



*Creative  
Education  
Trust*

## **Suspensions and Permanent Exclusions Policy**

Policy Owner	Director of Quality Assurance
Approved by	Education Standards Committee
Last reviewed on	1 September 2024
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This policy covers all Creative Education Trust academies and should be read in conjunction with the Behaviour for Learning policy.

### **Executive Summary**

The Trust is responsible for communicating to pupils, parents and staff its expectations of behaviour. Procedures are in place to promote good behaviour and appropriate conduct and these are set out in the Behaviour for Learning Policy. To ensure good order and behaviour for learning it may be necessary to exclude students from the premises for a fixed term or permanently. The decision to exclude is the Headteacher's alone or in his/her absence, the designated teacher in charge.

In applying this policy, the Trust and its schools will adhere to current legislation, including the Equality Act 2010. The Trust acknowledges its obligation to have regard to the latest DfE guidance on exclusions - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1162401/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_May\\_2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162401/Suspension_and_permanent_exclusion_guidance_May_2023.pdf)

All parties involved in exclusions, including Headteachers, parents, governing bodies and Independent Review Panels, must have regard to the statutory guidance. This policy outlines the key principles, roles and responsibilities around exclusion to ensure that all exclusion proceedings are conducted in line with statutory guidance. It relates to behaviour not only in school but also to behaviour out of school.

Headteachers should ensure that the behaviour policy is regularly reviewed, considering the views of stakeholders including pupils, parents, staff and Academy Council Members, and that it is published on the academy website. Academies must also ensure that pupils understand the expectations within the behaviour policy and the potential consequences for noncompliance. This goes beyond publishing the policy on the website and should include proactive work with pupils to secure their understanding.

This policy relates to external suspensions. Academies may also make use of internal exclusion for defined periods. They may also remove a pupil from their normal lessons and

educate them elsewhere on the school site as a supportive measure rather than a sanction, and for the shortest time that leaders deem is necessary before the pupil returns to lessons. Arrangements relating to these internal sanctions/behavioural support measures are detailed within the CET Behaviour for Learning Policy.

### **Types of External Exclusion**

Exclusion can only be for a disciplinary offence, i.e., a breach of an academy's behaviour policy which is published on the academy's website and shared with pupils and parents. It is important that all pupils understand the academy's expectations of behaviour and the consequences for noncompliance with school policy.

There are two types of external exclusion: suspension (fixed term) and permanent.

Suspensions must always be processed and recorded as a formal exclusion. This includes any short period of time when the pupil is excluded, such as lunchtimes or being sent home early. Lunchtime exclusions are equivalent to a half day exclusion. There is a maximum limit of 45 school days in an academic year for suspensions. Suspensions may be used for a single occurrence of serious misconduct or for persistent misbehaviour. Suspension should usually be a last resort, after other sanctions, such as detentions and internal exclusion, have been tried – alongside efforts to support the pupil to better manage their behaviour.

A pupil who is subject to repeated suspensions for the same misbehaviour – such as persistent disruption – should not serve an ascending number of days with each successive suspension unless there is a clear and compelling justification for this.

Permanent exclusions can only be used as a last resort when all other strategies and interventions have been attempted and are only issued in response to a serious breach, or series of persistent breaches of the academy's behaviour policy **and** where allowing the pupil to remain in school would seriously harm the welfare or education of other pupils or staff.

Headteachers must consider alternative arrangements, such as a managed move, before permanently excluding any pupil.

Examples (non-exhaustive) of when a suspension or permanent exclusion may be appropriate are:

- violence, whether expressed in actions or threats, towards other people on the premises;
- actions or words to a member of staff, or in the presence/hearing of a member of staff, which are judged to have the effect of seriously undermining their authority;
- offensive written material which is judged to have the effect of undermining the authority of a member of staff;
- persistent misbehaviour which prevents other pupils from learning and where alternatives such as detentions, internal exclusions and behaviour support interventions have already been tried;
- bringing to the academy, or handling, items likely to endanger the safety of other

people or to be injurious to the well-being of others, such as weapons or dangerous/illegal substances;

- attending the academy under the influence of alcohol, illegal drugs or volatile substances;
- acts of major and/or malicious damage;
- actions likely to cause significant disruption to the orderly running of the academy;
- being in persistent or serious breach of a previously drawn-up contract of behaviour.

The law does not allow for extending a period of suspension or 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the behaviour policy, the school may issue a suspension pending investigation. Following investigation, the school may issue a further separate suspension to begin immediately after the first suspension ends or a separate permanent exclusion to begin immediately after the end of the suspension.

A headteacher may cancel an exclusion that has not yet been reviewed by the academy council. When an exclusion is cancelled, the parents, the Academy Council, LA(s) and, if relevant, the pupil's Social Worker and/or Virtual School Headteacher must be notified without delay. The notification must provide the reason for the cancellation. The duty of the Academy Council to consider reinstatement ceases and there is no requirement to hold a meeting to consider reinstatement. Parents (or the excluded pupil if they are 18 years or over) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay. The pupil will be allowed back in to the academy without delay. Any days spent out of school as a result of any exclusion prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 days in a school year or if they will have been so by the time the cancellation takes effect.

## **The Investigation**

Where an excluded pupil has special educational needs and/or a disability (SEND), the academy must demonstrate that they have met the requirements of the SEND Code of Practice. This includes considering whether disruptive behaviour could be caused by underlying unmet needs and putting in place a range of provision and support to meet any need. If a pupil has an Education, Health and Care Plan (EHCP) and they are at risk of permanent exclusion, the academy should request an emergency EHCP review.

Under the Equality Act 2010, pupils must not be discriminated against, victimised or bullied because of protected characteristics. This includes ensuring that policies and practices do not discriminate by unfairly increasing a pupil's risk of exclusion. Academies must make reasonable adjustments to policy and practice, where needed, to avoid discrimination.

Where a suspension will mean that a pupil with SEND serves 10 days or more of suspension during an academic year, or where a decision whether to permanently exclude is being made, leaders **must** consult CET's Director of SEND. The Director of SEND's role in the

consultation is not to overrule leaders or predetermine decision-making, but rather to support leaders to ensure that statutory responsibilities regarding equity are considered fully before leaders make local decisions.

Where any pupil has received multiple suspensions or is approaching the legal limit of 45 school days of suspension in an academic year, the headteacher should consider whether exclusion is providing an effective sanction. Academies should engage with all appropriate interventions and support strategies before excluding pupils. Academies will have regard to the DfE Behaviour in Schools (September 2023) guidance.

Thorough investigation will be undertaken prior to making any decision to exclude. Witnesses will be questioned; statements will be taken, and the accused pupil will be given the opportunity to have his/her say.

Each case will be judged on the facts and the context considered, for example:

- The degree of severity of the offence;
- The likelihood of re-occurrence;
- The pupil's previous record;
- Contributory factors (e.g. recent bereavement, mental health issues, bullying, disability, harassment);
- Support provided.

The academy's behaviour policy, special educational needs policy and any Equality Act policy will also be considered.

The decision to exclude will be made after a review of the evidence available and will be taken on the balance of probabilities - i.e. that it is more probable than not that the accused acted as alleged. The headteacher will consider whether the sanction is reasonable, fair and proportionate.

Academies have a statutory duty to safeguard and promote the welfare of their pupils and must have regard to the statutory guidance *Keeping Children Safe in Education*. Where an exclusion, or the reinstatement of a pupil, coincides with a safeguarding investigation, the Designated Safeguarding Lead (or Deputy) should undertake the appropriate risk and needs assessments and take a leading role, supported by other agencies, to ensure the welfare and best interests of the child come first.

When a Headteacher decides that a pupil should be permanently excluded, he or she must follow Trust procedures by using the report, correspondence and agenda templates provided on the Trust cloud. These must be used in line with the procedures and timescales set out in DfE guidance.

## **Notification**

Parents/carers, the pupil's social worker and the virtual school head (if relevant) must be informed without delay of the length and type of exclusion, the reason(s) for exclusion and their right to make representations about the exclusion. Initially, this notification should be by

telephone or in person followed by a letter without delay. The letter must also include information about:

- The parent/carers' right to make representations, how to do so and how the pupil can be involved;
- The parent/carers' right to attend any review of the exclusion;
- The fact that the pupil should not be in a public place during school hours;
- The arrangements for the education of the pupil from the 6<sup>th</sup> day of exclusion;
- Sources of free and impartial information.

Where alternative provision will be arranged from day 6, parents must be informed of the start date, name and address of the provider, start and finish time, and name of the person the pupil should report to on the first day.

Academies must, without delay, inform the Chair of the Academy Council of any exclusion of more than 5 days or an exclusion which will mean that the pupil will miss a public examination or national curriculum test. The Local Authority (LA) must also be notified of any exclusion and the reasons for it.

### **Considering parental representations about exclusions**

For any exclusion, parents/carers have the right to seek a review by governors, who will consider the reinstatement of the pupil. The type and duration of exclusion determines the process and timeframe for governor review.

Panels for the reviews referenced below may be comprised of members of the school's Academy Council and Academy Improvement Board. They may also include senior leaders from other Creative Education Trust academies and members of CET's central team of education directors.

Within 15 school days, a panel must meet to review:

- All permanent exclusions; during which the headteacher will be present
- Suspensions that would result in a pupil missing a public examination or national curriculum test. If the pupil will miss a public exam or national curriculum test, the governing board must take reasonable steps to meet before the date of the examination. In exceptional circumstances, the Chair of the Academy Council may review the exclusion on behalf of the Academy Council;
- Suspensions that result in a pupil being excluded for more than fifteen days in one academic term.

If requested by the parent/carer, a suspension that takes the pupil's total number of days out of school during the term above six but below sixteen days must be reviewed by a governor panel within fifty school days of the exclusion being issued. The governor panel does not have the power to reinstate the pupil.

If requested by the parent/carer, a suspension of five or fewer days must be considered by a

governor panel, but the panel does not have to meet the parent. The governor panel does not have the power to reinstate the pupil.

Members of the panel must be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal interest in its result. The panel must ensure that all parties have an opportunity to make their representations and have their views heard before any decision is made.

The panel should proceed in accordance with paragraph 112 of the statutory guidance.

The review panel may either decline to reinstate the pupil (upholding the headteacher's decision) or direct reinstatement of the pupil. Governors must consider the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff and the school community.

Parents may be accompanied at the panel's review, on request, by a friend or representative. After the hearing, parties will be notified in writing as soon as possible of the outcome, with the reasons for the panel's decision.

Where the panel has upheld the decision of the Headteacher to exclude, parties will be notified of the statutory timeframe for applying to an independent review panel (15 school days from receiving the panel's decision), to whom an application must be sent and the right for parents to request a special educational needs expert. Parents/carers should also be notified of their right to bring an Equality Act claim for discrimination to the First Tier Tribunal (for disability discrimination) or to the County Court (for other forms of discrimination).

## **Reintegration**

Suspension is a disciplinary mechanism used to improve behaviour. Academies will support pupils to successfully reintegrate into school life following a suspension and will have a reintegration strategy that offers pupils a fresh start.

Accordingly, all suspensions will result in a Pastoral Support Plan being set up after the pupil's reintegration. The aim of this plan will be to minimise the likelihood of the pupil being suspended again. The plan will set out what it is that the pupil will do differently and how leaders and teachers at the school will support them in this. The plan should be co-produced by school leaders, the pupil and their parents/carers. The plan should be regularly reviewed and updated/amended if the pupil is suspended from school subsequent to its introduction. In such instances, it is likely that the support/interventions initially identified will change.

Parents/carers will always be invited to the reintegration meeting. If they do not attend, they will be sent a copy of the reintegration plan and invited to return it with any comments that they wish to make.

## **Reviews where pupils have served multiple suspensions:**

Should a pupil serve three external suspensions, in any given term, or more than three during any given academic year, the pupil and their parents will be invited to a meeting of relevant professionals, as determined by the headteacher. Such meetings may include the pupil's form tutor, senior leaders with responsibility for behaviour, the SENDCO, and leaders responsible for safeguarding and attendance. The purpose of the meeting will be to discuss the impact of previous forms of support that have been offered, and to consider any other ways forward. This meeting will also serve as the formal reintegration meeting that welcomes the pupil back to the school community. The headteacher may arrange further such meetings should the pupil continue to receive sanctions thereafter. Such meetings may also be organised at the request of a parent who is concerned that their child is accumulating sanctions, even where the defined threshold above has not been reached.

Where a pupil's unacceptable behaviour continues despite all reasonable attempts to support them having been tried and been given the chance to work, the headteacher may convene a panel of governors to review the support that the school has offered, alongside the pupil's response to this. Parents and pupils will always be invited to attend such meetings so that any contextual issues, and further potential sources of support, can be explored and the risk of further sanctions minimised.

### **Independent Review Panel Procedure**

If a permanent exclusion is upheld, parents/carers must be informed of their right to seek an independent review of the Academy Council's decision and the deadline for seeking such a review. The Independent Review Panel cannot direct an academy council to reinstate a pupil. It may:

- a) uphold the exclusion;
- b) recommend that the Academy Council reconsiders its decision;
- c) quash the original Academy Council's decision and direct Academy Council members to reconsider its decision.