



BEP Group: Policy Pack

staff, volunteers, learners & consultants



Suspension and exclusions Policy and Procedure

Reviewed: September 2022. Next review: September 2023

Version control

Sept 2017	KS	Version 1 created
Sept 2018	KS	General review and minor updates
Sept 2019	KS	General review and minor updates
Sept 2020	KS	Reviewed
Sept 2021	KS	Reviewed
Aug 2022	JG/KS	<ul style="list-style-type: none">• New section 3 added: Safeguarding• New section 5: Pupils with disabilities and SEN• New section 6: Pupils who have a social worker or LACs• New section 7: Managed moves.• New section 9 (moved from previous section): informing other organisations• Section 10 renamed: Reintegration after a suspension or off-site direction• All existing sections after section 10, renumbered.

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1. Headteacher's powers to suspend or permanently exclude

- 1.1. Suspension or exclusion is a sanction used by the school only in cases deemed as serious or major breaches of the Behaviour Policy (see section 5).
- 1.2. A Suspension or exclusion from the school can only be authorised by the Executive Headteacher (Chief Executive) or Principal. If neither are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.
- 1.3. The school seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.
- 1.4. The school regularly monitors the number of suspensions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.
- 1.5. A decision to exclude a student will only be taken:
 - 1.5.1. In response to serious or major breaches of the School's Behaviour Policy if allowing the student to remain in school would seriously harm the learning or welfare of the student, other students or staff in the School
 - 1.5.2. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]
- 1.6. Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient gravity has taken place, this may not apply.

2. Safeguarding, including guidance concerning pupils who have abused another pupil (child-on-child abuse)

- 2.1. 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, decisions will be made alongside a school's duty to safeguard and support children and their duty to provide an education.
- 2.2. The school's Safeguarding Policy is reviewed annually in line with Keeping Children Safe in Education.

3. Responsibilities of the Principal

- 3.1. In considering the exclusion of a student, the Principal should ensure that the following range of activities are carried out:
 - 3.1.1. Undertake a thorough investigation
 - 3.1.2. Consider all the relevant facts and firm evidence to support the allegations
 - 3.1.3. Take into account the School's Behaviour Policy

- 3.1.4. Check whether an incident appeared to be provoked by racial, sexual or other form of harassment
- 3.1.5. Ensure that all students involved have the opportunity to give their version of events.
- 3.1.6. Consult other people or agencies except where they may be involved in any review of the exclusion.
- 3.1.7. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the school.
- 3.2. Before deciding to exclude a student permanently the principal will first try a range of strategies as outlined in the Behaviour Policy, including fixed term suspension.
- 3.3. Only when other support strategies have been tried without success will permanent exclusion be considered, except, or notwithstanding, where a one-off incident of sufficient gravity has taken place.
- 3.4. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.
- 3.5. A student may be excluded for up to 45 school days in any academic year.
- 3.6. Any exclusion beyond 45 school days will be permanent.
- 3.7. However, before that point is reached the principal will have held discussions with the 'Home' School regarding alternative placements and/or a 'managed move'.
- 3.8. We will aim for the shortest possible period of suspension but however brief, a plan will be made to:
 - 3.8.1. Enable the student to continue their education
 - 3.8.2. Use the time to address the student's problems
 - 3.8.3. examine the process of reintegration.

4. Pupils with disabilities and Special Educational Needs

- 4.1. The Equality Act 2010 requires schools to make reasonable adjustments for disabled students. This duty can, in principle, apply both to the suspensions and permanent exclusion process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards must use their best endeavours to ensure the appropriate special educational provisions are made for students with SEN, which will include any support in relation to behaviour management that they need because of their SEN
- 4.2. The school will engage proactively with Parent(s)/carer(s) in supporting behaviour of students with additional needs.
- 4.3. Where the school has concerns about the behaviour, or risk of suspension and permanent exclusion of a student with SEN, a disability or an EHC plan it will, in partnership with others (including where relevant the local authority), consider what additional support or alternative placement may be required. This will involve

assessing the suitability of provision for a student's SEN or disability.

5. Pupils who have a social worker, including looked-after children

- 5.1. For students with a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Principal should inform their social worker, the Designated Safeguarding Lead (DSL) and the student's Parent(s)/carer(s) to involve them as early as possible in relevant conversations.
- 5.2. Where a Looked After Child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's Virtual School Head (VSH) as soon as possible. The school will work with the VSH, and others to consider what additional assessment and support need to be put into place to help address the factors affecting the student's behaviour and reduce the need for suspension or permanent exclusion. Where relevant the school will also engage with the student's social worker, foster carer or children's home workers.
- 5.3. All looked after children will have a Personal Education Plan (PEP) which is part of the student's care plan. This should be reviewed every term and any concerns about the student's behaviour should be recorded, as well as how the student is being supported to improve their behaviour and reduce the likelihood of exclusion.
- 5.4. Where previously looked after children face the risk of being suspended or permanently excluded, the school will engage with the student's Parent(s)/carer(s) and the school's DT. The school may also seek the advice of the VSH on strategies to support the student.

6. Managed Moves

- 6.1. A managed move is used to initiate a process which leads to the transfer of a student to another mainstream school permanently. Managed moves should be 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 student's behaviour, then off-site direction should be used. Managed moves should only occur in the student's best interests.
- 6.2. Where a pupil has an EHC Plan, the relevant statutory duties to the new school and local authority will apply. If the school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and the parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending the plan.
- 6.3. Managed moves should be offered as part of a planned intervention. The school will 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 the managed move.
- 6.4. The managed move should be preceded by information sharing between BEP Academy and the new school, including data on prior and current attainment, academic potential, a risk assessment, and advice on effective risk management.

strategies. BEP Academy will also provide the new school with information on a possible effective integration strategy.

- 6.5. If a parent believes they are being pressured into a managed move or is unhappy with the managed move, they can take up the issue through the normal school complaints procedure with the Chief Executive and, where appropriate the local authority.

7. Informing Parent(s)/carer(s)/Social Worker about the suspension or exclusion

- 7.1. Parents/carers will be notified as soon as possible of the decision to exclude a student and the reason for the exclusion.
- 7.2. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting.
- 7.3. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day which will include details of where a copy of the Exclusion Policy can be obtained from if required.
- 7.4. If the school wishes to extend a fixed period exclusion or convert a fixed period exclusion into a permanent exclusion, the school will again write to the Parent(s)/carer(s) explaining the reasons and making the other points above.
- 7.5. Where exclusion is extended there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.
- 7.6. A student who has been excluded will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour. This may need further clarification at the reintegration meeting.

8. Informing other organisations

- 8.1. If a pupil has a social worker, or if a pupil is looked-after we will also, without delay, notify the social worker and/or Virtual School Head, as applicable.
- 8.2. When we suspend or permanently exclude a pupil, we will also notify the 'home' local authority of the child.

9. Reintegration after a suspension or off-site direction

- 9.1. The school will support the pupils' successful reintegrate into school life and full-time education following a suspension or period of off-site direction.
- 9.2. We will design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how 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.
- 9.3. The strategy may contain a number of strategies, including but not limited to:

- 9.3.1. Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
 - 9.3.2. Daily contact with a designated pastoral professional in-school
 - 9.3.3. Use of a report card with personalised targets leading to personalised rewards
 - 9.3.4. Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress
 - 9.3.5. Planned pastoral interventions
 - 9.3.6. A part-time timetable, which will be time-limited and specify when the pupil is expected to return to full-time provision.
 - 9.3.7. Mentoring by a trusted adult or a local mentoring charity
 - 9.3.8. Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
 - 9.3.9. Informing the pupil, parents and staff of potential external support.
- 9.4. The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success.
 - 9.5. Where possible this meeting will include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to school if parents are unable or unwilling to attend a reintegration meeting.
 - 9.6. To ensure ongoing progress, the strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
 - 9.7. Where necessary, the school will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.
 - 9.8. It may also be relevant to complete a risk assessment at this meeting.
 - 9.9. In some incidents, on the return from a suspension, the student may be required to attend seclusion within the school so that a phased reintegration can take place.

10. Appeals

- 10.1. All correspondence regarding a suspension or exclusion from the school will inform parents of their right to appeal to the Proprietor against the decision to exclude.
- 10.2. This procedure is clearly set out in the statutory guidance.

10.3. The person who should be contacted to initiate an appeal is the Chief Executive.

11. Responsibilities of Proprietor, (executed by the Chief Executive)

11.1. The Proprietor has nominated the Chief Executive and when the need arises an Independent Review Panel.

11.2. The Principal will inform the Chief Executive of:

11.2.1. All permanent exclusions

11.2.2. All suspensions which result, separately or in total, in the student missing more than five school days in any one term, or which deny students the chance to take a public examination

12. The Role of the Chief Executive in Permanent Exclusion Cases

12.1. The CEO will review the use of exclusion within the school, including considering the views of the Parent(s)/carer(s) of an excluded student.

12.2. Where a public examination is concerned, the Chief Executive will consider the exclusion.

12.3. Alternative arrangements to allow an excluded student to take public examinations will be considered.

12.4. For permanent exclusion, the Chief Executive should normally satisfy him/herself that all possible strategies to improve a student's behaviour were tried without success.

12.5. If the CEO upholds a decision to exclude a student permanently (s)he will notify the 'home school' in writing of this decision within one school day.

13. After the meeting – Permanent Exclusions

13.1. A note of the Proprietor's views on the exclusion shall normally be placed on the student's record with a copy of the exclusion letter.

13.2. Parent(s)/carer(s) whose child is excluded permanently from the school have the right to appeal against the Proprietor's decision to uphold the exclusion. This should follow statutory guidelines as set out in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.

14. Independent Review Hearings

14.1. If applied for by parents within the legal time frame (15 days), the school will arrange for an Independent Review Panel hearing to review the decision of the Proprietor not to reinstate a permanently excluded student.

14.2. Any application made outside the legal time frame will be rejected by the school.

- 14.3. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which Proprietor made their decision
- 14.4. All arrangements for the independent review hearing will be made by the school or the organisation commissioned by the school to manage this process on their behalf and this includes:
 - 14.4.1. establishing an Independent Review Panel
 - 14.4.2. Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the school)
 - 14.4.3. Appointing an independent clerk to administer the process including the circulation of the meeting pack, take notes of the hearing and sending out the decision letter.
 - 14.4.4. The Clerk may also provide advice to the panel & parties to the review on procedure, legislation and statutory guidance on exclusions
 - 14.4.5. Where it has been requested, arrange for a SEN expert to attend the review hearing
- 14.5. The role of the panel is to review the Proprietor's decision not to reinstate a permanently excluded student.
- 14.6. In reviewing the decision the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded and have regard to the interests of other students and people working at the School.
- 14.7. The panel must also apply the civil standard of proof "on the balance of probabilities rather than the criminal standard of "beyond reasonable doubt"
- 14.8. Following its review the panel can decide to:
 - 14.8.1. Uphold the exclusion decision
 - 14.8.2. Recommend that the Trustees reconsiders their decision or,
 - 14.8.3. Quash the decision and direct the Trustees to consider the exclusion again
- 14.9. The decision of the Independent Review Panel is binding on the; student, parents, Trustees, and the school.
- 14.10. New supporting evidence may be presented to the panel but the school may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced
- 14.11. Where present the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the student's exclusion
- 14.12. Members of the School Permanent Exclusion Committee and School presenting team will be invited to attend the hearing to present their case to the panel

- 14.13. As with the Trustees exclusion hearing, parents will be invited to attend and may bring another member of the family or supportive adult. If they are not present the case will be heard in their absence
- 14.14. A review cannot continue if the panel no longer has representation from the required categories of panel members. In this event the panel will be adjourned until the number can be restored.
- 14.15. Following the review, the panel must issue written notification to all parties without delay. This notification must include:-
 - 14.15.1. The panel's decision and the reason for it
 - 14.15.2. Where relevant, details of any financial payment to be made if the Trustees subsequently decides not to offer to reinstate a student
 - 14.15.3. Any information that must be recorded on the student's educational record to reflect the decision
 - 14.15.4. If the panel upholds the decision, the Clerk will immediately notify the local authority and if the student lives outside the LA of the school, the student's "home local authority".

15. Monitoring and Review

- 15.1. This policy will be monitored and reviewed annually.