

Abbey Academies Trust



Every Child Matters

POLICY

For

Suspension and Permanent Exclusion

Amended

September 2016	September 2019	
January 2018	September 2020	
September 2018	September 2021	

Every Child Matters within a loving and caring Christian environment

“Let all that you do be done in love” 1 Corinthians 16:24

As a RRS (Rights Respecting School – UNICEF) this upholds the following articles from the UNCRC (United Nations Convention on the Rights of the Child):

Article 2: Everyone has equal rights whatever their race, religion, ability, whatever they think or say or whatever their family.

Article 3 The best interests of the child must be as top priority in all actions concerning children.

Article 28: Every child has the right to an education.

Article 29: Every child has the right to be the best they can.

Rationale

This policy deals with the policy and practice which informs the Academy Trust’s use of **suspension and** exclusion. It is underpinned by the shared commitment of all members of the Trust community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the Trust community, and to maintain an appropriate education environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use **suspension or permanent** exclusion as a sanction.

This policy takes into account the guidance contained in the Lincolnshire Ladder of Behavioural Intervention (LLBI) which has been written with a view to reducing and preventing exclusions.

This policy also takes into account the government’s guidance and response to coronavirus (COVID-19). Please follow this link for the DfE updated guidance, which the school will follow if necessary:

<https://www.gov.uk/government/publications/school-exclusion/changes-to-the-school-exclusion-process-during-the-coronavirus-outbreak>

Introduction

The decision to **suspend or permanently** exclude a pupil will be taken in the following circumstances:-

(a) In response to a serious breach or persistent breaches of the Academy Trust’s Pupil Behaviour & Bullying Policy

(b) If allowing the pupil to remain in the school would seriously harm the education or welfare of the pupil or others in the school.

Suspension or permanent exclusion is an extreme sanction and is only administered by the Executive Headteacher/Head of School (HoS) (or the Senior Leader acting in his or her place). **Suspension or permanent** exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the Academy Trust’s Pupil Behaviour and Bullying Policy:

- Verbal abuse/threatening behaviour against an adult
- Verbal abuse/ threatening behaviour against a pupil
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils

- Indecent behaviour
- Damage to property
- Drug or alcohol related misdemeanours
- Abuse against sexual orientation/ disability
- Racist abuse
- Bullying
- Theft
- Sexual misconduct
- Carrying an offensive weapon
- Arson
- Persistent or general disruptive behaviour
- Inappropriate use of social media or online technology
- Wilful and repeated transgression of protective measures in place to protect public health

This is not an exhaustive list and there may be other situations where the Executive Headteacher/Head of School makes the judgement that **suspension or permanent** exclusion is an appropriate sanction.

Reducing and Preventing Suspensions and Permanent Exclusions

The Academy Trust will consider the following factors in order to aim to reduce and prevent **suspensions and permanent** exclusions.

For pupils **at risk**:

Step One

- Consideration of any unmet need whether this is educational or environmental. Possible support through our SEND process or through the completion of an Early Help Assessment. Assessment and the engagement of services from outside agencies will be undertaken where appropriate.
- Use of a Pastoral Support Plan

For pupils who have **not** responded to Step One

Step Two

- Targeted school-based support from Behaviour Outreach Support Service (BOSS)
- Consideration of a managed move
- Consideration of Education, Health and Care (EHC) Plan if delegated funding has been used and advice from agencies exhausted

For pupils who have **not** responded to Step Two

Step Three

- Referral for 16-week placement at Pupil Referral Unit

Suspension and Exclusion procedure

Most **suspensions** are of a fixed term nature and are of short duration (usually between one and three days).

The DfE regulations allow the Executive Headteacher/HoS to **suspend** a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Trustees and Governors have established arrangements to review promptly all permanent exclusions from the school and all **suspensions** that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination. (Appendix 1)

The Trustees and Governors have established arrangements to review **suspensions** which would lead to a pupil being **suspended** for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations. (Appendix 1)

Following **suspension** parents/carers are contacted immediately where possible. A letter will be sent giving details of the **suspension** and the date the **suspension** ends or that it is a permanent exclusion. Parents/carers have a right to make representations to the Board of Trustees and Local Governing Body and Lincolnshire County Council. How these can be made will be directed in the letter. Arrangements for alternative provision will be given, where it can reasonably be found out in the timescale. Where this is not possible, this information will be provided no later than 48 hours before provision is due to start.

A return to school meeting will be held following the expiry of the **suspension** and this will involve a member of the Senior Leadership Team and other staff where appropriate.

The school will take reasonable steps to set and mark work during the first 5 days of **suspension**.

A Pastoral Support Plan and Behaviour Plan will be drawn up. This needs to be agreed with the school, pupil and parents/carers.

During the course of a **suspension** where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/carers. Where the pupil is of compulsory school age, the parents/carers will be notified of the days where pupils must not be present in a public place during school hours.

Lunchtime Suspension

Pupils whose behaviour at lunchtime is disruptive may be **suspended** from the school premises for the duration of the lunchtime period. This will be treated as a **suspension** and parents/carers will have the same right to gain information and to appeal.

Behaviour Outside the School

Pupil's behaviour outside the school on school "business" for example school visits and journeys or 'away' school sports fixtures is subject to the Academy Trust's Behaviour and Bullying Policy. Poor choices of behaviour in these circumstances will be dealt with as if it had taken place in the school.

Looked After Children/Post Looked After Children

If a looked after child or post looked after child is **suspended**, the Virtual School and relevant Social Care professionals will be informed. This will allow consideration of alternative provision to take place in a timely manner.

Pupils with special educational needs and/or disabilities

The school must take account of any special educational needs when considering whether or not to **suspend or permanently exclude** a pupil. We have a legal duty under the Equality Act 2010 as amended not to discriminate against disabled pupils by **suspending or permanently excluding** them from school for behaviour related to their disability. The Executive Head/HoS should ensure that reasonable steps have

been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability. 'Reasonable steps' could include:

- differentiation in the trust's behaviour policy
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training

Abbey Academies Trust will work in partnership with others, including the Local Authority, to consider what additional support or provision may be required. The school may consider requesting an early or interim/emergency review for those pupils with an Education Health Care Plan.

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for **suspension or permanent exclusion** as far as possible, **suspension or permanent** exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the academy may be such a reason.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one and reflects the fact that a permanent exclusion should only happen when allowing them to remain in school would harm others. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a 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 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) or repeated possession and/or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. These might include:
 - Serious actual or threatened violence against another pupil or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 193 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him")
 - Arson

Abbey Academies Trust will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

Intent will be considered for incidents involving a potential weapon. The Academy Trust recognises that drug use can be a symptom of other problems and is ready to refer pupils to other services if needed.

General factors the school considers before making a decision to suspend or exclude

Suspension or permanent exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to **suspend or permanently** exclude a pupil the Executive Headteacher/HoS (or the Senior Leader acting in her place), will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations taking into account the pupil Behaviour and Bullying Policy and Equality Policy
- Allow, if possible, the pupil to give her/his version of events
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.
- Consider mitigating circumstances e.g. bereavement or bullying

If the Executive Headteacher/HoS is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, **suspension or permanent** exclusion will be the outcome.

The principal legislation to which 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
- 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
- The Equality Act 2010
- DfE statutory guidance: Exclusion from maintained schools, academies and pupil referral units in England, September 2017

Further guidance has been taken from

- Lincolnshire Ladder of Behavioural Intervention, Revised August 2016
- DfE and ACPO Drug Advice for Schools, 2012

Appendix 1

Annex A – A summary of the governing board's duties to review the head teacher's exclusion decision

