



# SARACENS BROADFIELDS

## SUSPENSION, PERMANENT EXCLUSION AND APPEALS POLICY

Responsibility of ( <i>see policy tracking sheet</i> ):	Broadfields Local Governing Body
Approved by:	Local Governing Body
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## 1. Aims

All parties involved in suspensions and exclusions, including Principals, parents, Local Governing Bodies (LGBs) and Independent Review Panels, must have regard to the statutory guidance. At 78 pages long, the guidance can be inaccessible and overwhelming to many. This policy aims to set forth rights and responsibilities around suspension and exclusion with clarity and brevity to ensure that all suspension and exclusion proceedings at Saracens Broadfields (SBF) are conducted in a fair and just manner, with appropriate notice to all, full participation of relevant parties, and within the statutorily designated timelines.

Our school aims to ensure that:

- The suspension and exclusions process is applied fairly and consistently
- The suspension and exclusions process is understood by governors, staff, parents and pupils
- The school is a calm, safe and supportive environment where both pupils and staff can work in safety and are respected
- Pupils do not become NEET (not in education, employment or training).

## 2. The Decision to Suspend or Exclude

Only the Principal, or Acting Principal, can suspend or exclude a pupil from school. A permanent exclusion will be taken as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's Behaviour for Learning and Discipline Policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others.

Before deciding whether to exclude a pupil, either permanently or for a fixed-period, the Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has Special Educational Needs or Disability (SEND).

SBF may choose to use an internal isolation in lieu of a suspension. The process will mirror that of a suspension, except the pupil will be isolated from their peers in the school building from 8:50 am to 3:30pm for each day of the exclusion. We may also send pupils to another local school, where a reciprocal arrangement exists, for them to serve the period of their period of isolation.

There is a limit of 45 school days in an academic year for fixed-term exclusions. The law does not allow for '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 suspension ends, or a permanent exclusion may be issued to begin immediately after the end of the suspension.

The school may also issue a suspension pending investigation and, where further evidence has come to light, issue a further suspension to begin immediately after the suspension ends; or a permanent exclusion to begin immediately after the end of the suspension. It would be good practice to take time to carefully consider all the facts before taking the decision to permanently exclude, which is why schools often give a suspension pending a permanent exclusion.

### **3. Cancelling Suspension and Permanent Exclusions**

The Principal can cancel any exclusion that has already begun, or one that has not yet begun, but this can only happen where the LGB has not yet met to consider whether the pupil should be reinstated.

Where a suspension or permanent exclusion is cancelled:

- The Principal must notify the parents, the LGB, the Local Authority (LA) and the pupil's social worker and Virtual School Head as applicable, without delay. The notification must also provide the reason for the cancellation
- The LGB's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement
- Parents be offered the opportunity to meet the Principal to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into the school from which they were excluded 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.

Care must be taken to avoid 'informal' or 'unofficial' exclusions (e.g. sending a child off-site for a 'cooling down' period). However, a pupil whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period.

Where a pupil has received multiple suspensions or is approaching the legal limit of 45 school days of suspension in an academic year, the Principal should consider whether suspension is providing an effective sanction.

Permanent exclusion should only be used as a last resort where all alternatives have been considered and all strategies to change behaviour have failed. It must be demonstrated that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Where a suspended or an excluded pupil has Special Educational Needs/Disability (SEND) or is on the SEND register, it must be demonstrated that the school has regard for the SEND Code of Practice and has provided extensive means of support to help meet the pupil's needs. Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. Any intervention strategies should be discussed with and involve the pupil's parents.

### **4. Definition**

For the purposes of suspensions and 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.

## 5. Roles and Responsibilities

### □ The Principal - Informing parents

The Principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the suspension/exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents' right to make representations about the exclusion to the LGB Panel and how the pupil may be involved in this
- The parents' right to request a virtual meeting and how to make this request
- How representations should be made
- Where there is a legal requirement for the LGB Panel to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Principal will also notify parents, by the end of the afternoon session on the day their child is suspended, that for the first 5 school days of an 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.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- 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 pupil to identify the person they should report to on the first day.

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 a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Independent advice can be obtained from:**

The Local Authority SENDIAS service which provides information, advice and support to children and young people with SEND, including on exclusions.

<https://councilfordisabledchildren.org.uk/about-us>

Coram's Child Law Advice service

<https://childlawadvice.org.uk/information-pages/school-exclusion>

0300 330 5485 from Monday to Friday, 10am – 4pm.

Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

## □ **The Principal - Informing the Local Governing Body and Local Authority**

The Principal will immediately notify the LGB and the LA of the following:

### **a) The Local Governing Body**

- A permanent exclusion, including when a suspension is made permanent
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination
- All cancelled suspensions and exclusions (also on a termly basis as part of your exclusions data).

Responsibilities regarding permanent exclusions are delegated to an Exclusion Review Panel consisting of at least three governors, who have a duty to consider the reinstatement of an excluded pupil (see Section 6).

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **b) The Local Authority (LA)**

- All suspensions and exclusions, regardless of length
- All cancelled suspensions and exclusions
- For permanent exclusions: if the pupil lives outside of the school's LA, also inform the pupil's home LA
- The school will contact the pupil's social worker if they have one and the Virtual School Headteacher if the pupil is a looked after child (LAC).

## **6. Considering the Reinstatement of a Pupil**

The Exclusion Review Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination.

In reaching a decision, the Exclusion Review Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Exclusion Review Panel will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Exclusion Review Panel's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel, and:
  - The date by which an application for an Independent Review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA to appoint a SEND expert to attend the review
  - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for an SEND 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 Independent Review Panel, and parents may also bring a friend to the review
- If parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (SEND), 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.

## 7. An Independent Review

If parents apply for an Independent Review, the Saracens Multi-Academy Trust (SMAT) will arrange for an Independent Panel to review the decision of the LGB not to reinstate a permanently excluded pupil.

Applications for an Independent Review must be made within 15 school days of notice being given to the parents by the Exclusion Review Panel of its decision to not reinstate a pupil.

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 LGB category and 2 members will come from the Principal/Headteacher category):

- 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 Headteachers/Principals during this time
- Headteachers/Principals or individuals who have been a Headteacher or Principal within the last 5 years.

A person may **not** serve as a member of an Independent Review Panel if they:

- Are a Trustee of the SMAT, or LGB of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the SMAT, or the LGB of the excluding school (unless they are employed as a Principal at another school)
- Have, or at any time have had, any connection with the SMAT school, LGB, parents

or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially

- Have not had the required training within the last 2 years (see Appendix 1 for what training must cover).

A Clerk will be appointed to the Independent Review Panel.

The Independent Review Panel will decide one of the following:

- Uphold the LGB's decision
- Recommend that the LGB reconsiders reinstatement
- Quash the LGB's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

The Independent Review's Panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.

## **8. School Registers**

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the Exclusion Panel's decision to not reinstate the pupil 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.

Where an application for an Independent Review has been made, the LGB will wait until that review has concluded before removing a pupil's name from the register.

## **9. Returning from a Fixed-Term Exclusion or Internal Exclusion**

Following a suspension or internal isolation, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a Learning Support Plan or Pastoral Support Plan
- Putting a pupil on report to achieve set targets, which will be monitored daily.

## **10. Monitoring Pupil Moves - Local Governing Body**

The LGB should review suspension and exclusion data as part of their monitoring process. This may include discussing with relevant leaders:

- Patterns in data
- Cost implications of educating pupils off-site
- Interventions in place to support pupils at risk, to prevent suspensions and exclusions
- Variation in the rolling average of permanent exclusions to understand why it's happening and what can be done to prevent it
- How leadership are reviewing pupils that are moved off-site at regular intervals.

## **11. Links with Other Policies**

This Suspension, Permanent Exclusion and Appeal Policy is linked to our:

- Behaviour for Learning and Discipline Policy
- Special Educational Needs/Disability (SEND) and Inclusion Policy.



## **Appendix 1: Independent Review Panel Training**

The SMAT must ensure that all members of an Independent Review Panel and Clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the Review Panel's decision making
- The need for the Review Panel to observe procedural fairness and the rules of natural justice
- The role of the Chair and the Clerk of a Review Panel
- The duties of Principals, LGBs and the Panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.