported to The Governance Committee through reports and KPI process. All suspensions are reported to the local authority to school will ensure suitable education is provided for suspended students for the duration of their suspension.

The Governance Committee will consider:

- How effectively and consistently the school's behaviour policy is being implemented.
- The school register and absence codes
- Instances where students receive repeat suspensions and exclusions

Interventions in place to support students at risk of suspension or exclusion

# Emergency Review

When we cannot meet a student's needs, we will call for an emergency review with the placing authority to re-evaluate the suitability of the placement an outcome of this review may be that we recommend that another provision be sought. This is not the same as suspension or exclusion.

This policy will be reviewed annually.

At every review, the policy will be shared with the Governance Committee and agreed with the Headteacher.

# Appendix 1

The school will make reasonable endeavours to arrange a suspensions/ exclusion panel meeting at a date and time that is convenient to all parties and is within the relevant time limits, should a parent/carer wish to appeal against a suspension.

The parent/carer is entitled to request an online meeting, where a in person meeting is not applicable.

The time limit is 15 working school days for:

- suspension of students who have been suspended for a period of more than 5 school days in one period
- suspension of students who have been suspended for more than 15 days in one
- academic term
- permanent exclusion
- suspension that would result in a student missing a public examination or National Curriculum test

Initially, we would hope that all queries in reference to suspension would be addressed to the Headteacher, and a satisfactory conclusion agreed. However, in any instances where this is not possible then any appeal should be made, in writing, and addressed to:

Chair of the Governance Committee.

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