

Exclusion and Suspension Policy



Reviewed: **October 2023**
Next review: **October 2024**

The Christian Ethos of Immanuel College

Immanuel means 'God with us'

We believe at Immanuel that we are 'All God's Children'. This belief means that we promote positive behaviour through the example set by adults and student role models to enable all students to understand the importance of acceptable conduct and ensure they are able to take a positive place in society.

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities' provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

(Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement, September 2023)

Policy Statement

Learning that there are consequences to inappropriate behaviour is an important aspect of education and the behaviour system has clear sanctions for when expectations are not met.

There are occasions when it is necessary and appropriate to suspend or exclude students for a fixed period, or, in very rare cases, permanently. In most cases suspension and exclusion will be the last resort after a range of measures have been tried to improve a student's behaviour and engender a sense of personal responsibility. Whenever suspensions and exclusions are used the current guidance is used: "Suspensions and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" (September 2023).

At Immanuel College students identified as being at risk of suspension or exclusion are provided with strategies to meet individual needs so that we can support the student and their family as much as possible. Suspension and exclusion is viewed as the strongest sanction possible and is available to the school only through the authority of the Headteacher.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

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

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

Purpose

The purpose of this policy is to set out the process for fixed term suspensions and permanent exclusions for the benefit of parents, staff and students so as to ensure a consistent and fair process for all concerned.

Parents

The definition of a parent for the purposes of the Education Act is broadly drawn. In addition to the student's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives.

Prevention of suspension/exclusion

1. The behaviour and attitudes of students is monitored frequently by pastoral staff. The daily behaviour log indicates students who are gaining large numbers of negative points and is used to identify patterns and trends. Once identified, students are given a variety of support which may include report cards, mentoring, time in the LDC or AXIS or cognition and learning assessments, where appropriate. Identified students may also be referred to external agencies such as CAHMS.
2. Intervention provided, along with any impact, will be carefully monitored and consideration will be given to any further changes, whether positive or negative, to behaviour. When internal support is deemed to have been exhausted, the student may be referred to the BACS panel for consideration of a managed move to avoid permanent exclusion. This offers the student a fresh start in a new school, which, if successful, will lead to the permanent transfer to the new school.
3. Where appropriate, and in line with the Behaviour Policy, the school will use the sanction of internal removal for a fixed number of days whereby students will be placed in the inclusion room and out of mainstream circulation with work provided. Parents/carers will always be informed of this sanction. Internal removal may be achieved through off-site direction where appropriate. Other sanctions may also be applied depending on the situation.

Fixed Term Suspension

Fixed-term suspension means that a student is not allowed to come to the school for a certain number of days. Students can also be suspended for lunchtime periods if behaviour at lunchtime is disruptive. A fixed term suspension can be for a fixed period of 1 to 45 days in an academic year but any exclusions over 15 days in a term must be referred to the Governors' Pupil Discipline Committee and this committee must convene if parents/carers request a meeting of this committee for any exclusions amounting to 6 days or over.

Situations leading to fixed term suspension

The school's Behaviour Policy clearly states the type of situations which may lead to fixed-term suspension but it is also at the discretion of the Headteacher (or the Deputy Headteacher in his absence) to exclude for an incident which may not be covered by the behaviour policy and which is deemed to be of equal severity; this may include incidents

occurring outside the school grounds. Suspension will not be used for minor incidents such as poor academic performance, punctuality concerns or breaches of uniform rules (except where the latter is resulting in persistent and open defiance of such rules). The length of fixed term suspension is at the discretion of the Headteacher but will be for the shortest time deemed appropriate given the nature of the incident.

Procedure after a decision to fixed term suspend a student has been made

1. Parents/carers will be informed by telephone, without delay, that a decision to suspend has been made. Where the student has involvement from a social worker, the social worker and Virtual School Head (VSH) will also be informed. This will be followed by a letter of confirmation outlining the reasons for the decision and the appeal process. The local authority will also be informed regardless of the length of the suspension.
2. Any suspension resulting in over 15 days in a term must be referred to the Governors' Pupil Discipline Committee. This committee must convene if parents/carers request such a meeting for any suspensions amounting to 6 days or over. If the suspension is for less than 6 days parents/carers can make representation to the Pupil Discipline Committee but it is not obligatory for them to meet. The Pupil Discipline Committee must meet within 50 days of the committee being notified of a hearing.
3. Before a meeting of the Pupil Discipline Committee the school will send all the relevant material to the parents/carers and the governors on the panel. New material cannot be introduced by the school at the meeting. Parents/carers have the right to be accompanied by a friend or representative.
4. Students will have a face-to-face reintegration meeting after a fixed-term suspension (normally with the Deputy Head or Strategic Lead) where it is expected that parents/carers will attend. The meeting will take place before the student returns to mainstream lessons. The purpose of the meeting is to promote an improvement in behaviour, to emphasise the joint responsibility between school and parents/carers regarding the student and to explore measures to prevent further misbehaviour.
5. The student may be required to sign a formal behaviour contract or further steps, including a managed move, may be discussed.
6. The school will keep a formal record of all fixed-term suspensions

Student welfare during exclusion

- The student may not go to the school or into the school grounds, the parents have a legal responsibility to ensure that this does not happen.
- The school will set work but it is the parent/carers' responsibility to collect the work and return it to school or ensure the student engages if work is set online.
- Parents/carers are legally responsible for the student during suspension and the student should not be in public places during school hours e.g. parks, shopping centres.
- After day 5 of a suspension the school will arrange for alternative temporary education – usually at a different local school, which the student is expected to attend.
- If a student is suspended at lunchtimes and is entitled to Free School Meals then the school can make arrangements for a packed lunch to be provided if parents/carers wish.

Permanent Exclusions

The decision to permanently exclude a student is never taken lightly. A permanent exclusion means that a student is never allowed to come back into the school; the responsibility for finding the student his or her next educational establishment lies with the Local Authority.

Situations leading to permanent exclusion

Permanent exclusion may result from serious on-going behaviour problems or the failure of a managed move. There will, however, be exceptional circumstances where, in the Headteacher's judgment, it is appropriate to permanently exclude a student for a first or 'one-off' offence. These may include:

- a) Serious actual or threatened violence against another student or a member of staff
- b) Producing or sharing material; digital or otherwise, which is inappropriate or which risks the safety or wellbeing of others
- c) Where a criminal investigation into sexual assault leads to a conviction or caution, the school or college should, if it has not already, consider any suitable sanctions in light of their behaviour policy, including consideration of permanent exclusion. (KCSIE 2023, page 130);
- d) Supplying or being in possession of drugs (including alcohol) – see the Dealing with Drugs Policy
- e) Carrying an offensive weapon

These instances are not exhaustive, but indicate the severity of such offences and the fact that such behaviour can affect the discipline and well-being of the school community. The decision to permanently exclude a student is never taken lightly.

Procedure for Decision Making

The decision to permanently exclude may only be taken by the Headteacher. The standard of proof to be applied is the balance of probabilities, i.e. if it is more probable than not that the student did what he or she is alleged to have done, the Headteacher may exclude the student.

Permanent exclusion will not be imposed in the heat of the moment but it will be normal for a student to be excluded pending enquiries and a final decision. Before deciding whether to exclude a student permanently the Headteacher will:

- a) Ensure that a thorough investigation has been carried out;
- b) Consider all the evidence available to support the allegations, taking account of the school's behaviour and equal opportunities policies, and, where applicable, Race Relations legislation and Disability Discrimination legislation;
- c) Allow the student to give their version of events;
- d) Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment;
- e) If necessary, consult others, but not anyone who may later have a role in reviewing the Headteacher's decision, for example a member of the Governing Body.

Procedure after a decision to permanently exclude has been made

1. Parents/carers will be informed immediately that a decision to permanently exclude has been made – either by telephone or preferably in a meeting with the Headteacher. This will be followed by a letter of confirmation outlining the reasons for the decision and the appeal process.
2. The school will inform the parent/carer of the date of a Governors' Pupil Discipline Committee meeting at which governors will hear the school's case and representation from parents/carers and the student.
3. Before the meeting the school will send all the relevant material to the parents/carers and the Governors on the committee. New material cannot be introduced by the school at the meeting.
4. The Governors will hear the case, at which parents/carers may be accompanied by a friend or representative and come to a decision which they will inform parents/carers and governors of within 24 hours.
5. Parents/carers do have a right of appeal to an independent panel in the event the Governors uphold the exclusion and information regarding this will be included in the letter sent to parents/carers. However, under the Education Act 2011 this panel can only suggest a reinstatement of the student and not overturn the Governors' decision.

Student welfare following a permanent exclusion

- The student may not come to the school or into the school grounds unless invited in.
- Parents/carers are responsible for the child during exclusion and the student should not be in public places during school hours.
- After day 5 of exclusion the Local Authority will arrange for alternative temporary education – usually at a Pupil Referral Unit

Independent Review Panel

In the extremely rare event of a student being permanently excluded, parents have the right to ask the Trust to convene an independent review panel, regardless of whether or not they have appealed to the governing body. Parents must make this request within 15 school days of receiving notification of the exclusion, and the panel should meet to review the case within 15 days of the notification. Parents have a right to require the Trust to appoint an SEN expert to attend the review, regardless of whether the student has recognised special educational needs.

The panel may make one of three decisions:

- To uphold the exclusion
- To recommend that the governing body reconsiders its decision
- To quash the decision and direct that the governing body reconsiders the exclusion

The panel may only quash the decision where it considers that it was flawed when viewed in light of the principles applicable for application for a judicial review (i.e. the decision was illegal, irrational or there was procedural impropriety).

The panel, however, cannot redirect reinstatement, but it can remove the permanent exclusion from a student's record. It may also deduct £4,000 from the school's budget to support the Local Authority in making alternative provision