

Magdalen Court School

SUSPENSION AND EXCLUSION POLICY

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Suspension and Exclusion Policy

To be read in conjunction with the Schools Behaviour Policy and the DfE's Suspension and Permanent Exclusion September 2023 guidance.

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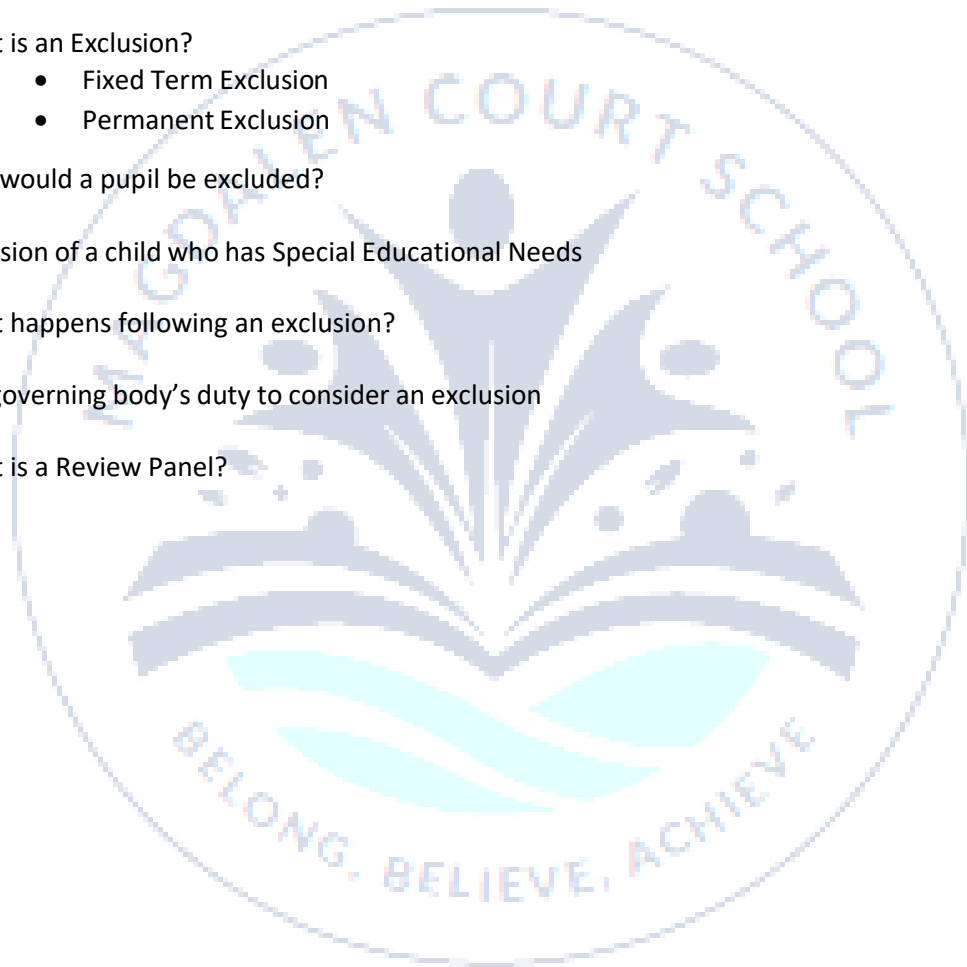
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Introduction

Magdalen Court School believes that behaviour should be addressed proactively not reactively and that pupils should be treated as individuals with respect and dignity. Magdalen Court School believes that pupil's behaviour will be much improved when they have high self-esteem. It is important that children are respected for who they are as well as what they can do, that they are listened to and taken seriously, praised when appropriate and shown by verbal and appropriate physical contact that they are liked and valued.

Note: If a pupil is 18 or over, they should be involved in the process.

Why would a pupil be excluded?

It is important to state that Magdalen Court School only considers exclusion as a last resort and tirelessly works with pupils, parents, and partners to support all pupils and parents/carers.

A decision to exclude a pupil permanently should only be used as a last resort and taken:

- in response to serious or persistent breaches of the school's behaviour policy;
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion. This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.
- Physical assault against a pupil*
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

Exclusion of a child who has Special Educational Needs

There are certain factors that should be taken into consideration for children who display disruptive behaviour that is as a result of their Special Educational Need (SEN). Schools engage proactively with parents in supporting the behaviour of pupils with additional needs by:

Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place and what more could be done, including the use of a multi-agency assessment and review.

The decision to exclude a pupil must be lawful, reasonable, and fair. Schools have a statutory duty under the Equality Act 2010 not to discriminate against pupils on the basis of protected characteristics, such as disability.

Exclusion criteria

Sometimes a pupil's behaviour will lead to a period of exclusion from school.

This option would only be instigated when we felt that we could not guarantee the safety of the pupil involved and the safety of other pupils and staff. Our Exclusion Policy should be read in context with the individual school's behaviour policy.

During the time in which a pupil is excluded from the school – the school and associated partners will focus on adapting provision if possible – developing processes and risk assessments if possible – to support a successful re-integration of the pupil into school.

The school will work in partnership with the parents and the LA - through interim review of the pupils EHCP to clearly identify any specific pupil need that is not able to be met within the school placement.

What is an Exclusion?

Exclusion is a disciplinary sanction, and means that a pupil is not allowed on the school premises for the duration of the Exclusion. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently.

There are two types of Exclusion:

- Fixed-Term Exclusion (suspension)
- Permanent Exclusion

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.

Note: A permanent exclusion cannot be cancelled if a pupil already has been excluded for more than 45 school days in a school year or if they will have been so by the time cancellation takes effect.

Suspension (Fixed-Term Exclusion)

The school must inform the parents/carers (or pupils aged 18 or over) explaining the reasons for the exclusion and how long it is to last.

For the first five days, the school will provide suitable full-time education for the pupil. If the exclusion is for more than five days, the school must make arrangements for alternative education for the pupil, as from the sixth day.

During the exclusion, the pupil must not be in a public place during school hours and the parents are responsible for the whereabouts of the pupil.

On returning to school, there will be a re-integration meeting, in which all those concerned can discuss the best way forward for the pupil.

Parents may have a right to challenge the exclusion through written representation to the Trustees. Parents may also request a meeting with the Trustees. The Trustees may then decide whether or not to reinstate a pupil and if the Headteacher's decision to exclude was justified based on the evidence.

Permanent Exclusion

For the first five days, the parents are responsible for the pupil's whereabouts and he/she must not be in a public place during school hours. For the first five days, the school should set activities and provide resources for the pupil.

An assessment of the pupil should be undertaken by the Local Authority, so that a long-term re-integration plan for a new placement can be devised.

The Local Authority must arrange suitable full time education for the pupil to begin no later than the sixth day of the exclusion. The Local Authority must ensure that an appropriate full time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

The Trustees will meet to decide whether or not to reinstate a pupil and if the Headteacher's decision to exclude was justified based on the evidence.

Parents and the pupil will have an opportunity to present their point of view, regarding the exclusion. At that meeting the members of the LGB/Trust Board will either uphold the exclusion, or reinstate the pupil.

Lunch time Exclusion

If a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The requirements relating to the Headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions count as half a school day.

The school cannot extend a suspension or 'convert' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Offsite Behaviour

The Headteacher may consider suspension or permanent exclusion of a pupil due to their behaviour outside of the school premises. This includes but is not limited to:

- Taking part in an school organised or school related activities

Any decision must be reasonable, fair and proportionate.

Cancellation of suspensions/ exclusions.

The Headteacher can cancel exclusions that have not yet started (or one that has not yet begun).

When an exclusion is cancelled the Headteacher must notify without delay;

Parents /carers or pupil (if they are 18 or older)

The Local Authority

The Pupils Social worker (where relevant)

The Virtual School Head (where relevant)

The Headteacher must provide all parties with the reason for cancellation and offer parents, without delay, the opportunity to discuss the circumstances that led to the cancellation.

The same reintegration support will be offered to a pupil whose exclusions has been cancelled , as it would be to any pupil who has been excluded or suspended.

What happens following an exclusion?

Whenever the Headteacher excludes a pupil of compulsory age they must, without delay, notify parents of the period of the exclusion and the reasons for it. In addition, the Headteacher must also notify the parents, Trustee Board and Local Authority of:

- a permanent exclusion (including where a fixed period exclusion is made permanent);
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Exclusions which would result in the pupil missing a public examination or national curriculum test.

The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.

The 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.

If a pupil has a social worker, or if a pupil is looked-after, the headteacher must , also without delay after their decision, notify the social worker and/or VSH, as applicable.

The notification to the parents/carers should include:

- Their rights to make representations to the Trustee Body
- How recommendations should be made
- When the pupil is expected to return to school (with fixed period exclusions); and
- With a permanent exclusion, the date, any relevant previous history and arrangements for setting and marking work.

The Trustee Board duty to consider an exclusion

The Trustee Board has a duty to consider parents' representations about an exclusion. The Trustee Board 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 exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it would result in a pupil missing a public examination or national curriculum test.

When the Trustee Board is considering reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should clearly state how decisions have been made.

If a pupil would be excluded from school for more than five school days, but not more than 15, including 15.5 days, in a single term, the Trustee Board must consider the reinstatement of an excluded pupil. (para 101 footnote 58 on Pg 32 Suspensions and Exclusions Guidance)

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, the Trustees must consider any representations made by parents, but it cannot direct reinstatement as it does not have the power to overturn the headteacher's decision and is not required to arrange a meeting with parents when meeting to consider reinstatement.

Remote Access to governing body meetings and independent review panels.

Meetings will still be planned to be conducted in person as this is seen as best practice, however parents and carers can now request that a meeting be held via the use of remote access. Headteachers must inform parents and carers of their right to make a request for a remote meeting when notifying them of the exclusion.

Meetings can also be remote in unforeseen or extraordinary circumstances for example school closure due to ;

- Fire
- Flood
- Infectious illness/ disease

Note that where these circumstances don't apply and parent/ carers don't request a remote meeting, then the meeting must be held in person.

If the Trustee Board uphold the Headteachers decision to exclude, they must inform the parents/carers in writing without delay of:

- The reasons for their decision.
- The parents/carers right to appeal to an Independent Review Panel (IRP).

- That an application should set out the grounds of appeal (including reference to how the pupils SEN are relevant) and the date by which an application for a review must be made (within 15 school days of receiving the Trustees' decision).
- Where and to whom an application should be submitted.
- The parents/carers right (regardless of whether the pupil has recognised SEN) to appoint a SEN expert to attend the review, the details of the role of the SEN expert and their right to appoint someone (at their expense) to make written and/or oral representations to the IRP.
- The parents/carers right to submit a claim under the Equality Act 2010 to the First-Tier Tribunal (Special Education Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination, if they believe that there has been unlawful discrimination in relation to the permanent exclusion. Any claims must be lodged within six months of the date on which the discrimination is alleged occurred.

The review panel will constitute of at least three members, a lay member to chair the panel.

Following the review, the IRP can decide to:

- Uphold the Trustees boards decision not to reinstate
- Recommend that the Trustee board reconsiders reinstatement; or
- Quash the Trustees board's decision and direct that the governing board reconsiders reinstatement.

Condition for a remote meeting

Trustee bodies and arranging authorities should;

- Confirm that all participants have access to the technology that will allow them to

Hear
See
Speak
Be Seen

- Make sure all participants will be able to participate fully.
- Make sure that the remote meeting can be held fairly and transparently.

If the Trustee body or arranging authority aren't satisfied that a remote meeting can be held fairly and transparently then they should consult with parents/ carers to decide how a face to face meeting can be arranged.

If technical issues occur and they cannot be resolved, arrange a face to face meeting without delay.

Social workers and virtual school heads can join remotely even if the meeting is held in person as long as they can contribute effectively.

Legislation and Policy

This policy should be read in the context of the following guidance:

- Behaviour in Schools guidance;
- **Keeping Children Safe in Education;**
- Mental health and behaviour in schools;

