

Suspension and Permanent Exclusions Policy

This policy was updated in November 2023 The policy must be reviewed and updated at least every 12 months.

Introduction

Meadowbrook College outlines and explores its whole approach to behaviour management through its Behaviour and Relationships Policy, Restorative Practice Handbook and Curriculum Framework Document. Exclusion is an option but should be used carefully as part of a considered response within the context of Meadowbrook College's values and ethos.

This document is based on the relevant DfE guidance <u>Suspension and permanent exclusion from</u> maintained schools, academies and pupil referral units in England, including pupil movement

Disruptive behaviour can be an indication of unmet needs. If Meadowbrook College has concerns about a pupil's behaviour, it will try to identify any factors relating to this unmet need and intervene early in order to reduce the need for a subsequent suspension or exclusion.

This policy is to be read in conjunction with policies relating to:

- School suspensions and permanent exclusions GOV.UK
- Behaviour in schools GOV.UK
- Equality-act-2010-advice-for-schools GOV.UK
- Keeping-children-safe-in-education GOV.UK
- Meadowbrook: Behaviour and Relationships Policy
- Meadowbrook: Restorative Handbook
- Meadowbrook: Safeguarding Policy

Legislation relating to this guidance:

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996;

• 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.

The Headteachers powers to suspend or permanently exclude:

(referenced from DfE Guidance, September 2023 Section 3, Paragraphs 1-4)

Only the headteacher of a school can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, must be made in line with the principles of administrative law.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil standard of proof.

Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.

If the Head Teacher is satisfied that, on the balance of probabilities, a pupil has committed a disciplinary offence and the pupil is being removed from the school site for that reason, formal suspension or permanent exclusion are the only legal method of removal. Informal or unofficial exclusions are illegal regardless of whether they are done with the agreement of parents or carers.

Making The Decision to Suspend or Permanently Exclude

Meadowbrook College is committed to only using suspension or permanent exclusion as an absolute last resort and when all other possibilities and strategies have been exhausted. Suspensions or permanent exclusion should not be imposed in the heat of the moment, unless there is an immediate threat to the safety of others or the pupil concerned. Restorative Interventions should always be considered as the primary consequence to any behaviour incident. (See Meadowbrook College Restorative Practice Handbook)

The decision to suspend or permanently exclude can only be taken by the Head Teacher, and in their absence a member of SLT. Given Meadowbrook College's location distribution across multiple sites, in cases of fixed period suspensions, this is most likely to be a member of SLT acting on behalf of the Head Teacher.

Factors to consider before making a decision to suspend or permanently exclude a pupil are:

Safeguarding duty of care;

- Is it safe for the pupil to be suspended or permanently excluded and sent home?
- Are there concerns about the pupil being at risk of exploitation in the community?

- Where the pupil is open to Early Help or Social Care, has the DSO/DDSL and Social Worker been consulted first?
- Is there a trusted adult available to collect or receive the pupil at home?

Lawful, Reasonable, Rational, Fair;

- Are the grounds for suspension or permanent exclusion lawful and in line with the DfE Exclusion Guidance?
- Has the decision to suspend or permanently exclude been discussed with the Head Teacher or those acting on behalf of the Head Teacher?
- Is the decision to suspend or permanently exclude proportionate to the incident(s)?
- Is the length of suspension proportionate to the incident(s)
- Have all alternatives to suspension or permanent exclusion been thoroughly considered? Including:
 - adjustments to timetable, change of venue or provision
 - multi-agency assessment/MARAMP
- Has a thorough investigation of the incident(s) taken place and pupil's accounts been sought?
- Is the suspension or permanent exclusion decision based on unmet special educational needs, needs the school feels it has been or will be unable to meet? if yes, this may be deemed unlawful.

Mitigating factors;

- Are you aware of any circumstances that may have acutely increased the pupil's risk of suspension or permanent exclusion?
- Have any reports of bullying been investigated and followed up?
- Has the pupil experienced a bereavement, family difficulty or mental health difficulty that may have impacted upon their behaviour?
- Was the incident provoked by others?

Pupils with a disproportionate rate of high suspensions or permanent exclusions include: pupils with SEN; pupils eligible for free school meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travellers of Irish Heritage; and Caribbean pupils

Only the Head Teacher will make a final decision regarding permanent exclusion. A decision to exclude a pupil permanently should only be taken:

a) in response to serious breaches or persistent breaches of the schools behaviour and relationships policy.

b) where allowing a pupil to remain in school would seriously harm the education or welfare of the pupils or others in the school.

It is unlawful to permanently exclude for non-disciplinary reasons, for example:

- Reasons relating to additional needs or a disability
- Poor academic attainment or ability

- Failure to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. However, a pupil who repeatedly disobeys their teacher's academic instructions could be subject to permanent exclusion.
- Lateness or truancy
- Pregnancy
- Punishing pupils for the behaviour of their parents, for example where parents are unable or refuse to attend a meeting

Suspensions

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. This applies to the pupil, not the institution, therefore fixed-term suspension from previous schools count towards the 45-day total.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period.

Suspensions may not be given for unspecified periods, for example until a meeting can be arranged.

Meadowbrook College' obligation to provide education continues while the pupil is on roll and must be met during fixed term suspension.

At Meadowbrook College a formal restorative reintegration meeting either at the end of, or immediately following a fixed-period suspension will be held. This meeting will serve as a reintegration meeting with significant opportunity to review continued provision in relation to pupil needs, as such all key parties (Meadowbrook College representative, pupil and parent) should be present. In some cases it may be useful to include other agencies or representatives from their home school.

These meetings are most successful when focussed on how the pupil can succeed within school and how further suspensions or permanent exclusion can be avoided, identifying what both Meadowbrook College and the pupil can do to ensure success. (See Meadowbrook College Restorative Practice Handbook)

Continued serious breaches of the College's expectations may result in changes to timetable or provision. *see APPENDIX 1- Standard list of reasons for exclusions / suspensions*

Pupils with Education, Health and Care Plans and Children we Care for

Meadowbrook College staff should be especially sensitive to suspension or permanent exclusion issues where Looked After Children and pupils with EHCP's are concerned. Meadowbrook College should always try every practicable means to maintain pupils in provision.

If the fixed-term suspension is for 5 or more days, children with an EHCP should have an SEN review as part of the restorative meeting held. If deemed necessary, scheduling of an Early Annual Review may also be appropriate.

In all cases where Children We Care For are suspended or permanently excluded, anyone legally defined as a parent will have the right to make representations and appeal.

Who to Inform and When?

Parents

Parents should be notified immediately. Notification should be in person or by telephone as this would give the parents an opportunity to ask any initial questions or raise concerns directly. This should be followed up by a letter within one school day.

The Head Teacher should ensure that the information provided to parents is clear and easily understood. Where the parents' first language is not English consideration should be given, where practical, to translating the letter or taking additional steps to ensure that the details of the exclusion and their right to make representations to the governing board have been understood. See Appendix 2 and 3 - standard letters to parents

Agencies

A copy of the suspension or permanent exclusion letter must be shared with the Exclusions and Reintegration Team.

Social Workers and or the Virtual School should be consulted/informed of any suspensions immediately.

Exclusions and Reintegration Officers and where relevant, Social care, Virtual school and Special Educational Needs officers, should be consulted prior to the consideration of any permanent exclusions.

Local Authority and the Radcliffe Academy Board of Trustees

Without delay the Head Teacher must inform the Local Authority (Exclusions and Reintegration Team) and the Board of Trustees (Chair of Trustees cc'd to trustee for behaviour and exclusions) of:

- permanent exclusions (including where a fixed-period exclusion is followed by a decision to permanently exclude a pupil)
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term
- any exclusion which would result in the pupil missing a public examination or national curriculum test

Procedures for Review & Appeal

The Board of Trustees must consider the reinstatement of an excluded pupil within 15 school days of receiving notice of the exclusion if:

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

In the case of a Discipline Committee being convened. *Procedures are set out in part 6 of the DFE Exclusions guidance.*

If an appeal is applied for by a parent within the legal time frame, the Board of Trustees must arrange for an independent appeals panel hearing to review the decision of the Disciplinary Committee. *Procedures are set out in part 8 of the DFE Exclusions guidance.*

APPENDIX 1 - Standard list of reasons for suspension or permanent exclusion

This list provides descriptors for suspension or permanent exclusion, the main reason for suspension or permanent exclusion should be used on the electronic reporting form.

permanent exclusion should be used on the electroni	
 PP - Physical assault against pupil Includes: Fighting Violent behaviour Wounding Obstruction and jostling 	 PA - Physical assault against adult Includes: Violent behaviour Wounding Obstruction and jostling
 VP - Verbal abuse / threatening behaviour against pupil Includes: Threatened violence Aggressive behaviour Swearing Verbal intimidation 	 VA - Verbal abuse / threatening behaviour against adult Includes: Threatened violence Aggressive behaviour Swearing Verbal intimidation
BU - Bullying Includes: - Verbal bullying - Physical bullying - Cyber bullying or threatening behaviour online, - Racist bullying - Sexual bullying - Sexual bullying - Homophobic, biphobic and transphobic bullying - Bullying related to disability	 RA - Racist abuse Includes: Racist taunting and harassment Derogatory racist statements Swearing that can be attributed to racist characteristics Racist bullying Racist graffiti
SM - Sexual misconduct Includes: - Sexual abuse - Sexual assault - Sexual harassment - Lewd behaviour - Sexual bullying - Sexual graffiti DM - Damage Includes: - Damage to school or personal property belonging to any member of the school community - Vandalism - Arson - Graffiti	 DA - Drug and alcohol related Includes: Possession of illegal drugs Inappropriate use of prescribed drugs Drug dealing Smoking / vaping Alcohol abuse Substance abuse TH - Theft Includes: Stealing school property Stealing personal property (pupil or adult) Stealing from local shops on a school outing Selling and dealing in stolen property
 DB - Persistent disruptive behaviour Includes: Challenging behaviour Disobedience Persistent violation of school rules Raising of fire alarms falsely 	 OW - Use or threat of use of an offensive weapon or prohibited item Includes: Carrying or bringing into the school an offensive weapon / prohibited item such as knives, sharps or BB guns Carrying any article that has been or is likely to be used to commit an offence, cause personal injury or damage property Use of an offensive weapon
 LG - Abuse against sexual orientation and gender identity Includes: Derogatory statements about sexual orientation (e.g. heterosexual, lesbian, gay, bisexual) and gender identity (e.g. transgender) Homophobic, biphobic and transphobic bullying LGBT+ graffiti LGBT+ taunting and harassment Swearing that can be attributed to LGBT+ characteristics 	 DS- Abuse relating to disability Includes: Derogatory statements or swearing about a disability Bullying related to disability Disability related graffiti, Disability related taunting and harassment
 MT - Inappropriate use of social media or online technology Includes: Sharing of inappropriate images (of adult or pupil) Cyber bullying or threatening behaviour online Organising or facilitating criminal behaviour using social media 	 PH - Wilful and repeated transgression of protective measures in place to protect public health Includes: Deliberate breaching of protective measures such as (but not limited to): Non-compliance with social distancing Causing distress such as through purposefully coughing very near to other pupils or adults Deliberate breach of public health protective measures which the school has adopted.

APPENDIX 2 - Fixed period suspension of 5 days or less

Dear [Parents Name]

I am writing to inform you of my decision to suspend [Child's Name] for a fixed period of [period of suspension]. This means that [he/she] will not be allowed in school for this period. The suspension is for the period [dates if suspension].

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [Child's Name] has not been taken lightly. [Child's Name] has been suspended for this fixed period because [Reason for Suspension].

You have a duty to ensure that your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your [child's name] is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification as to why [name] was not at home.

You have the right to present your case about this decision to suspend [Name of child] to the College's Board of Trustees. If you wish to do so please contact Charlotte Hughes, Headteacher's PA, either by telephone: 01865 253198 or email: <u>chughes@meadowbrookcollege.org</u> as soon as possible who will contact the Clerk to the Trustees on your behalf. Whilst the Board of Trustees has no power to direct reinstatement, they must consider any existing evidence presented by yourself and may place a copy of their findings on your child's school record.

You should also be aware that if you think this suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal and/or make a claim to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Needs and Disability) 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU Email sendistqueries@hmcts.gsi.gov.uk Telephone 01325 289 350, https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability or the County Court in the case of other forms of discrimination. Making a claim would not affect your right to present your case to the Board of Trustees. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was suspended.

You also have the right to see and have a copy of [Name of Child]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of this. I will be happy to supply you with a copy if you request it.

You may wish to contact the local authority's Exclusion & Reintegration Team if you have any questions about the exclusion procedures on 01865 323 513 or by email <u>ERT@oxfordshire.gov.uk</u>.

You may also find it useful to contact: The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted at <u>http://www.childrenslegalcentre.com/</u>. The advice line to contact about education law is 0300 330 5485, it's open from 8am – 6 pm Monday to Friday.

SENDIASS (formerly parent partnership) offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities:

https://www.oxfordshire.gov.uk/cms/public-site/sendiass-oxfordshire-formerly-parent-partnership

or you can call 01865 810516 (term-time only), text 07786524294, or email sendiass@oxfordshire.gov.uk. or <u>schoolexclusions@nas.org.uk</u>),

or Independent Parental Special Education Advice (<u>http://www.ipsea.org.uk/</u>).

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2022' can be found at:

School suspensions and permanent exclusions - GOV.UK

Along with information and advice for parents:

https://www.gov.uk/school-discipline-exclusions/exclusions

We will be in touch with you to arrange a reintegration meeting. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Yours sincerely

Jacqui West

Headteacher

_Cc: Exclusion & Reintegration Team pex@oxfordshire.gov.uk

_APPENDIX 3 - Permanent exclusion letter template

[Parental Addressee]

[Address]

Date

Dear [Parental Salutation]

I regret to inform you of my decision to exclude [Student Name] permanently with effect from [Day and Date]. This means that [he/she] will not be allowed in this school unless [he/she] is reinstated by the College's Board of Trustees.

I realise that this exclusion may well be upsetting for you and your family but the decision to exclude [Student Name] has not been taken lightly. [Student Name] has been excluded permanently because I feel that to allow [Student Name] to remain in school would seriously harm the education or welfare of other students or staff in the school.

Specifically, on this occasion [Student Name] has been permanently excluded because [reason for exclusion].

You have a duty to ensure that [Student Name] is not present in a public place in school hours during the first five school days of this exclusion, from [dates] inclusive, unless there is reasonable justification for this. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if [Student Name] is present in a public place on the specified dates. It will be for you to show that there is reasonable justification.

Alternative arrangements for [Student Name]'s education to continue going forwards will be made. For the first five school days of the exclusion work will be provided for [Student Name] and I would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards – i.e. from [date] – the local authority, Oxfordshire County Council will provide suitable full-time education. You will be notified shortly by a further letter or by phone call from OCC.

I have also today informed the Exclusions and Reintegration Officer at Oxfordshire County Council of your child's exclusion and they will be in touch with you about arrangements for [Student Name]'s education from the sixth school day of exclusion. You can contact them on 01865 323513.

As this is a permanent exclusion the College's Board of Trustees must meet to consider it. The meeting must consist of at least three Trustees. At the meeting, you may make representations to the Trustees and you may wish to ask them to reinstate your child in school. The Trustees have the power to reinstate your child immediately or from a specified date; or, alternatively, they have the power to decline to reinstate you

child, in which case you may request an independent review of their decision by requesting an independent review panel.

The latest date on which the Trustees must meet is [15th day from exclusion]. We will endeavour to arrange the meeting at a date and time that is convenient for you to attend within this timeframe. If you wish to make representations to the Trustees and wish to be accompanied by a friend or representative please contact Charlotte Hughes, Headteacher's PA, on <u>chughes@meadowbrookcollege.org</u> or on 01865 253198 as soon as possible, who will contact the Clerk to the Trustees on your behalf. You will, whether you choose to make representations or not, be notified by the Clerk to the Trustees of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend or take part in the meeting.

The Trustees will ask for written evidence from the school in advance of the meeting (including witness statements and other relevant information held by the school such as those relating to a pupil's SEN) and will endeavour to circulate this information to you and all those who will be present at the meeting at least five school days in advance of the meeting. If you have any written evidence that you would like to submit to the Trustees, please send this to the Clerk to the Trustees, via Charlotte Hughes, at the earliest opportunity.

You may request that the local authority attend the meeting of the trustees as an observer; that representative may only make representations with the trustees consent. Where possible, the representative will prepare a statement based on the evidence pack circulated by the Clerk. You may wish to contact the local authority's Exclusion & Reintegration Team to discuss this or if you have any questions about the exclusion procedures on 01865 323513 or by email ERT@oxfordshire.gov.uk. Where possible, the local authority representative will prepare a statement based on the evidence pack circulated by the Clerk. The aim of this is to draw attention to issues where there is a lack of clarity, where more information may be needed or where it appears the DFE Exclusion Guidance has been ignored.

You should also be aware that, if you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal to First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is First-tier Tribunal (Special Educational Mowden Needs and Disability), Hall, Staindrop Road, Darlington, DL3 9BG (http://www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm) or the County Court in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see and have a copy of [Student Name]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [Student Name]'s school record. I will be happy to supply you with a copy if you request it. There will be a charge for photocopying.

You may find it useful to contact The Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 0008 or at http://www.childrenslegalcentre.com. The advice line is open from 8am – 8 pm Monday to Friday, except Bank Holidays and 24th December to 1st January.

SENDIASS (formerly parent partnership) offers impartial information, advice and support to parents of children and young people with special educational needs (SEN) and disabilities:

https://www.oxfordshire.gov.uk/cms/public-site/sendiass-oxfordshire-formerly-parent-partnership

or you can call 01865 810516 (term-time only), text 07786524294,

or email sendiass@oxfordshire.gov.uk.

The statutory exclusions guidance 'Exclusion from maintained schools, Academies and pupil referral units in England 2017' can be found at:

School suspensions and permanent exclusions - GOV.UK

Along with information and advice for parents:

School discipline and exclusions

Yours sincerely

Jacqui West

Headteacher

Cc: Exclusion & Reintegration Team pex@oxfordshire.gov.uk

Appendix 4 - Significant Incident Checklist

Date: Step	Student initials: Tick Completed	Notes
Check everyone is okay. Students Staff Do they need any time?		
Gather the details of w What are the facts? What happened? Where and when? Who was involved? Any injuries or immediate		
Inform Headteacher/AH Any further immediate act		
What else do we kn consider? Agency involvement? LAC/Virtual Schoo Social Care Police Home situation? Is the student DR? Any foreseen risk?		
Speak to Headteacher steps Police involvement? If considering suspension potential risks? Home/restorative visits? If considering a change of who needs to be involved	on, are there any timetable/provision,	
Check in with those incident Offer support if required Offer time	involved in the	

Finalise the incluent
Suspension letters sent out
Cancel any transport arrangements
Staff informed
Reintegration meetings arranged
- Invite parents
Consider inviting school if DR
- Who else needs to be invited?

Trustee Approval and Review Dates

This policy was updated in November 2023

The policy was approved by the Radcliffe Academy Education Committee on 1st March 2024. Approval is recorded in the meeting minutes

It is due for review by November 2024

Date	Author	Recommended Change	Approved by Trustees
17.11.20	вот	Policy rewritten	
5.3.21	NPa	Additional examples of 'Other' reasons for exclusion added	21.5.21
26.01.22	BOT	 DFE changes to exclusion codes added and deleted to appendix 1. Reference to the Sept 2021 updated Covid guidance page 2. Change of PA email on exclusion letters appendix 2 and 3. Appendix 4 - significant incident checklist 	17.06.22
19.10.22	CHu	Updated Appendix 2 to reflect 'suspension' as opposed to 'exclusion'	25.11.22
23.11.22	BOT	updated whole policy to reflect change in terminology of suspensions and reference 2022 guidance	25.11.22
23.11.22	вот	updated who to inform and when following suspension/exclusion	25.11.22
22.11.23	вот	updated guidance links and dates	1.3.24