



ST ALBANS GIRLS' SCHOOL

Suspensions / Permanent Exclusions Policy

GB sub-committee: Personnel & Student Wellbeing Committee

Co-ordinator: Miss T Lambert

Last Reviewed: Autumn 2023

Next Review: Autumn 2024

Signed by:
Margaret Chapman
Head Teacher

Signed by:
Claire Barnard
Chair of Governors

1. RATIONALE

- | | |
|-----|---|
| 1.1 | Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. |
| 1.2 | To promote an environment where all students have the opportunity to achieve their learning potential through a clear culture of positive behaviour for learning. |
| 1.3 | To provide clear high expectations for the whole community to ensure the wellbeing and safety of all. |
| 1.4 | Students, staff, parents and governors all play a key role in ensuring that behaviour is positive and follows behaviour for learning guidelines. |

2. AIMS

- | | |
|-----|---|
| 2.1 | <p>Our school aims to ensure that:</p> <ul style="list-style-type: none"> • The suspensions/ permanent exclusions process is applied fairly and consistently • The suspensions/ permanent exclusions process is understood by governors, staff, parents and students • Students in school are safe and happy • Students do not become NEET (not in education, employment or training) • Behaviour management tools are used effectively to establish high standards of behaviour in schools to ensure the safety of all • In line with the duties of the Equality Act 2010 the school ensures that provision does not discriminate against pupils by unfairly increasing their risk of exclusion. |
|-----|---|

3. PROCEDURES

- | | |
|-----|------------------------------------|
| 3.1 | Legislation and Statutory Guidance |
|-----|------------------------------------|

	<p>This policy is based on statutory guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement September 2023</p> <p>It is based on the following legislation, which outline schools' powers to suspend for a fixed period/ permanently exclude students:</p> <ul style="list-style-type: none"> • Section 52 of the Education Act 2002, as amended by the Education Act 2011 • The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 <p>In addition, the policy is based on:</p> <ul style="list-style-type: none"> • Behaviour in Schools Department for Education 2022 • Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for suspended/excluded students • Section 579 of the Education Act 1996, which defines 'school day' • 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 <p>This policy complies with our funding agreement and articles of association</p> <p>The term Head Teacher as stated throughout this document relates to both the Executive Head Teacher and Head of School</p>
<p>3.2</p>	<p>The Decision to suspend/permanently exclude</p> <p>The Executive Head Teacher or Head of School, can suspend a student for a fixed period. Only the Executive Head Teacher can permanently exclude a student. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). The decision to permanently exclude will be taken as a last resort.</p> <p>Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:</p> <p>"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."</p> <p>We are committed to following all statutory suspensions/ permanent exclusions procedures to ensure that every child receives an education in a safe and caring environment.</p> <p>Decision to suspend/exclude a student:</p> <ul style="list-style-type: none"> • In response or relation to a single occurrence of misconduct • In response to persistent breaches of the school's behaviour policy, and • If allowing the student to remain in school would seriously harm the education or welfare of others • A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion <p>The circumstances which may warrant a suspension or permanent exclusion are listed below- this is a non exhaustive list and are examples rather than complete or definitive</p> <ul style="list-style-type: none"> • Physical Assault against a pupil or adult • Verbal abuse or threatening behaviour against a pupil or adult

- Use, or threat of use of an offensive weapon or item that has been prohibited by the school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

Before deciding whether to suspend/exclude a student, either permanently or for a fixed period, the Head Teacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the suspensions/ permanent exclusions were provoked
- Allow the student to give their version of events and will ensure that support is given to the student to express their view, including through advocates such as parents or a social worker.
- Take into account the pupil's views considering their age and understanding and inform the student how their views will be factored into a decision being made
- Consider if the student has special educational needs/disability (SEN/D)
- Take into account their legal duty of care when sending a pupil home following an exclusion
- Consider any safeguarding or child protection concerns regarding the child in line with Keeping Children Safe in Education 2023
- Consider strategies outlined in Behaviour for Schools 2022 guidance relating to off-site direction or managed moves as preventative measures to exclusion. Alternative provision will only be used in order to improve the child's behaviour and will take into account their SEND or health needs. Off-site direction will be used as a way to improve further behaviour and not as a sanction or punishment to misconduct. If Alternative provision is used the school will have regard to Alternative Provision: Statutory guidance for local authorities, headteachers and governing bodies guidance from the DfE

Cancelling Exclusions

The Head Teacher can cancel any suspensions or exclusions that have already begun. This can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

- The Head Teacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases and there is no requirement to hold a meeting to consider reinstatement
- Parents should be offered the opportunity to meet the Head Teacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into school 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 school days in a school year or if they will have been so by the time the cancellation takes effect.

3.3	<p>Definition</p> <p>For the purposes of suspensions/ permanent exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.</p>
3.4	<p>Roles and Responsibilities</p>
3.4.1	<p>The Head Teacher</p> <p>Informing Parents</p> <p>Before providing notification in writing the Headteacher must, without delay, notify parents or the excluded pupil (if they are 18 years or older) of the period of the suspension or permanent exclusion and the reason(s) for it. It is recommended that this be done by telephone.</p> <p>The Head Teacher will provide the following information, in writing, to the parents of a suspended/ permanently excluded student:</p> <ul style="list-style-type: none"> • The reason(s) for the suspension/ permanent exclusion • The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent • Information about parents' right to make representations about the suspensions/ permanent exclusions to the governing board and how the student may be involved in this • Parents' (or an excluded pupil if they are 18 years or older) right to make a request to hold the meeting via the use of remote access and how and to whom to make this request • How many representations should be made • Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend <p>The Head Teacher will also notify parents by the end of the afternoon session on the day their child is suspended/ permanently excluded, that for the first 5 school days of a suspension/ permanent exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.</p> <ul style="list-style-type: none"> • The Head Teacher will also without delay notify the pupil's social worker, and/or the Virtual School Head if applicable <p>Education of pupils</p> <p>For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension.</p> <p>If alternative provision is being arranged or sixth school day provision, the following information will be included when notifying parents of a suspension/ permanent exclusion:</p> <ul style="list-style-type: none"> • The start date for any provision of full-time education that has been arranged

	<ul style="list-style-type: none"> • The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant • The address at which the provision will take place • Any information required by the student to identify the person they should report to on the first day <p>Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of suspension/permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.</p> <p>Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.</p> <p>Pupils will still receive their education during a suspension. The Head Teacher will ensure steps are made to ensure work is set and marked for pupils during the first 5 days of a suspension. This includes online pathways and resources such as Google Classroom. The school's legal duties remain for students with SEND and it will ensure that adapted work is provided to support disabled pupils during this period.</p> <p>A suspension can be for parts of the school day. If a student is suspended from lunchtime for example, this would be counted as half a school day.</p> <p>The Headteacher will not extend a suspension or convert a suspension into a permanent exclusion.</p> <p>In exceptional cases, usually where further evidence comes 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.</p> <p>Informing the governing board and local authority.</p> <p>The Head Teacher will immediately notify the governing board and the local authority (LA), the local authority must be informed without delay of all school exclusions regardless of the length of exclusion:</p> <ul style="list-style-type: none"> • A permanent exclusion, including when a fixed-period suspension is made permanent • suspensions/ permanent exclusions which would result in the student being suspended/excluded for more than 5 school days (or more than 10 lunchtimes) in a term • suspensions/ permanent exclusions which would result in the student missing a public examination <p>For a permanent exclusion, if the student lives outside the LA in which the school is located, the Head Teacher will also immediately inform the student's 'home authority' of the permanent exclusion and the reason(s) for it without delay.</p> <p>For all other suspensions/ the Head Teacher will notify the governing board and LA once a term.</p>
3.4.2	<p>The LA</p> <p>For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the permanent exclusion.</p>

3.4.3**The Governing Board**

Responsibilities for reviewing suspensions / permanent exclusions are delegated to the Governing Board. The governing board should ensure that there are clear processes in place which comply with the school's legal duties for issuing a suspension or exclusion, ensuring appropriate reintegration and ensuring appropriate education is provided whilst a child is suspended or excluded.

The governing board must consider reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;
- it would result in the pupil missing a public examination or national curriculum test

Governors Disciplinary Committee (GDC)

The Governing Board must hold a Governors Disciplinary Committee (GDC) if the Head Teacher has decided to make a permanent exclusion. The governing board will send the parent/carer a letter informing them that there will be a GDC. Governors have a maximum of 15 school days from the date of notification of the exclusion to convene for a GDC.

The Clerk to the governors will be appointed and will be the point of contact for parents/carers. The Clerk will take minutes at the GDC and will collect any relevant documents from parents/carers to present to the GDC.

A minimum of three governors will be at the GDC. One governor will chair the meeting. A governor with a personal connection, prior involvement or a conflict of interest with the child must not be part of the GDC.

No party will be left alone with the governors to ensure fairness for all involved.

Example structure of a GDC hearing:

- The Governor chairing the GDC will introduce everyone and briefly explain the structure of the meeting.
- The school will then present their case, explaining why they made the decision to permanently exclude the child. It is possible that teachers or other staff members may speak on behalf of the school. This may be because they were closely involved in the child's schooling, or it may be because they were involved with the investigation that led to the permanent exclusion.
- The Governors and parents/carers may ask questions to clarify any points that they are unsure of.
- Parents/carers will then present their case on behalf of the child. This is an opportunity to state why the child should be allowed to return to school. The child may attend the GDC and speak at this point if they wish to.
- The Governors and school may ask questions to clarify any points that they are unsure of.
- Both the school, and then the parents/carers, will have the opportunity to make a short closing statement.
- Unless the Governors have any further questions, all parties (except the Governors) leave the room

The Governors must then decide whether the Head Teacher's decision to suspend or permanently exclude the child was lawful, reasonable and procedurally fair. When making

	<p>the decision the governors will consider a number of things:</p> <ul style="list-style-type: none"> • Whether the school's decision to permanently exclude was justified; • Oral representations and documentation provided by the School, parents/carers and social worker or VSH if applicable. • Any evidence or witness statements collated after the event that led to the suspension or permanent exclusion (if applicable); • Any relevant school policies (e.g. Behaviour, Uniform, SEN or Bullying Policies); • If the child has Special Educational Needs, there are additional factors that the Governors will need to take into account, including whether sufficient support was in place and whether the school made any necessary 'reasonable adjustments'. <p>The Governing Board can either uphold the exclusion or direct reinstatement (and if the latter is not practical still consider if the decision to exclude was justified)</p> <p>The Governors need to be satisfied that the exclusion was justified on a 'balance of probabilities'. They do not need to be satisfied with the criminal standard of 'beyond reasonable doubt'. If the Governors uphold the Head Teacher's decision to permanently exclude, the decision can be challenged at an Independent Review Panel. Parent/carers will be informed of the outcome of the decision in writing. The letter will clearly outline the reasons for which the Governing Body came to their decision.</p>
3.4	<p>Considering the Reinstatement of a student</p> <p>The Governing Body will consider the reinstatement of a suspended/ permanently excluded student within 15 school days of receiving the notice of the suspension/ exclusion if:</p> <ul style="list-style-type: none"> • It is a suspension which would bring the student's total number of school days of suspension/exclusion to more than 15 in a term or • It would result in a student missing a public examination <p>If requested to do so by parents, the Governing Body will consider the reinstatement of a suspended/excluded student within 50 school days of receiving notice of the suspension/exclusion if the student would be suspended/excluded from school for more than 5 school days, but less than 15, in a single term.</p> <p>Where a suspension/exclusion would result in a student missing a public examination, the Governing Body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Governing Body will consider the suspension/ permanent exclusion and decide whether or not to reinstate the student.</p> <p>The Governing Body can either:</p> <ul style="list-style-type: none"> • Decline to reinstate the student, or • Direct the reinstatement of the student immediately, or on a particular date <p>The Governing Body will notify, in writing, the Head Teacher, parents and the LA of its decision, along with reasons for its decision, without delay.</p> <p>Where an exclusion is permanent, the Governing Body's decision will also include the following:</p> <ul style="list-style-type: none"> • The fact that it is permanent • Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and: <ul style="list-style-type: none"> ○ The date by which an application for an independent review must be made

	<ul style="list-style-type: none"> ○ The name and address to whom an application for a review should be submitted ○ That a request to hold the meeting via the use of remote access can be made and knows how and to whom to make this request to ○ That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how the student's SEN are considered to be relevant to the permanent exclusion ○ That, regardless of whether the permanently excluded student has recognised SEN, parents have a right to require the ATLAS Academy Trust to appoint an SEN expert to attend the review ○ Details of the role of the SEN expert and that there would be no cost to parents for this appointment ○ That parents must make clear if they wish for an SEN expert to be appointed in any application for a review ○ That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review <p>If parents believe that the permanent exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.</p>
3.5	<p>An Independent Review Panel</p> <p>If parents apply for an Independent Review Panel (IRP), the ATLAS Academy Trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.</p> <p>Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governing Body of its decision to not reinstate a student.</p> <p>A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5 member panel is constituted, 2 members will come from the school governors category and 2 members will come from the Head Teacher category.</p> <ul style="list-style-type: none"> ● A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer ● School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Head Teachers during this time ● Head Teachers or individuals who have been a Head Teacher within the last 5 years ● A person may not serve as a member of a review panel if they: <ul style="list-style-type: none"> ○ Are a Member/Director of the ATLAS Academy Trust, or Governing Board of the excluding school ○ A trustee from the ATLAS trust ○ Are the Head Teacher of the excluding school, or have held this position in the last 5 years ○ Are an employee of the ATLAS Academy Trust or the Governing Board, of the excluding school (unless they are employed as a Head Teacher at another school)

	<ul style="list-style-type: none"> ○ Have, or at any time have had, any connection with the ATLAS Academy Trust, school, governing board, parents or student, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their impartiality ○ Have not had the required training within the last 2 years (see appendix 1 for what training must cover) <p>A clerk will be appointed to the panel.</p> <p>The independent panel will decide one of the following:</p> <ul style="list-style-type: none"> ● Uphold the governing board's decision ● Recommend that the governing board reconsiders reinstatement ● Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed) <p>The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.</p>
3.7	<p>School Registers</p> <p>A student's name will be removed from the school admissions register if:</p> <ul style="list-style-type: none"> ● 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or ● The parents have stated in writing that they will not be applying for an independent review panel <p>Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.</p> <p>Where alternative provision has been made for a permanently excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.</p> <p>Where permanently excluded students are not attending alternative provision, code E (absent) will be used.</p>
3.8	<p>Returning from a Suspension</p> <p>Following suspension the school will support the pupil to reintegrate successfully into school life and full time education. The students will be assured that they are valued and that their previous behaviour is not seen as an obstacle to future success.</p> <p>Following a suspension, a reintegration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.</p> <p>The following measures may be implemented when a student returns from a suspension:</p> <ul style="list-style-type: none"> ● Agreeing a behaviour contract – a pastoral support plan ● Use of a student daily report to monitor progress ● Restorative practice between the student and other students/ the student and members of staff, if required ● Time with a Learning Mentor to reflect and review ● Gradual re-integration to lessons/social time, if requested by and agreed with parents ● Referral to internal support service, if appropriate ● Referral to and/or signposting to external support agencies, if appropriate

	<ul style="list-style-type: none"> ● Regular contact with parents/carers to ensure a partnership approach to improvement ● Mentoring by a trusted adult or local mentoring organisation
3.9	Monitoring Arrangements The Deputy Head monitors the number of suspensions/ permanent exclusions every term and reports back to the Head Teacher/Governors. They also liaise with the local authority to ensure suitable full-time education for suspended/ permanently excluded students is in place.
3.10	Links with Other Policies This suspensions/ permanent exclusions policy is linked to our; <ul style="list-style-type: none"> ● Anti-Bulling Policy ● Behaviour Policy ● Drugs and Alcohol (students) ● Equality Policy ● SEN Policy
4. MONITORING	
4.1	<ul style="list-style-type: none"> ● This policy will be reviewed every year or sooner if guidance is updated ● At every review, the policy will be shared with the Governing Board.