



SIR ROBERT PATTINSON ACADEMY

SUSPENSION AND PERMANENT EXCLUSION POLICY

Updated in school:	May 2023
Date approved by Trustees:	17 July 2023
Review Date:	July 2026

Serious incidents of misbehaviour leading to Suspensions or Permanent Exclusion Action to be invoked by Senior Staff in Serious Disciplinary Matters

Purpose of this policy

This policy is designed to briefly outline the Academy's approach to suspensions and permanent exclusions within the statutory framework as defined in (*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from September 2023*). It outlines only where the Academy applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the Academy. The policy should be read in conjunction with our policies on behaviour, anti-bullying and child protection and safeguarding.

Principles

Suspension is a sanction used by the Academy only in cases deemed as serious breaches of the Academy Behaviour Policy. A student may be at risk of suspension or permanent exclusion from the Academy for a range of breaches of the Academy code of conduct but will include:

- a. Verbal or physical assault of a student or adult;
- b. Persistent and repetitive disruption of lessons and other students' learning;
- c. Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.

For further details please see section 14 of *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from September 2023*.

In discharging their duties, the Head Teacher and Trustees will have regard to DfE guidance "*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from September 2023*". They will also take into account their statutory duties in relation to special educational needs and/or disabilities including having regard to the SEND Code of Practice.

Before suspending or permanently excluding a student, in most cases a range of alternative strategies will have taken place. Where a one-off incident of sufficient gravity has taken place, this may not apply.

A suspension (formerly Fixed Term Exclusion) from the Academy can only be authorised by the Head or the Deputy acting on delegated authority. If none are available to authorise the suspension a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Head.

The Academy seeks to reduce the number of incidents leading to suspensions by promoting a positive atmosphere of mutual respect and discipline within the Academy and to engage in early intervention.

The Academy 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.

A decision to permanently exclude a student will only be taken:

- a. In response to serious breaches of the Academy's Behaviour, Rewards and Sanctions Policy if allowing the student to remain in the Academy would seriously harm the learning or welfare of the student, other students or staff in the Academy
- b. In cases where there has been a major breach of normal expectations of conduct [and/or a breach of the criminal law]

Before excluding a child, in most cases a range of alternative strategies will have been tried. Where a one-off incident of sufficient severity has taken place, this may not apply.

Responsibilities of the Head Teacher

The Head Teacher alone (or his/her designate, if he/she is absent) has the power to suspend or permanently exclude students. In considering the suspension of a student, the Head Teacher should ensure that the following range of activities are carried out:

- a. Undertake a thorough investigation
- b. Consider all the relevant facts and firm evidence to support the allegations
- c. Take into account the Academy's Behaviour Policy including the Equality Policy and Anti Bullying policy
- d. Check whether an incident appeared to be provoked by racial or sexual harassment
- e. Ensure that all students involved have the opportunity to give their version of events.
- f. Consult other people or agencies except where they may be involved in any review of the suspension.
- g. Ensure time has been given to addressing and supporting the student's individual problems within the capabilities of the Academy

Before deciding to exclude a student permanently, the Head Teacher will first try a range of strategies as outlined in the Behaviour Policy, including suspension and in line with our booster support programme to access wider support. Only when other strategies have been tried without success will the Head Teacher consider permanent exclusion. Except, or notwithstanding, where a one-off incident of sufficient severity has taken place. There are occasions when the severity of the offence will merit permanent exclusion, even when there has been no record of poor behaviour.

The Head Teacher may suspend a student for up to 45 school days in any academic year. Any suspension beyond 45 school days will be considered. However, before that point is reached, the Head Teacher may hold discussions with the Local Authority regarding alternative placements.

The Head Teacher will aim for the shortest possible period of suspension but, however brief, a suspension plan will be made to enable the student to continue their education and to use the time to address the student's problems; this will be examined during the process of reintegration.

Informing Parent(s)/carer(s) about the Suspension/Permanent Exclusion

Parents/carers will be notified as soon as possible of the decision to suspend a student and the reason for the Suspension/Permanent Exclusion. This will be done on the day of the Suspension/Permanent Exclusion being authorised by phone contact. A written confirmation of the reason(s) for the Suspension/Permanent Exclusion will be sent to parents which will include details of where a copy of the suspension Policy can be obtained from if required. In the event we have not been able to speak to a parent/carers or leave a voicemail, we will detail this in the email containing the suspension letter. For a pupil in care or with a social worker, the virtual school head/social worker will be notified.

If the Head Teacher wishes to suspend for a further fixed period to run consecutive to an existing suspension or issue a Permanent Exclusion following a suspension, the Head Teacher will again write to the Parent(s)/Carer(s) explaining the reasons and making the other points above. Where suspension is extended, there will be a new right for the Parent(s)/carer(s) to state their case to the Discipline Committee.

“The law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.”

A student who has been Suspended/Permanently Excluded will have the reason for his/her Suspension/Permanent Exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour. In the case of suspensions, there is an opportunity for the parent/carer to discuss the details of the Suspension/Permanent Exclusion in the readmission meeting.

The Head Teacher can choose to cancel a suspension or permanent exclusion which has not yet started. We will inform all relevant parties including parents/carers, the Board of Trustees, the Local Authority, and where appropriate, the virtual school and social care as to why the decision has been taken.

The Chair of Trustees, and relevant Academy staff will be notified of all Permanent Exclusions the same day of the production of the letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion.

The Local Authority Reintegration Team are notified in line with the DfE Code.

Students Returning from a Suspension

All students returning from a suspension are required to attend a readmission meeting, accompanied by a parent. This meeting will seek to establish practical ways in which further suspensions can be avoided and behaviour modified to acceptable standards in partnership between student, parent and the Academy. It may also be relevant to complete a risk assessment at this meeting.

In some incidents, on the return from a suspension, students will be required to have a phased return to lessons or be supervised during social times.

Appeals

All correspondence regarding a suspension from the Academy will inform parents of their right to appeal to the Board of Trustees against the decision to suspend, although Trustees cannot direct reinstatement, if the suspension is for 5 days or less in a term. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Trustees.

For suspensions of over 5 days in a term, appeals will usually be heard face-to-face. The Academy may hold meetings remotely at the request of the parent/carer/pupil (if over 18) or in the case of extraordinary or unforeseen circumstances. More information can be found in Annex A of *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from September 2023*

Responsibilities of the Board of Trustees

The Trustees do not have the right to suspend a student. The Trustees will review the use of suspension in the Academy regularly. The Head Teacher will inform the Chair of Trustees of all permanent exclusions.

The Role of the Trustees in Permanent Exclusion Cases

The Pupil Discipline Committee will consist of no less than three Trustees who will review the use of suspension/ permanent exclusion within The Academy, including considering the views of the Parent(s)/Carer(s) of a suspended student, and deciding whether or not to confirm suspensions of more than fifteen academy days.

If the suspension is for fifteen academy days or fewer, the Discipline Committee will not direct reinstatement but will consider any statement from the parent(s)/carer(s).

The Pupil Discipline Committee must meet in cases of a permanent exclusion or a suspension where a permanent exclusion has been issued.

The Trustees' legal responsibility is to robustly review the Head Teacher's decision to permanently exclude the student ensuring it is lawful, fair and reasonable and that the Academy has exhausted all avenues in support before making such a decision.

The Pupil Discipline Committee must meet to:

- a) Consider the circumstances in which the student was excluded;
- b) Consider any representations about the exclusion made by the parent;
- c) Consider whether the student should be reinstated immediately, reinstated by a particular date or not reinstated.

For permanent exclusion, the Pupil Discipline Committee should normally satisfy itself that all possible strategies to improve a student's behaviour were tried without success; strategies should include those in DfE guidance, including a Booster Support Programme or similar. For children with ECHPs, revising these might be better than resorting to permanent exclusion, especially in the first instance.

For permanent exclusions, the Pupil Discipline Committee will consider the exclusion and decide whether the student should be reinstated. Such consideration will take account of the student's disciplinary record and the likely impact of their continued attendance.

The Pupil Discipline Committee may not attach conditions to the reinstatement of a student. If the Pupil Discipline Committee upholds the Head Teacher's decision to exclude a student permanently, it will write within one school day to the parent(s)/carer(s) giving the reasons for the decision and all other guidance as set out in DfE guidance *"Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from August 2024"*.

If the Pupil Discipline Committee upholds a decision to exclude a student permanently, it will notify the Local Authority in writing of this decision within one school day of the hearing.

After the Meeting – Permanent Exclusions

A note of the Pupil Discipline Committee views on the exclusion shall normally be placed on the student's record with a copy of the Head Teacher's exclusion letter.

Parent(s)/Carer(s) whose child is excluded permanently from Sir Robert Pattinson Academy will have the right to appeal against the Pupil Discipline Committee decision to uphold the exclusion. This should follow statutory guidelines as set out in *The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012* and DfE guidance “*Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movements from August 2024*”.

Independent Review Hearings

If applied for by parents within the legal time frame (15 days), Sir Robert Pattinson Academy will arrange for an Independent Review Panel hearing to review the decision of a Board of Trustees not to reinstate a permanently excluded student.

Any application made outside the legal time frame will be rejected by the Sir Robert Pattinson Academy Trust. Parents may request an independent review panel even if they did not make a case to, or attend the meeting at which the Trustees made their decision. All arrangements for the Independent review hearing will be made by the Academy or the organisation commissioned by the Academy to manage this process on their behalf and this includes:-

- Establishing an Independent Review Panel which complies with DfE regulations
- Agreeing suitable date, time and independent venue for the hearing to take place (hearings will not take place at the excluding Academy)
- 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 (the Clerk to the excluding Academy Board of Trustees will not be eligible to perform this role)

The Clerk may also provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions. Where it has been requested, arrange for a SEND expert to attend the review hearing. The role of the panel is to review the Board of Trustees’ decision not to reinstate a permanently excluded student. 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 Academy.

The panel must also apply the civil standard of proof “on the balance of probabilities” rather than the criminal standard of “beyond reasonable doubt”. Following its review, the panel can decide to:

- a. Uphold the exclusion decision
- b. Recommend that the Board of Trustees reconsiders their decision or,
- c. Quash the decision and direct the Board of Trustees to consider the exclusion again

The decision of the Independent Review Panel is binding on the; student, parents, Board of Trustees, LA and Sir Robert Pattinson Academy.

New supporting evidence may be presented to the panel but the Academy may not introduce new reasons for the exclusion and panels will disregard any new reasons that are introduced. Where present, the panel must seek and have regard to the SEND expert’s view of how SEND might be relevant to the student’s exclusion. Members of the Academy Pupil Discipline Committee and Academy Presenting team will be invited to attend the hearing to present their case to the panel. As with the Board of 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.

Where a panel quashes the Board of Trustees’ decision and directs it to reconsider an exclusion it has the power to order that the Academy makes a payment to the Local Authority if the Board of Trustees does not offer to reinstate the student within 10 Academy days of receiving notice of

the panel's decision. (This sum would be in addition to any budget that would normally follow a student to a new school.)

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. Following the review, the panel must issue written notification to all parties without delay. This notification must include: -

- a. The panel's decision and the reason for it
- b. Where relevant, details of any financial payment to be made if the Board of Trustees subsequently decides not to offer to reinstate a student
- c. Any information that must be recorded on the student's educational record to reflect the decision

If the panel upholds the decision, the Clerk will immediately notify the Local Authority and if the student lives outside the LA of the Academy, the student's "home local authority".

Relationship to Other Academy Policies

This Policy should be read in tandem with the Academy's Behaviour Policy as well as other relevant Academy policies, particularly the SEND and Inclusion Policy and the Equality and Diversity Policy. It also has close links with the Anti-Bullying Policy and Attendance Policy.

Monitoring and Review

The impact of this policy will be reviewed by the Trustees' Education Scrutiny Committee. The Head Teacher will provide the Committee with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.

The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.