



# The GORSE Academies Trust Permanent Exclusions and Suspensions Policy 3 – 16 year olds

<b>Designated Person:</b>	Executive Principals
<b>Reviewed by:</b>	GORSE Executive
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## Permanent Exclusions and Suspensions Policy

### 1. AIMS

- 1.1 The GORSE Academies Trust (GORSE) believes that all students and staff have the right to enjoy a safe and positive learning environment where students are encouraged to be self-disciplined and have due regard for authority and each other.
- 1.2 GORSE aims to ensure:
  - Students feel safe and can develop academically, morally and socially
  - Guidelines are in place in terms of how unacceptable behaviour will be managed
  - The suspension and permanent exclusions process is understood by governors, staff and parents/carers
  - The suspension and permanent exclusions process is applied fairly and consistently
- 1.3 GORSE has a responsibility under the Education and Inspections Act 2006 to:
  - Promote amongst students, self-discipline and proper regard for authority
  - Encourage good behaviour and respect for other on the part of students and, in particular, preventing all forms of bullying among students
  - Secure acceptable standards of student behaviour
  - Secure compliance from students in completing tasks reasonably assigned to them in connection with their education
  - Regulate the conduct of students
- 1.4 The Trust aims to ensure compliance with statutory legislation, guidance and regulations, including:
  - Education Act 2002, as amended by the Education Act 2011
  - School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
  - Education and Inspections Act 2006
  - Education Act 1996
  - 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
  - Department for Education guidance 'School suspensions and permanent exclusions for maintained schools, academies and pupil referral units in England, including pupil movement' September 2022'
- 1.5 GORSE has duties under the Equality Act 2010 and Children and Families Act 2014 to:
  - Eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act
  - Advance equality of opportunity between people who share a relevant protected characteristic and people who do not
  - Foster good relations between people who share a relevant protected characteristic and people who do not share it

## 2. THE DECISION TO SUSPEND OR PERMANENTLY EXCLUDE

- 2.1. The Positive Discipline Framework is GORSE's approach to encouraging good behaviour and recognises that exclusion will be used as a sanction only in very serious matters.
- 2.2 Suspension or Permanent Exclusion may be considered:
- Following a single significant incident
  - Following a series of lesser incidents, whether related or not, which demonstrate a pattern of behaviour contrary to the standards and expectations of GORSE
  - Where allowing the student to remain at the Trust establishment would seriously harm the education or welfare of the student or others within the Trust establishment
- 2.3 Only the Principal, or a person acting with the Principal's authority, can suspend or permanently exclude a student.
- 2.4 Before deciding whether to suspend or permanently exclude a student, the following will be considered:
- The age and state of health of the student
  - The student's previous record at the Trust establishment
  - Any mitigating factors which are unique to the student and may be taken into consideration in relation to the behaviour
  - Any external pressures, e.g. peer pressure, which may have contributed to the behaviour
  - Whether the suspension or permanent exclusion would be a proportional sanction given the severity of the behaviour and/or the frequency of its occurrence and the potential for further occurrences in the future
  - Whether the behaviour impaired or will impair the normal functioning of the student or other students in the Trust establishment
  - Whether the behaviour contravenes one or more of the rules outlined in the Trust establishment's Positive Discipline Framework
  - Whether the behaviour was the act of a single student or the act of a group of students
  - Whether additional support from external agencies may be appropriate
  - Whether the suspension or permanent exclusion would be a suitable response to a student with SEND or who is a Child Looked After
  - Whether the student and their behaviour can be accommodated without the use of suspension or permanent exclusion
  - In addition to strategies regarding initial intervention to address a student's behaviour, a Principal will also consider the use of alternative provision or managed moves as preventative measures to avoid an exclusion
- 2.5 GORSE has a duty to ensure that any suspension is reasonable, proportionate and legal.
- 2.6 In all circumstances the decision to suspend or permanently exclude a student will be taken following an investigation and where the Principal, or a person acting with the Principal's authority, is satisfied that on the balance of probabilities, the student behaved in such a way that no other alternative sanction is available other than to exclude them.
- 2.7 When a student is suspended from the Trust establishment, they will still receive their entitlement to education. As such work will be provided for students to complete during the

first five days of their suspension, which will be marked for students. Each Trust establishment will use the means they feel most appropriate to provide work for students to complete.

- 2.8 For suspensions of more than five school days, the Principal (or Local Authority in cases of permanent exclusions) will arrange and confirm the provision of suitable alternative full-time education to begin no later than 48 hours before the sixth day of exclusion.
- 2.9 Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days, the Principal will take reasonable steps to ensure that work is set and marked for the student.
- 2.10 In the case of a child looked after, attempts will be made to arrange alternative provision from the first day following the suspension. Where it is not possible, or not appropriate, to arrange alternative provision during the first school day, the Principal will take reasonable steps to ensure that work is set and marked for the student.

### **3. DUTY TO INFORM**

- 3.1 The Principal/Nominated person will verbally inform the parents/carers of a suspension or permanent exclusion without delay, and will provide the following information in writing within 2 school days:
  - The reason(s) for the suspension or permanent exclusion
  - The duration and nature of the suspension or permanent exclusion and the student's expected return date
  - How the education provision will be delivered to the student during their suspension or permanent exclusion, including procedures for setting and marking work
  - That parents/carers are legally required to ensure the student is not present in a public place during school hours
  - Information about the right of parents/carers to make representations about the suspension or permanent exclusion to the Local Governing Body
- 3.2 Without delay, the Principal will notify the Local Authority of:
  - A permanent exclusion
  - Any suspension regardless of the length of the suspension
  - Suspension which would result in a student missing a public examination
- 3.3 Without delay, the Principal will notify the Local Governing Body of:
  - A permanent exclusion
  - A suspension of more than five school days in a term
  - Suspension which would result in a student missing a public examination
- 3.4 For a suspension or permanent exclusion relating to a child who has involvement with Children Social Work Services or has involvement with a Social Worker, the Principal/Nominated person will inform the social worker without delay.

- 3.5 For children who are in Local Authority Care who have been suspended or permanently excluded from the Trust establishment, the Principal/Nominated person will notify the Virtual School Headteacher, without delay.

## 4. CONSIDERING REINSTATEMENT

- 4.1 All cases of permanent exclusion or suspension amounting to over 15 days in a term, and suspensions that would result in a student missing a public examination must be reviewed by the Exclusion Review Committee within 15 school days of receiving the notice of the suspension or permanent exclusion. This panel will consist of 3 Governors from within academies of GORSE.
- 4.1.1 Parents/Carers can request a meeting be held remotely, such as via Teams. This should not be the default position and face-to-face meetings should be encouraged. Governors must agree to holding the meeting remotely if it has been requested correctly. All relevant stakeholders must be invited to join the meeting, as they would if was a face-to-face meeting.
- 4.2 If a student is suspended for between 6 and 15 school days in a single term, the Exclusion Review Committee will consider the reinstatement of a suspended student only if requested to do so by parents/carers. This meeting should take place within 50 school days of receiving notice of the suspension.
- 4.3 Where a suspension would result in a student missing a public examination, the Exclusion Review Committee must consider the reinstatement of the student before the date of the examination. If this is not practicable, the Chair of Governors may use the emergency powers for Chair's action to review the suspension alone.
- 4.4 The parents/carers and the Principal/Nominated person must be invited to the meeting and be allowed to make representations. If the student has a social worker or are looked after, the student's social worker or Virtual School Headteacher must be invited to make representations. Where possible, all documents to be used in evidence should be distributed to all parties at least 5 school days before the meeting.
- 4.5 Minutes will be taken of the meeting, and a record of the evidence considered kept. The outcome will also be recorded on the student's record. If the meeting is to be recorded, this would only be for the purposes of assisting with the minutes and will not be shared with any other parties, including those present in the hearing. Once the minutes are agreed, the recording will then be deleted. This will be explained to all present at the hearing at the beginning of the meeting.
- 4.6 For suspensions totalling 5 or fewer school days in any one term, the Committee will consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with the parents/carers.
- 4.7 In reaching a decision, the Committee will consider whether the suspension 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

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the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend and can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

4.8 If reinstatement is not practicable – because the student is already back or because the parents/carers do not want it – the review panel must consider the representations made by the Trust establishment and parents/carers, and decide whether or not the exclusion was justified. If the Committee find the suspension was not justified, the suspension will be removed from the student's record.

4.9 Where legally required to consider reinstatement (those identified in section 4.1) the Exclusion Review Committee will notify, in writing, the Principal, parents/carers, the Local Authority, the student's social worker and/or Virtual School Headteacher of its decision, along with reasons for its decision, without delay. Where the student resides in a different local authority, the students' 'home authority' must also be informed.

4.10 The decision of the Exclusion Review Committee is final for all suspensions.

## 5. INDEPENDENT REVIEW

5.1 If the Exclusion Review Committee decline to reinstate a permanently excluded student, parents/carers can apply for an independent review and GORSE will arrange for an independent panel to review the decision. The panel must consist of representation from the following groups:

- 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
- Current or former school governors (of a maintained school, members of a PRU management committees and directors of academy trusts) who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during that time
- Headteachers or individuals who have been a headteacher within the last five years

5.2 Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Exclusion Review Committee of its decision to not reinstate a permanently excluded student. Applications outside of this timeframe must be rejected.

5.2.1 Parents/Carers can request a meeting be held remotely, such as via Teams. This should not be the default position and face-to-face meetings should be encouraged. Governors must agree to holding the meeting remotely if it has been requested correctly. All relevant stakeholders must be invited to join the meeting, as they would if was a face-to-face meeting.

5.3 The independent review panel must begin within 15 school days of the application being made by the parents/carers.



- 5.4 The independent panel will decide one of the following:
- Uphold the decision of the Exclusion Review Committee
  - Recommend that the Exclusion Review Committee reconsiders reinstatement
  - Quash the decision of the Exclusion Review Committee and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
  - Decline to reinstate the student, or
  - Direct the reinstatement of the student immediately, or on a particular date
- 5.5 The Exclusion Review Committee, the parents/carers and the Principal should be invited to the hearing and informed of their entitlement to make representations. Where possible, all documents to be used in evidence should be distributed to all parties at least 5 school days before the hearing.
- 5.6 The clerk will ensure that the decision of the Panel is communicated, in writing, to all parties without delay.

## **6. RECONSIDERING REINSTATEMENT**

- 6.1 Where the Independent Review Panel directs or recommends reconsideration, the Exclusion Review Committee must reconvene within 10 school days of notice of the decision.
- 6.2 There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting. Clear minutes will be taken of this meeting as a record of the evidence that was considered. These minutes will be made available to all parties on request.
- 6.3 The Committee must notify the parents/carers, the Principal and the Local Authority of their reconsidered decision, and the reasons for it, in writing without delay.

## **7. REINTEGRATION FOLLOWING EXCLUSION**

- 7.1 Following a suspension or reinstatement, a reintegration meeting will be held involving the student, parents/carers, a member of senior staff and/or other pastoral staff, where appropriate.
- 7.2 At this meeting, the following measures will be discussed in relation to the student's return in order to form a reintegration strategy to support the student in their return to school. The aim of this meeting is to address the issues which led to the student receiving a suspension and to establish a fresh start for the student on their return to the Trust establishment:
- Agreeing acceptable student behaviours
  - Student monitoring
  - Internal isolation
  - Communication between the Trust establishment and parents/carers

- 7.3 During a reintegration meeting, the member of senior staff and/or other pastoral staff should communicate to the student that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible, this meeting should include the student's parents.
- 7.4 Students should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.
- 7.5 The reintegration strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
- 7.6 A part-time timetable should not be used to manage a student's behaviour and must only be in place for the shortest time necessary. Where a part-time timetable is used, the Trust establishment has agreed to a student being absent from school for part of the week or day, therefore, this must be treated as authorised absence.

## **8. Rescinding/Withdrawing a Permanent Exclusion or Suspension**

- 8.1 The Principal may rescind or withdraw any permanent exclusion or suspension that has already begun, but this should only be done where it has not yet been reviewed by the Local Governing Body.
- 8.2 If this occurs, the Principal/Nominated person should notify the parents, Local Governing Body and Local Authority. If relevant the Virtual School Headteacher or Social Worker should also be notified.
- 8.3 Parents/Carers should be offered the opportunity to meet with the Principal/Nominated person to discuss the circumstances that led to the suspension/Permanent exclusion being rescinded/withdrawn.
- 8.4 The Trust establishment must report to the Local Governing Body once per term on the number of suspensions/permanent exclusions which have been rescinded/withdrawn. This should include the circumstances and reasons for the cancellation enabling the Local Governing Body to have appropriate oversight.
- 8.5 The student should be allowed back into the Trust establishment without delay.

## **9. RELATED POLICIES**

- 9.1 This Permanent Exclusions and Suspensions Policy is closely linked to The GORSE Academies Trust 'Positive Discipline' Framework.
- 9.2 This policy should be read in conjunction with the Department for Education guidance 'School suspensions and permanent exclusions for maintained schools, academies and pupil referral units in England, including pupil movement' September 2022. All decisions



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about permanent exclusions or suspensions must be made with reference to this guidance, which outlines statutory responsibilities.

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