



Suspension and Permanent Exclusion Policy

Policy Lead:	Deputy Headteacher
Last Review Date:	December 2024
Next Review Date:	December 2025
Approval needed by:	Governing Body

Introduction

The Oaks Academy expects high standards of discipline and behaviour in school so that pupils are protected from disruption and are in a calm and supportive environment where both pupils and staff can work in safety, are respected and which brings about the best in every pupil.

On the rare occasions the Headteacher may make the decision that a pupil needs to be suspended due to a serious breach of the Behaviour Policy. This is a behaviour management strategy that encourages reflection, self-regulation and secures standards of behaviour that are acceptable. Permanent exclusions will sometimes be necessary as a last resort.

Only the Headteacher of a school can suspend/ permanently exclude a pupil and this must be on disciplinary grounds. The Deputy Headteacher acting in the Headteacher's absence may suspend a pupil for a serious offence for an initial period of no more than five days and normally only for sufficient time to allow the Headteacher to consider the appropriate length of suspension on returning to school.

Where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Suspension/Exclusion Categories:

- **Suspension** – a pupil is temporarily removed from the school for a fixed period. They are not able to attend school but are provided with work.
- **Permanent Exclusion** – a pupil is no longer allowed to attend the school.

Suspension:

Criteria Leading to Suspension

- There has been a serious breach of the Behaviour Policy. (This includes behaviour at school and outside of school as stated by national policy and guidance. The school takes the view that suspension would be used for behaviour outside school only when there is a potential effect in school or to the school's reputation).
- Allowing the child to remain in school would be seriously detrimental to the education or welfare of the pupil or to that of others at the school.
- Suspension is the appropriate consequence within the Behaviour Policy because of the seriousness of the incident or the pupil's failure to respond positively to the disciplinary sanctions used already.

When considering a suspension, the following will be considered:

- the safety and wellbeing of other pupils and adults
- the seriousness of the offence committed
- previous behaviour record
- other strategies which have already been tried
- the pupil's known educational and medical needs
- the support of external agencies in providing alternatives to permanent exclusion

Supporting continuation of learning

Work will be set for the pupil during a period of suspension. It is important that this work is completed so that any gap in learning is not widened further. The work is set by class teachers via Satchel: One, email or on paper while the pupil is not in school and they follow their timetable for that day. If requested school can provide a device to support learning and/or a paper format of the work. It is expected that all work is completed to best abilities and returned to school to be marked.

If any additional support is required then parents are requested to visit the website or contact the school directly.

For a suspension exceeding five days, the Academy will make arrangements for the pupil to attend another organisation, where possible and if practical, after the fifth day and will send work to that organisation.

Readmission Meeting

A readmission meeting with parents will always be arranged and, where appropriate, a reintegration programme will be put in place following a pupil's suspension. This will normally be with the Head of Year/Pastoral Leader and/or Senior leader. On occasions the Headteacher may also attend this meeting.

Where suspensions are becoming a regular occurrence for a pupil, it is an opportunity to discuss and consider whether additional strategies need to be put in place to address behaviour. Where appropriate, the school will also outline and evidence that the current behaviour of the pupil is putting them at risk of permanent exclusion.

Monitoring Behaviour & Reintegration

Following suspension, the pupil's behaviour will be monitored for an appropriate period of time. The school will also consider additional measures to support the pupil's successful reintegration.

Permanent Exclusion

Criteria Leading to Permanent Exclusion

In very exceptional circumstances a permanent exclusion from the Oaks Academy may be necessary when repeated fixed term suspensions are not providing the necessary improvement in behaviours or actions. It is the final step in the process for dealing with disciplinary offences when a wide range of other strategies have been tried and have failed, including the use of a Pastoral Support Programme.

It is also the appropriate course of action for particularly serious one-off incidents which jeopardise the safety and wellbeing of others. Incidents include but are not limited to:

- those involving violence,
- offensive weapons,
- the supply of illegal drugs
- where the welfare of staff and/or pupils is threatened.

The Oaks Academy will comply with government guidance around permanent exclusion.

Before taking a decision to suspend/exclude a pupil, the Headteacher will:

- Ensure that an appropriate and thorough investigation has been carried out.

- Consider the evidence carefully and ensure that all accounts of the events have been reviewed and the civil standard of proof applied.
- Check whether the incident may have been provoked and consider if there may have been mitigating circumstances.
- Ensure that appropriate consultation has taken place.
- Ensure that the suspension has been made in line with the principles of administrative law – it is lawful, reasonable; fair and proportionate.

The following issues will be taken into consideration:

- The safety & wellbeing of other pupils and adults.
- The seriousness of the offence committed.
- Other strategies or interventions which have already been tried.
- The pupil's known educational, safeguarding, and medical needs.
- The support of external agencies in providing alternatives to permanent exclusion.

Suspension and Exclusion Guidance:

The government trust Headteachers to use their professional judgement based on the individual circumstances of the case when considering suspending or permanently excluding a pupil. The school will code any exclusion/suspension using the framework provided by the DFE. The reasons listed are examples of types of circumstances that may warrant a suspension or permanent exclusion.

Unacceptable behaviours that may lead to suspension or permanent exclusion:

- Bullying
- Damage
- Persistent or general disruptive behaviour
- Physical assault against a pupil
- Physical assault against an adult
- Racist abuse
- Sexual misconduct
- Verbal abuse/threatening behaviour against a pupil
- Verbal abuse/threatening behaviour against an adult
- Drug and alcohol related
- Theft
- Abuse against sexual orientation and gender identity

Governing Board Panel Meeting (GBP)

With a decision relating to permanent exclusion, the school will inform *Education Access Support Officer* at Cheshire East Local Authority of their child's permanent exclusion and they will be in touch with parents about arrangements for their child's continued education from the sixth day of the exclusion period.

Regardless of whether parents choose to attend or not, the Clerk to the Governors will notify them of the time, date and location of the Governing Board Panel meeting where the Governors must meet to consider reinstatement. Parents have the right to make representation to the School Governors in person

and/or in writing and to bring a friend or representative with them if they wish. They may also like to bring their child to attend the meeting.

At the meeting, parents may make their views known to the Governors and ask for their son/daughter to be reinstated in school. The Governors have the power to reinstate immediately or from a specific date; they also have the right to uphold the exclusion. The latest date by which the Governors must meet is a 15-day (school days) period from day of permanent exclusion letter. If parents wish to make representation, please contact the Clerk to the Governors via email on governorsclerk@tlptrust.com, as soon as possible.

The Clerk should be advised if attendees have a disability or special need which would affect their ability to attend or participate fully in a meeting at the Academy. Parents may request via the Clerk for an interpreter to be present at the meeting.

Parents will receive written information regarding their child's permanent exclusion and any other related documents before the Governing Board Panel meeting. This pack of information will be distributed to the Governors who sit on the panel and the Local Authority representative.

Headteachers may cancel an exclusion that has not been reviewed by the Governing Board (GB). This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion.

Equalities & Disabilities

If parents think the suspension or exclusion relates to a disability their child has, and they think disability discrimination has occurred (under the Equality Act 2012), they have the right to appeal and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability)
<http://www.justice.gov.uk/tribunals/send>.

Making a claim would not affect rights to make representation to the Governing Body. Parents may wish to contact Cheshire East Exclusions Team on 01270 375277 or exclusionsCE@cheshireeast.gov.uk who can provide advice. Parents may also find it useful to contact the Coram Children's Legal Centre — they offer information and advice on education, including suspension and permanent exclusion from school. They can be contacted on 0300 330 5485, or at www.childrenslegalcentre.com. Parents may also wish to look at the Department for Education's guidance 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement' through the following link <https://www.gov.uk/government/publications/school-exclusion>. If a child has special educational needs parents may wish to contact Cheshire East Information Advice & Support - ceias@cheshireeast.gov.uk Tel 0300 123 5166.

Appeals

Parents have the right to ask for the governing board's decision to be reviewed by an Independent Review Panel (IRP). If parents wish to do this then please notify The Learning Partnership (TLP). The application for a review must set out the reasons for the request in writing, and any written evidence should be submitted with the request. Where and if appropriate, reference should be made to how the pupil's special educational needs are considered to be relevant to the exclusion.

What is an Independent Review Panel?

An Independent Review Panel (IRP) is external and independent of the School and the Trust. Its purpose is to review the process by which the School and the Governors took the decision to exclude a pupil. The IRP has three members: one serving, or recently retired (within the last 5 years), head teacher, one serving, or recently serving, experienced governor and one lay member who will be the Chair. Whilst the

IRP will review the decision of the governing body not to reinstate the excluded pupil, the IRP itself cannot reinstate the pupil, nor can the IRP remove the exclusion from a pupil's educational record.

Can I request an independent review?

A request for an independent review can only be made after receiving the decision of the School's Governing Board Panel which met to consider the headteacher's decision to exclude a pupil. Included in the outcome letter is the deadline by which any request must be submitted. An Independent Review may be requested, even if parents did not make a case to or attend the meeting at which the Governors considered the exclusion. If there is fresh evidence to present to the panel parents may do so.

What is the deadline for making a request for an IRP review?

Parents must request an IRP within 15 school days from the date parents received the decision letter. The IRP panel must then meet no later than the 15th school day after the date on which the request was made. In exceptional circumstances panels may adjourn the hearing until a later date. What decisions can the IRP make? After hearing all the representations, the Independent Review Panel can make one of three decisions: They may uphold the child's exclusion; They may recommend the governors reconsider their decision not to reinstate; or they may quash the decision and direct that the governing body reconsiders reinstatement. The IRP cannot overturn the exclusion decision and directly reinstate the pupil. The decision to reinstate an excluded pupil always rests with the governing body.

Appendix 1: Guide for Parents about Suspension and Permanent Exclusion

The suspension and permanent exclusion policy gives full details about suspensions and permanent exclusions of all types. Here is a summary.

Suspension is a Last Resort

When suspending a pupil, we must stick to the law. It is important to remember that we will always try and sort out problems before they lead to suspension and we will always take other circumstances into account.

Types of exclusion

There are two kinds of exclusion. The most common is a **suspension**. This happens either because of:

- increasingly disruptive behaviour where other support and sanctions have not helped, or
- a one-off serious incident.

A **permanent exclusion** is rare. It happens either when the child's behaviour has become so disruptive or dangerous that it harms their own well-being or safety of the child themselves, or puts other pupils or staff in danger. It can also happen if there is a very serious one-off incident. Again, full details are written in the exclusions policy.

Informing Parents about Suspensions and Permanent Exclusion

If a pupil needs to be suspended, then the school will contact home by phone to explain what has happened and why suspension is needed. A letter will then be sent home explaining the reasons for suspension. The letter will include information about the meeting that must be held with parents or carers when the pupil returns to school after suspension. If the exclusion is permanent the letter will explain what happens next.

Who else do school inform?

Informing social workers and Virtual School Heads about a suspension or permanent exclusion.

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Schools should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. Both the Social Worker and/or Virtual School Head, must be informed when a suspension or permanent exclusion has been issued and when a Governing Board meeting is taking place, to share information. The Social Worker and/or Virtual School Head can attend the meeting, should they wish to do so.

Learning while the pupil is at home

Work will be set for the pupil during a suspension or permanent exclusion. If it is needed the school can provide a device to support learning and/or a paper copies of the work. It is expected that all work is completed to the pupil's best ability and returned to school to be marked.

For a suspension longer than five days, the school will make arrangements for the pupil to attend another organisation after the fifth day and will send work to that organisation.

Equality Act

If you feel a suspension or an exclusion unfair because of a disability (under the Equality Act 2010) then please follow the policy guidance on this. You may also raise any concerns to the school's governing body or the Cheshire East Exclusions Team (phone number below).

Support for Parents

Parents and Carers may wish to contact the school, Cheshire East Exclusions Team: telephone 01270 375277, or email: exclusionsCE@cheshireeast.gov.uk who can all provide advice.

Parental Responsibilities

Parents and carers have a duty to make sure that their son/daughter is not out in a public place in school hours during this suspension unless there is a good reason for this.