



Suspensions and Exclusion Policy

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Ratified by the Trustee Board	November 2022

Exclusion Policy

I Aims /Rationale

Horsforth School promotes positive behaviour through the Positive Behaviour (PB) systems, through Character and Personal Development, Attitude to Learning Scores, high expectations both in and out of the classroom, through the rewards and sanctions pyramids, through examples set by adults and student role models.

Learning that there are consequences to inappropriate behaviour is an important aspect of education and the Positive Behaviour policy has clear sanctions for when the school's expectations are not met.

There are occasions when it is necessary and appropriate to suspend students from main school for a fixed period of time or in very rare cases, permanently exclude. In most cases a suspension will be the last resort and after a range of interventions have been tried to improve student's behaviour and engender a sense of personal responsibility.

Permanent Exclusion is viewed as the strongest sanction possible and is available to the school only through the authority of the Headteacher. A decision to exclude a student from school should be taken only:

1. In response to serious breaches of the school's behaviour policy. This may be a result of ongoing behaviour problems or for a first or 'one-off' offence. These may include:
 - Serious actual or threatened violence against another student or a member of staff.
 - Sexual abuse or assault.
 - Supplying an illegal substance; or the possession of an illegal substance, or intoxication on site.
 - Carrying an offensive weapon.
2. If allowing the student to remain in school could seriously harm the education, safety or welfare of the student or others in the school.

The purpose of this policy is to clarify the mandatory guidance and procedures for suspensions and permanent exclusions for the benefit of parents/carers, staff, trustees and students so as to ensure a consistent and fair process for all concerned.

This exclusion policy with outlined procedures complies with the statutory guidance from the Department for Education (DfE), updated in September 2022. As such, this policy supersedes all other school-level handbook or policy statements as relate to exclusions.

All parties involved in exclusions, including the schools Leadership Team, parents, the Trustees, and Independent Review Panels, must have regard to the statutory guidance. This policy outlines the key principles, roles and responsibilities around suspension and exclusion to ensure that all exclusion proceedings are conducted in line with statutory guidance.

2 Context

We are committed to the following:

- Ensuring every child has the right to an education.
- Ensuring learners can learn and teachers can teach in a safe and supportive environment.
- Ensuring good discipline so that all students can benefit from the opportunities provided by education.
- Ensuring that disruptive behaviour is challenged and addressed.

- Early identification of students with behaviour issues and early intervention.
- Support plans and bespoke packages to help students with complex behaviour needs to prevent suspension or exclusion.
- Working closely with parents and carers to recognise where early help or support from external agencies might be of benefit to prevent suspension, further suspension or to support those deemed at risk of permanent exclusion.

3 Evaluation

This policy will be evaluated annually by the Trustee Board of the Governing Body to ensure it is still fit for purpose. Circumstances may require more frequent modifications.

4 Authors

This policy has been reviewed and updated by SAN in September 2022.

5 Procedures

Procedures to support this policy are attached as follows:

Appendix 1	Suspension and Permanent Exclusion Procedures, Roles and Safeguarding
Appendix 2	Strategies for the Prevention of Exclusion
Appendix 3	Circumstances for removing students from school
Appendix 4	Information for Parents and Carers
Appendix 5	Reintegration Meeting Proforma

Appendix I:

Suspensions and Permanent Exclusions Procedures, Role and Safeguarding

Exclusion can only be for a breach of a school's behaviour policy, which must be published on the school's website and proactively shared with students and parents. It is important that all students understand the school's expectations of behaviour and the consequences for non-compliance with school policy.

There are two types of exclusion: suspension and permanent.

Suspensions must only be given for disciplinary grounds and must always be processed and recorded as a formal exclusion. This includes any short period of time when the pupil is excluded, such as lunchtimes or being sent home early. There is a maximum limit of 45 school days in an academic year for suspensions.

Permanent exclusions may be in response to persistent breaches of the behaviour policy **or** for a one-off serious breach of the behaviour policy, **and** where allowing the student to remain in school will be detrimental to the education and/or welfare of the student and/or others at the school. Permanent exclusion must be a last resort, and the Headteacher must consider alternative arrangements, where appropriate such as a managed move, before permanently excluding any student.

The law does not allow for extending a period of suspension or 'converting' a suspension into a permanent exclusion. In exceptional circumstances, such as cases involving a serious breach of the behaviour policy where additional evidence (including mitigating evidence) is required before making a decision, the school may issue a suspension pending investigation. Following investigation, the school may issue a further separate suspension to begin immediately after the first suspension ends **or** a separate permanent exclusion to begin immediately after the end of the suspension.

The Headteacher may cancel an exclusion that has not yet been reviewed by the Trustee body. When an exclusion is cancelled, the parents, trustee body, LA(s) and, if relevant, the pupil's Social Worker and/or Virtual School Headteacher must be notified without delay. The parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancelled exclusion.

The Right to Education

All students of compulsory school age have a right to full time education and schools remain responsible for the education and welfare of all pupils on their roll up to the point when they are formally removed.

For any suspension involving a student who is a Looked After Child, the school and Local Authority must work together to arrange alternative provision from the first day of suspension and document the provision of suitable education on the pupil's Personal Education Plan (PEP).

For all other students, the school must set work, and have it marked, for the first five days of suspension. Online provision such as Google Classroom or Oak Academy can be used but schools should ensure the work set is accessible and achievable for the student and they have the necessary equipment, such as a laptop. From day six onwards, alternative provision must be arranged. For permanent exclusion, the students' home local authority is responsible for arranging this and for suspensions, the school is responsible. Schools must carefully assess and monitor the quality of the alternative provision and ensure appropriate safeguarding measures are in place.

Safeguarding

Schools have a statutory duty to safeguard and promote the welfare of their students and must have regard for the statutory guidance Keeping Children Safe in Education. Where an suspension coincides with an ongoing safeguarding investigation or serious concern it is important that decisions regarding the duty to provide an education are made alongside the duty to safeguard and support children. This is particularly important in cases of child-on-child abuse and allegations of sexual violence and assault. In these circumstances, the school's Designated Safeguarding Lead (or Deputy) should undertake the appropriate risk and needs assessments and take a leading role, supported by other agencies, to ensure the welfare and best interests of the child come first. Where children have Social Workers, school will liaise with Children Social Work Services in all matters regarding suspensions and exclusions.

Equalities Legislation

Under the Equality Act 2010, students must not be discriminated against, victimised or bullied because of protected characteristics. This includes ensuring that policies and practices do not discriminate by unfairly increasing a student's risk of suspension or exclusion. Students with Special Educational Needs and Disabilities (SEND) are particularly at risk of this, and the school will be proactive to make reasonable adjustments to policy and practice, where needed, to avoid discrimination.

Reintegration

Suspension is a disciplinary mechanism available to schools and should be used to improve behaviour. School will support students to successfully reintegrate into school life following a suspension and has a reintegration strategy involving a meeting with parents and students to discuss the impact of their behaviour, interventions and support plan to help them meet behaviour expectations in the future and have a fresh start. The strategies or plan should be discussed with the student at the reintegration meeting at the beginning of their return to school. This will be reviewed and adapted over time. Students will not be prevented from returning to school if their parent is unable to attend a reintegration meeting but the student will not access all lessons until this takes place.

The Headteacher's Role in Exclusions

Only the Headteacher or acting Headteacher may suspend or exclude a student, and only for disciplinary reasons.

The Headteacher will ensure that the school's behaviour policy is regularly reviewed, considering the views of stakeholders including students, parents, staff and trustees, and that it is published on the school website. Schools must also ensure that students understand the expectations within the behaviour policy and the potential consequences for non-compliance. This goes beyond publishing the policy on the website and should include proactive work with students to secure their understanding.

Where an excluded student has SEND, the school must demonstrate that they have met the requirements of the SEND Code of Practice. This includes relevant assessments to determine whether disruptive behaviour could be caused by underlying unmet needs, and a range of provision and support put in place to meet any need. If a student has an Education, Health and Care Plan (EHCP) and they are at risk of permanent exclusion, the school should request an emergency EHCP review.

Where any pupil has received multiple suspensions or is approaching the legal limit of 45 school days of suspension in an academic year, the school should consider whether exclusion is providing an effective sanction. Schools should engage with all preventative measures that are appropriate and available before excluding students and consider interventions set out in the DfE Behaviour in Schools (September 2022) guidance.

Permanent exclusion should only be used as a last resort either where a single incident is so serious there is no alternative available or in the case of multiple incidents where all alternatives have been considered and all strategies to change behaviour have failed. It must also be demonstrated that allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

Duty to Inform All Relevant Parties

Parents/carers must be informed **without delay** of the length and type of suspension or exclusion, the reason(s) for exclusion and of their right to make representations to the trustees. Initially, and ideally this notification should be by telephone so the parent can ask questions if needed and then followed by a letter. If all communication fails via phone on day one, the school will email parents and put all information needed in writing and send a text. In all circumstances, the parent/carer must be informed in writing **before the afternoon period of the first day of exclusion**, regardless of the duration of suspension/exclusion. Formal letters with attached exclusions guidance for parents, which are compliant with current statutory regulations will always be sent home to parents. Students over 18 must be informed in writing and have the right to appeal on their own behalf.

Schools have a duty of care for the welfare of all students and so must advise parent(s)/ carer(s) of an exclusion *prior* to the pupil being sent off-site.

Where alternative provision will be arranged from day 6, parents must be informed of the start date, name and address of the provider, start and finish time, and name of the person the student should report to on the first day. **This information must be provided at least 48hrs before the provision is due to start.**

Schools must inform the LA of any suspension or permanent exclusion **without delay** in writing, and confirm the type and length of exclusion, start date, reason for exclusion, dates when pupil must not be present in a public place and alternative provision arrangement

In the case of permanent exclusion, if the school's LA is different to the pupil's home LA, they must also be informed **without delay**.

Social Worker and Virtual School Headteachers

If a student has a Social Worker (SW) they should be notified **without delay** of the student's period of suspension and reason for it. If the suspension or exclusion requires review by the governing body, the SW should be informed of the review meeting date and invited to attend, if they wish to do so.

If the student is a Looked After Child (LAC), the LA has a corporate parent role and the school should notify the Virtual School Headteacher (VSH) of the student's period of suspension and reason for it **without delay**. Alternative provision must be in place for an excluded LAC student from day 1 and the VSH can provide advice and support for this. If the exclusion requires review by the governing body, the VSH should be informed of the review meeting date and invited to attend, if they wish to do so.

If the student is previously looked after (PLAC) the VSH can provide advice and information on request but there is no requirement to notify them of the exclusion.

Reporting and Recording Exclusions

Schools must follow statutory guidance to ensure the relevant parties are informed when a student is permanently excluded. They must also ensure all exclusions are recorded on the school's Management Information System (SIMS) and that the Trustees are informed of any occasions when a trustee review panel is required. Data on suspensions, permanent exclusions and pupil moves must also be reported to Trustees in the Headteachers Report at the Trustee meetings. Staff and Trustees must comply with all

relevant data protection requirements when processing, sharing and storing personal data as part of the exclusions process.

Review of the Decision to Exclude

For any suspension and exclusion, parents/carers have the right to make their representations to trustees. The type and duration of exclusion determines the process and timeframe for trustee review.

- i. All permanent exclusions **must** be reviewed by a panel of Trustees **within fifteen school days** of the exclusion being issued.
- ii. Suspensions, of any duration, that would result in a student missing a public examination or national curriculum test **must** be reviewed by a trustee panel **as soon as practically possible and at maximum within fifteen school days**. In exceptional circumstances, the Chair of Trustees may review the exclusion on behalf of the trustee body.
- iii. Suspensions that result in a student being excluded for more than fifteen days in one academic term **must** be reviewed by a panel of trustees **within fifteen school days** of the exclusion being issued.
- iv. *If requested by the parent/carer*, a suspension of six to fifteen days must be reviewed by a trustee panel **within fifty school days** of the exclusion being issued.
- v. *If requested by the parent/carer*, for a suspension of five or fewer days, a panel of Trustees **must consider any representations made by the parent/carer but do not have to meet to do so.**

A trustee panel will usually be constituted of three trustees and the school's clerk to trustees will be the panel clerk. One trustee on the panel will be designated as the Chair of the meeting and, in the event of a request for external independent review (see section below entitled *Independent Review Panel*), will represent the panel at that independent review meeting. The Headteacher cannot be a member of the panel.

Members of the panel must be impartial, unprejudiced, have taken no previous part in the specific case, and have no personal interest in its result. As standard practice, Headteachers must not discuss individual exclusions with members of their trustee body as cases may be referred to them for review.

A trustee review panel may either **decline to reinstate the pupil** (upholding the Headteachers decision) or **direct reinstatement of the pupil**. The panel cannot convert one type of exclusion into another, for example; they cannot 'downgrade' a permanent exclusion into a suspension.

Where relevant, additional parties may be invited to attend the trustee review meeting to provide context and background information for trustees, such as the student's SW, VSH and Horsforth Children Services representative. The parent and student must always be invited to attend the review meeting, and reasonable adjustments should be made to encourage their attendance. Parents may be accompanied, on request, by a friend or representative.

After the trustee review hearing, the Clerk will inform the parties in writing of the outcome, with reasons for the trustee's decision. Decisions are communicated as soon as possible, and every attempt is made to do this within 5 working days.

Standard of Review and Evidence

At all stages in the exclusion process, from the Headteachers initial decision to the independent review panel, the civil standard of a 'balance of probability' is used when considering facts and evidence. This has a lower threshold than the criminal standard of review, 'beyond all reasonable doubt'.

The Headteacher or governing body must ensure that all parties have an opportunity to make their representations and have their views heard before any decision is made. It is important that the evidence presented demonstrates this or gives a reasonable explanation for why another party's views are not available.

Review Meetings

All evidence and meeting paperwork should be distributed to all parties at least five working days before the hearing. In exceptional circumstances and at the discretion of the Chair, new evidence may be introduced at the hearing however all parties must be given reasonable time to review it.

No party should be in the presence of trustees unless the other party is also present. Both the school and parents/carers should enter and leave the review meeting at the same time and must not have any private discussion with trustees before the meeting or until after trustees have reached a formal decision.

Independent Review Panel

If a permanent exclusion is upheld, parents/carers must be informed of their right to seek an independent review of the trustee's decision and the deadline for seeking such a review.

They also have the right to request the attendance of a SEND expert at the Independent Review Panel meeting. The request for an independent review panel must be submitted within fifteen school days from receiving the review panel's decision.

The school will engage the services of an external clerk to clerk the Independent Review Panel. The independent review is normally attended by the Headteacher and Chair of the original trustee meeting. The clerk of the trustee review meeting may attend but plays no formal part in proceedings. On occasion it may be considered appropriate for the school to have legal representation. This will be arranged by HR.

The Independent Review Panel cannot direct a trustee body to reinstate a pupil. It may:

- a) uphold the exclusion;
- b) recommend that the trustee body reconsider its decision; or
- c) quash the original trustee body's decision and direct them to reconsider its decision.

In the latter case, the Independent Review Panel will usually order that the school must make a payment to the Local Authority of £4,000 if it does not offer to reinstate the student.

Parallel police proceedings

The Headteacher does not have to delay issuing an exclusion if criminal proceedings are also being conducted. The decision is on the balance of probability (*not* beyond all reasonable doubt) and is made on the evidence available to them so if this is sufficient to issue the exclusion they may do so. The trustee body must not delay a hearing beyond the statutory time limit because of police proceedings and must make a decision on the balance of probability based on the evidence available to them at the review meeting. If a permanent exclusion is upheld in these circumstances, the parent has 15 days to request an independent review in the normal way.

Other relevant legislation and guidance

The principal legislation, guidance and regulations to which this guidance relates is:

- 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;
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England (July 2022);
- Working together to improve school attendance. Guidance for maintained schools, academies, independent schools, and local authorities (Sept 2022)
- SEND code of practice: 0 to 25 years
- Special Educational Needs and Disability Regulations 2014 (Part 4)
- Equality Act (2010)

Appendix 2: Strategies for the Prevention of Exclusion

The behaviour and attitude of our students is tracked and monitored carefully. Parents/carers are always contacted where the school has concerns around the escalation of behaviour before the students hit the “at risk” stage. We try our best to engage all parents in supporting the school’s discipline and behaviour policy at an early stage and provide interventions at phase 4-6 so as to prevent exclusions (phase 7-10).

Where support has not worked or a need has not been met and a student is deemed to be at risk of a suspension or permanent exclusion, pastoral support interventions will be put in place.

Examples of school based support/intervention and outside agency support:

School Based Support/Intervention	External Agency Support
Amber or Red report	Alternative provision
Mentoring	Cluster referral
Leadership Team coaching	School around the Child
Personal Support Plan (PSP)	Common Internal Record (CIR) an assessment used for outside agency support
Lockdown	Managed move
Lunchtime Inclusion	Police intervention
Target setting	Youth Offending Service (YOS)
Attitude to learning (ATL) Report	Forward Leeds involvement
Change of subject or class	Educational Psychologist Referral
Challenge groups	External Early Help Support
Change of form	Family Support, Parenting support via Horsforth Children Services
Weekly Parent meetings	Mindmate referral or support to access SEMH support
Personal Role/job/ ambassador role	NWAIP intervention and outreach work
Sports Mentoring	SEMH PANEL
Revised Timetable	SEMH strategies
Behaviour Contract	Intense nurture and work with SEND team
HCS Referral	1:1 mentoring and bespoke support plan
Early Help Plan (EHP)	Referral for drop down sessions
IBP – individual behaviour plan	LINK referral
Parent Panel	
Academic Panel	
SEND Support, Learning Support Mentor	

Appendix 3: Circumstances for removing students from school

We may have to remove students from mainstream lessons and/or the main school building to either the medical room, LINK, Bungalow, or the inclusion unit for:

- For medical reasons (after consultation with parent/carer) should a student's presence on site pose a serious risk to the Health & Safety of others, this is **not** classified as exclusion. This will be an authorised absence.
- For breaches of school's rules on appearance or uniform – this is an authorised absence and parents/carers will be notified. The school will work in partnership with parents/carers to remedy such issues so as to help the student re-join mainstream classes as quickly as possible within an agreed time frame. Decisions will be subject to child's age, vulnerability, parent's availability.
- A student who is suspected of having an offensive weapon, in possession of illegal drugs or alcohol, or being under the influence of drugs or alcohol will be refused entry to school. Parents/carers will be informed. The student will need to agree to a search and questioning. If that student refuses to co-operate this is an unauthorised absence.

Appendix 4: Information for parents/carers on Exclusion

Suspension: when a student is excluded to home from the school for a fixed amount of time (including exclusions during lunchtime).

Permanent exclusion: when a pupil is permanently barred from the school premises.

Alternative provision: This refers to the education arrangements made for suspended/excluded pupils to continue to have a suitable, full-time education whilst they are excluded from school or cannot attend school for another reason. In some circumstances, alternative provision will be used where a child has not been excluded, including alongside mainstream or special education, or for a placement to address poor behaviour, as a support package or address an educational/medical need.

For what reasons can the school exclude my child?

There is no list of set behaviours for which we can or cannot exclude a student, the decision to exclude lies with the Headteacher. The Headteacher can only exclude a pupil for a disciplinary reason (e.g. because their behaviour violates the school's PB behaviour policy). The school will not and cannot, for example, exclude a student for academic performance/ability, or simply because they have additional needs or a disability that the school feels it is unable to meet. The Headteacher can exclude for behaviour outside of school, or for repeatedly disobeying academic instructions.

Can the school send my child to be educated elsewhere?

The Headteacher has the power to send a student to another education provider at a different location to improve their behaviour without the parents having to agree. Horsforth School also uses managed moves, in which we transfer a student to another school for a fixed amount of time— usually with a view to this being a permanent move, if it is successful. Parents must agree for the managed move to take place. The School cannot force a parent to remove their child permanently from the school or to keep their child out of school for any period of time without formally excluding.

Can a school ask me to collect my child/send my child home early without following the formal exclusions process?

'Informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are not allowed, even if they are with the agreement of parents. The school will not do this.

Any exclusion of a student, even for short periods of time, or that day, must follow the formal process including being formally recorded as exclusion. Any fixed-period exclusion must have a stated end date.

Further Advice and Information

Statutory guidance on exclusions can be found on: www.gov.uk/government/publications/school-exclusion and www.education.gov.uk/schools/pupilsupport/behaviour/exclusion

For further support, you may wish to contact Leeds Special Educational Needs and Disability Advice Support Service (SEND IAS) on: 0113 3951 200 or at www.leedssendiass.co.uk. In addition you can also contact the Children's Legal Centre. They provide free and impartial information on exclusion and other state education matters. They can be contacted on 0808 802 0008 or on www.childrenslegalcentre.com. The advice line is open from 8.00 a.m. to 8.00 p.m. Monday to Friday.

Appendix 5: Reintegration proforma

Reintegration Meeting Proforma

(to be used following a high level off -site Exclusion or Suspension)

Name:

Date:

Physical assault against pupil Article 19 (Protection from all forms of violence): Children have the right to be protected from being hurt and mistreated, physically or mentally		Persistent or general disruptive behaviour Article 28: (Right to education): All children have the right to an education,	
Physical assault against adult		Theft Article 16 (Right to privacy): Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.	
Verbal abuse/threatening behaviour against pupil Article 19 (Protection from all forms of violence)		Drug related/alcohol related/tobacco related Article 33 (Drug abuse): Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.	
Verbal abuse/threatening behaviour against adult		Sexual misconduct Article 34 (Sexual exploitation): Governments should protect children from all forms of sexual exploitation and abuse	
Bullying Article 19 (Protection from all forms of violence)		Damage to school or personal property Article 29 (Goals of education): The convention should also help them learn to live peacefully, protect the environment and respect other people.	
Use or threat of use of an offensive weapon or prohibited item		Racist abuse Article 2 (Non-discrimination): The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. No child should be treated unfairly on any basis.	
Abuse against sexual orientation and gender identity (for example LGBT)		Abuse relating to disability	
Damage		Inappropriate use of social media or online technology	

Re-integration Meeting

Return Date:

Time of Meeting:

Student Name:

Signature

Parent/Carer:

Signature student:

Meeting with SSO/SLT/HT

Targets to meet to meet expected behaviour standards:

1.

2.

3.

Support/Actions agreed by the school:

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Monitoring Report to

Other factors to review/support reintegration:

Have we/do we need to: (add details as necessary)

- ✓ Completing re-integration form which outlines targets and support for the student to reduce the risk of reoffending.

- ✓ Consideration of planning an IBP, PSP, SATC, EHP, referral onto outside agencies.

- ✓ Consideration of a referral to the school counsellor or cluster

- ✓ Plan a restorative meeting, when appropriate, with staff or students

- ✓ Go on report card to pastoral/senior staff as appropriate

- ✓ Time in inclusion or LINK if appropriate

- ✓ A risk assessment, if required

- ✓ SEND input, email KLM and ABR.

Other: