

Exclusions and Suspensions Policy

Version 2

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Policy statement

Brighter Futures Learning Partnership Trust is fully committed to ensuring that all pupils/students access their full entitlement to a high-quality education, enabling them to thrive and succeed. To achieve this, all children have the right to learn in safe, orderly, and positive environments where their needs are met.

We have the highest concern for the safety and wellbeing of the pupil/students and staff in our schools/UTC, and we work hard to ensure that our ethos and environment supports their learning and success. Underpinning this policy is our commitment to empowerment, respect and care for all pupil/students and staff.

Measured and well considered use of suspension is an option open to our schools/UTC to establish longer term positive behaviour and the use of permanent exclusion, as a last resort, to get the correct support and provision for the child.

Purpose and intent

We articulate this policy outlining our use of suspensions and permanent exclusions in accordance with the [Department for Education \(DfE\) guidance – September 2023](#) and the Behaviour in Schools: Advice for Headteachers and School Staff February 2024

On occasion it is necessary to suspend a Pupil/Student/student either on a short term or exclude on a permanent basis in order to:

- maintain good order, manage site safety, uphold our values, and instil the highest standards of behaviour within our schools/UTC
- meet the immediate, short-term and longer-term needs of the suspended child
- ensure that the suspended child receives the most appropriate support and interventions leading to the right future pathway

The policy is supported by, and should be used in conjunction with, the school's/UTC's behaviour policy.

In addition to the DfE guidance (above), this policy should also be read alongside the following documents.

Trust Safeguarding and Child Protection / DfE Keeping Children Safe in Education / School's/UTC's Attendance policy / School's/UTC's SEND policy.

Roles and responsibilities

In meeting their statutory duties, trustees are responsible for ensuring that all Pupil/Students access their full entitlement to a high-quality education and, under the Equality Act 2010 and Children and Families Act 2014, that schools/UTC do not discriminate against, harass, or victimise Pupil/Students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. They are also responsible for ensuring that schools/UTC follow proper process with regard to exclusions for children with SEND, ensuring appropriate provision is in place.

Responsibility is delegated to the Local Governing Boards to ensure that these statutory duties are met in schools/UTC. Local governors should ensure that the decisions made by Headteachers/Principals are in line with all legislation and guidance in the best interests of the child and other children in the school, giving particular consideration to Pupil/Students under social care, those who are Looked After (or have been Looked After), or have Special Educational Needs and Disabilities.

The Trust Board and local governors have a duty to monitor suspensions and exclusions over time to ensure that the right climate is established in our schools/UTC, enabling all children to learn with appropriate application of this policy.

Use of suspensions and exclusions

Our Headteachers/Principals have the right to suspend or permanently exclude a Pupil/Student where there has been a serious breach or breaches of the behaviour policy and where, allowing the Pupil/Student to remain in the school/UTC, would seriously harm the education and/or welfare of the Pupil/Student or others in the local community. Examples might include, but not be exclusive to, physical or verbal assault of adults or children, sexual misconduct or threatening or aggressive behaviour, substance misuse, carrying a weapon, arson, bullying, online misconduct, or the persistent disruption of learning.

We recognise that excluding a child from their educational provision on site is a decision not taken lightly and careful consideration is given to each case, and in line with the principles of administrative law i.e. ***That it is lawful, reasonable, fair, and proportionate.***

Where suspension or exclusion is considered, the Headteacher/Principal takes the views of the Pupil/Student into account, along with their age, level of understanding, individual needs, and any contributing factors. We also carefully consider any safeguarding risk that might be relevant, consulting with social care or the Virtual

Schools Head (VSH) where appropriate. Exclusion is not considered a solution in itself and forms part of a provision of support for the child.

Any direction for a Pupil/Student not to attend school, even for a brief period, is a suspension / exclusion and formal processes are followed. Behaviour outside of school may be considered but we never suspend through an inability to meet the needs of child (for example due to SEND or disability).

In line with our values, we aim to make all possible adjustments to meet the needs of all Pupil/Students. However, we also recognise that some children may need a different provision. In all cases we make decisions in the best interests of the child and work in partnership with other agencies to ensure that children are supported in the right way.

If the suspension / exclusion results in the child missing exams or national curriculum tests, this should be carefully considered through consultation with governors and the Trust.

In all cases of a decision to permanently suspend, ***the respective Headteacher/Principal will consult with other staff which will include the CEO to ensure transparency***, proportionality and fairness in the decision-making process and follow up actions.

In all cases, the safeguarding duty of care extends to those children subject to a suspension and / or permanent exclusion. We adhere to the principle outlined in para 24 of the guidance; 'schools have a statutory duty to make arrangements for safeguarding and to promote the welfare of their Pupil/Students/Students'.

Suspension (fixed-term exclusion)

In all cases where a suspension or permanent exclusion decision is necessary it is the expectation in our Trust that the school/UTC Headteacher/Principal will make this decision and notify parents in writing. There may be rare occasions where this requires delegation to a Deputy Headteacher or Senior Leader, in the absence of the Headteacher/Principal for whatever reason.

Our Headteachers/Principals exercise their right to issue a suspension, which falls short of permanent exclusion, in accordance with section 3 'the Headteacher's power to suspend', up to a maximum of 45 days in each academic year.

Suspensions may be for part of the school day (e.g., lunchtime) but the legal requirement stipulates the duty to inform parents and this counts as a suspension of half a session (0.5).

We will continue to provide education including marking and feedback during the period of suspension and parents will be made clear of expectations for completion of work in the notification. Remote learning resources may be used, as appropriate, with necessary support to parents to enable children to access their learning. We continue to meet the needs of Pupil/Students with SEND through adjustments to the curriculum or through additional support for Pupils'/Students' parents with EAL.

Parents are responsible for the daytime supervision of children during the first 5 days of suspension. Should a single suspension last longer than this we will make arrangements for alternative education from the sixth day. The School/UTC will determine where this takes place. It is not necessary to provide education for suspended Pupils/Students in their final year of compulsory education who have completed all their public examinations.

Where a suspension takes the child **to above 5 and up to 15 days** in a single full term, the parent has the right to request a governor panel to consider the suspension(s). The governing body in this circumstance must consider within 50 school days whether to uphold or rescind the suspension.

Where a suspension takes the child **above and including 15.5** days of suspension in a full term, the governing body must meet to consider the suspension(s) within 15 school days of receiving the notice.

In *very* exceptional circumstances, a permanent exclusion *may* follow on from a suspension if the circumstances warrant it. This will be in cases where further additional evidence becomes known during the school's/UTC's investigation. In such cases, parents or carers will be notified in writing of the decision to permanently exclude the Pupil/Student, together with the reasons for doing so.

Lunchtime suspension

This is a suspension and is not to be used as a long-term solution to a behaviour problem. All formal processes are followed, and each lunchtime counts as half a day when calculating total number of days.

The School/UTC may decide to suspend a Pupil/Student from the premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other Pupil/Students and breaches the behaviour policy. When considering this suspension, Headteachers/Principals will take into account the benefits, the needs of the child, and any safeguarding risk that this may be present.

Schools/UTC will not invoke a lunchtime suspension for ***any period longer than a week***. If the problem persists, alternative strategies will be looked at to deal with managing the Pupil's/Student's behaviour. Pupil/Students who are entitled to free school meals will still be given this provision over their period of lunchtime suspension.

Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school /UTC only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, situations in which the decision to permanently exclude on the first offence is justified. ***The use of all the strategies must be monitored by the Local Governing Board and reported in the Trust.***

It may be necessary for the school/UTC to involve the police if the offence warrants it. All permanent exclusions will be reviewed by a panel. **The panel may be made up of representatives from the Local Governing Board, Trustees and/or governors from another school/UTC within the Trust, to ensure that the Headteacher's/Principal's decision was lawful, reasonable, and fair.** The Headteacher/Principal can withdraw an exclusion that has not yet been reviewed by the panel. It is important that governors monitor where exclusions are withdrawn.

In all cases, the local authority and the Trust must be informed of the permanent exclusion and the school/UTC subsequently follows the Trust protocol in preparing documentation and notification to parents.

Off-rolling and the deployment of Trust strategies to support improvements in behaviour

We ensure that removal from roll is done in accordance with legislation. As such the following are adhered to in order to ensure that off-rolling does not happen:

- **managed moves:** we only transfer Pupil/Students to another school with the agreement of the parents and the receiving school - *if it is in the best interests of the child*. Children will be dual rolled and the recipient schools will be responsible for all behaviour management and any suspensions if required. A formal agreement should be signed by the child and the parents stating their commitment to the recipient school's/UTC's behaviour policy. The managed move transfer is the joint responsibility of the Headteachers/Principals of both schools involved. At the end of the review period if the managed move has been successful, the child will move permanently onto the roll of the recipient school/UTC. If this is not the case and the child has acted in a way contrary to the school behaviour policy, the school/UTC will remove its consent for the placement and the child will return to the home school. During the placement, the 'home school' will be informed of all behaviour events. ***The use of a managed move may be used as evidence of a graduated response but will not affect the Headteacher's/Principal's right to permanently exclude. A managed move is sometimes used if a Pupil/Student is at risk of permanent exclusion.***

- **alternative provision:** we do not move pupil/students into alternative provision to prevent them from being counted in the January census. However, if appropriate we will work with parents/carers to source provision if appropriate and affordable.
- **home schooling:** we do not coerce parents to educate at home as the only alternative to permanent exclusion. We only support home-schooling if supported by the Local Authority.
- **unlawful exclusions:** we never suspend or exclude a pupil/student for reasons *other than behaviour or using a process that isn't in line with statutory guidelines*.
- **direction-off site** is different from a managed move as it is time limited and can be done without the consent of the parents. Schools/UTC will notify parents in writing that their child will be directed off site. The notification will be communicated to **parents not less than two days before the child is due to start alternative provision**. The school/UTC will advise parents of the address of the new provision, the number of days the child will be directed off site, the times at which they are expected to attend, the reasons for and objectives of directing the child off site and the name of the person they should report to. **All directions off site should be reported into the Trust on the same day the decision is made. The placement will be reviewed, and parents will be invited to a formal review meeting.**

Roles and responsibilities

All staff must:

- create positive and orderly environments within classrooms and across the school/UTC.
- provide effective support for pupils/students with a focus on early intervention, **implementing the behaviour policy consistently and fairly at all times**.
- work in partnership with colleagues and other professionals to meet the needs of pupil/students
- provide learning materials and feedback during a suspension, making appropriate adaptations where necessary for individuals.
- offer to meet with parents/carers where there are unresolved concerns

Headteachers/Principals will:

- adhere to the guidance as set out in parts 1-5 *of 'Suspensions and Permanent Exclusion Guidance'*.
- develop and maintain positive cultures where appropriate support is provided to children based on their needs, enabling them to access their learning
- issue suspensions and exclusions in line with this policy **as set out in Appendix A of this policy**, following all statutory requirements and in line with Behaviour Policy, always acting in the best interests of the child. ***As indicated previously, the Deputy Headteacher may make this decision in the absence of the Headteacher/Principal after discussion with the Trust.***
- consider all relevant information, taking the needs and views of the pupil/student, and safeguarding issues, into account when making a decision. Headteachers/Principals must ensure that the safety and welfare of the child is given the highest priority at all times.
- if a pupil/student has a social worker, or if a pupil/student is looked-after, without delay, and no later than three days after their decision, notify the social worker and/or Virtual School Head (VSH), as applicable
- notify the local authority, without delay of suspensions and exclusions **regardless of the length of a suspension**
- communicate the contents of this policy, alongside the school's/UTC's Behaviour Policy and local appendix to parents and pupil/students, ensuring that all stakeholders are clear of expectations both in and beyond the school/UTC
- inform parents of their right to make a representation following an exclusion
- establish effective partnerships with partners and other agencies with a focus on early help and intervention to provide support and minimise suspensions / exclusions
- provide well-planned and supportive reintegration in line with guidance, involving parents, children, and other professionals

Trustees, Governing Boards and clerks will:

- follow all protocols around their duty to consider an exclusion, as outlined in parts 6-8 of the guidance.
- when pupils/students have been suspended for any more than 15 days, including 15.5 days, in a term, consider reinstatement within **15 school days**
- consider the reinstatement of a pupil/student, ensuring the clerk is present to make a record of the discussion, which should state clearly how decisions have been reached (paragraph 122)

- ensure, through delegation to the Headteacher/Principal, that children who have been suspended receive a suitable education that facilitates their successful reintegration into education or meets their long-term needs
- allow access to remote meetings when requested by parents or in the event of unforeseen or extraordinary circumstances (such as flood, fire, or outbreak of infectious disease)
- conduct the meeting in person, where these extraordinary circumstances do not apply, and parents/carers do not request a remote meeting
- if applicable, enable social workers, virtual school heads (VSH) and other relevant professionals to join the meeting remotely even if the meeting is held in person
- in the event of the above, confirm that all the participants have access to the technology which will allow them to:
 - hear o speak o see
 - be seen
 - participate fully
 - hold a fair and transparent meeting
- with the support of the Clerk to Trustees, appoint a Chair of each panel, ensuring that the person has suitable experience and training to fulfil the role.

Trust Safeguarding Leads and SENDCOs will:

- maintain an up-to-date knowledge of all national statutory requirements in suspensions and exclusions, ensuring that all settings are fully compliant across the Trust
- provide support and guidance to executive and senior leaders to ensure policy is implemented successfully into practice
- through strategic groups, share and build on best practice to create the best possible learning environments for our children and young people
- monitor suspensions and exclusions across the Trust, ensuring that best support is provided to our most vulnerable pupil/students and that decisions are made in the best interests of children

Students/Pupils will:

- follow the school's/UTC's behaviour policy, seeking support where necessary.

- show respect and courtesy towards all members of the school/UTC and local community and expect this for themselves in return
- in response to a suspension and upon return to the school/UTC, receive and engage with additional behavioural and learning support according to their individual need

Parents/Carers should:

- uphold the school's/UTC's expectations for behaviour, always supporting positive conduct
- support and the school/UTC with children's behavioural challenges
- engage with the school/UTC at all stages of the suspension / exclusion process including attendance at a reintegration meeting convened by the Headteacher/Principal
- communicate concerns with the school/UTC as soon as possible and advise staff of any significant changes to a child's home circumstances which may impact on a child's well-being
- have the right to request a remote panel meeting, although an in-person meeting remains the default position
- be aware of, and read, the latest guidance on behaviour and exclusions for parents released in September 2023

Alternative strategies

We will always use suspensions and exclusions as a last resort and recognise the importance of developing wider strategies for support. Such strategies may include some, or all of those listed below. This is not an exhaustive list:

Mediation

If there is a conflict between two or more pupils/student, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil/student.

Restorative justice

This strategy is dependent on the cooperation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. Our aim is for the offender to

redress the harm that they have done, learn from their mistakes and to provide closure for those who have been harmed.

Internal exclusion

If a pupil/student needs to be removed from a lesson that is in progress, or in a social situation, because they are displaying disruptive behaviour, it may be necessary to place that pupil/student elsewhere in the school/UTC. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil/student from the school/UTC site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Looked-after children and working with the local authority.

We understand that looked-after children and young people may be more susceptible to having behavioural problems due to additional pressures they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every means of keeping them in school/UTC. Before any decision to suspend or permanently suspend is made, the school/UTC will (as appropriate):

- consult the LA (Local Authority) and the child's social worker about alternative options to support a looked-after Pupil/Student
- work with the foster carer to improve the pupil's/student's behaviour.

Pupil/Students with Special Educational Needs or a Disability (SEND)

Our SEND provision and commitment to inclusion is outlined in the school's/UTC's Special Educational Needs and Disability Policy found on the respective school's/UTC's website. Our schools/UTC work hard to include pupil/students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEND. Our schools/UTC will try every practical alternative to exclusion - including the established graduated response, reasonable adjustments, and inclusion strategies - but there **may be some cases where** it cannot be avoided.

Notification of the Local Disciplinary Committee decision

The outcome of the Local Governing Disciplinary Committee meeting will follow the DfE guidance outlined in Appendix B:

The Disciplinary Committee (also known as the Exclusions Panel) will be drawn up from members of Local Governing Boards and Trustees as and when required.

Removing a permanently excluded Pupil/Student from the school/UTC roll

The Local Disciplinary Committee must ensure that a pupil's/student's name is removed from the admissions register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the Pupil/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.

Note: Where an application for an independent review panel has been made within 15 school days, the school/UTC must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's/student's name from the register.

Independent Review Panels

We recognise that part of the exclusion process may involve referral to an Independent Review Panel (IRP).

The IRP contribute will scrutinise the panel's decision to ensure that exclusions are lawful, reasonable, and procedurally fair. The Trust will organise such reviews when requested in accordance with the statutory guidance.

We acknowledge that our Local Governing Boards / Local Disciplinary Committees must review their decision to suspend if directed by the IRP.

Confidentiality and GDPR

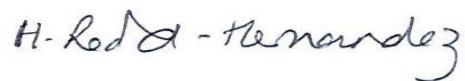
Our schools/UTC will deal with all cases of exclusion and the surrounding circumstances confidentially. In accordance with GDPR expectations, information will be shared only with those who need to know.

Review

This policy will be reviewed in the Autumn term 2025 or when statutory guidance is renewed.

Policy Agreed: July 2024 (Version 2)

Signed CEO of BFLPT – Helen Redford-Hernandez:



Date: July 2024

Signed – Chair of BFLPT – Pippa Dodgshon



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Policy to be reviewed: July 2025

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Appendix A Exclusion procedures

A.1 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to suspend or permanently suspend is made.

When the decision to formally suspend is made, the Headteacher/Principal (or in absentia other designated persons) will:

- inform parents / carers that an investigation is taking or has taken place
- ensure that the school/UTC has undertaken a fair investigation
- consider all the evidence available
- reserve the right to internally isolate / remove the Pupil/Student from mainstream lessons until the evidence and investigation has been completed
- ensure that the Pupil/Student has access to learning whilst the investigation takes place
- encourage the Pupil/Student to give his or her version of events

and may, when appropriate:

- consider the school's/UTC's behaviour protocols and all other relevant policies including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Local Disciplinary Committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews, and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible

A.2 Recording and notifying the decision to suspend

All suspensions / exclusions will be in accordance with the statutory guidance part five: *'The Headteacher's (Principal's) duty to inform parties about a suspension / exclusion'*.

The Headteacher/Principal (or in absentia another designated senior member of staff) will contact the parents or carers of the Pupil/Student immediately once the decision has been made to suspend / suspend. This notification must include:

- the reason(s) for the suspension or permanent exclusion
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the school/UTC governing board (in line with the requirements set out in paragraphs 95 to 105 of the guidance) and how the Pupil/Student may be involved in this
- how any representations should be made
- when there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents have, or a Pupil/Student if they are 18 years old has, a right to attend a meeting

The suspension / exclusion will be reported to the respective local authority and to the Trust.

A.3 Reviewing suspensions and exclusions

The Department for Education (DfE) has made the rules around cancelling suspensions/exclusions clearer in the revised guidance.

Headteachers/Principals can now cancel or rescind exclusions that have **not started yet**, whereas previously they could only cancel suspensions/exclusions that had already begun, provided the governing board have not already met to consider whether the Pupil/Student should be reinstated.

The Local Disciplinary Committee will review all suspensions that take a child to 15.5 days or above in any one full term, and all permanent exclusions adhering to section 7 of the statutory guidance.

In addition to parents and carers, the Pupil/Student concerned will be encouraged to attend if they are able to fully understand the proceedings. We believe that Pupil/Students/Students should be encouraged to take part in the review process and get an opportunity to be listened to. This may increase the chance of a positive behaviour pattern emerging in the future.

Parents who want to challenge or undertake a review of the exclusion may contact the respective Local Governing Board.

Contact details of individual Local Governing Boards are available on the respective school's/UTC's website.

Appendix B Local Disciplinary Committee procedures

Upholding the exclusion

If the Local Disciplinary Committee finds that the exclusion decision was lawful, reasonable, and fair, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the Pupil/Student outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and the reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEND expert to attend the independent review panel
- the right to have a representative at the independent review panel at the parents' own expense
- that any allegation of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.

Reinstating the Pupil/Student

If the Local Disciplinary Committee decides that the decision to suspend was not lawful, reasonable, or fair considering the evidence and the duties of the Headteacher/Principal, the Local Disciplinary Committee must reinstate the pupil/student immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil/student receives appropriate education whilst remaining on the school/UTC roll. This will include a reintegration interview with the Headteacher/Principal and parent or carer on school/UTC grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the pupil's/student's academic records along with any relevant papers.

In adherence to the statutory guidance, parents will be notified of the outcome of the Local Disciplinary Committee review meeting in writing.