

Llangrove CE Academy



'From Little Acorns Great Oaks Grow'

"A tree is known by the kind of fruit it bears." – Matthew 12 v33.

"Keep your roots deep in Him and your lives built on Him." – Colossians 2:7

Achievements Creativity Opportunity Resilience Nurture Service

School Suspensions and Permanent Exclusions Policy

2021-2022

Next Review Due: September 2022

Llangrove CE Academy Suspensions and Permanent Exclusions Policy

Ethos

We nurture each pupil so that they can make the most of their God-given gifts and skills and be fruitful members of the community.

Vision

To be the best we can be for every child; keeping them safe, happy and equipped to achieve their full potential.

Growing together in knowledge, wisdom and faith. We are centered upon the love and teaching of Jesus. We inspire children to grow in the knowledge of God and his world, and to live in wisdom and faith. We nurture each pupil so that they can make the most of their God-given gifts and skills and be fruitful members of the community. Our Christian character impacts upon the achievement of each child in its widest sense, including the academic and personal development of all learners, together with their well-being and spiritual, moral, social and cultural development. In partnership with parents, carers and our wider community we are committed to providing an inspirational education and environment that nourishes all children's need.

At Llangrove CE Academy we aim to ensure that every member of the school community feels valued and respected, and that each person is treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all.

Introduction

We do not wish to exclude any child from school, but sometimes in exceptional circumstances this may be necessary. The school has therefore adopted the standard national list of reasons for exclusion, and the standard guidance, *Exclusion from maintained schools, academies and pupil referral units in England September 2017*). We refer to this guidance in any decision to exclude a child from school. This was updated on the 10th September 2021. **Fixed term exclusions are now termed suspensions.**

It is the policy of Llangrove CE Academy, and all HMFA schools, to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of suspension or permanent exclusion. (See Behaviour Policy).

- Only the Head Teacher has the power to exclude a child from school.
- A suspension may be carried out by a member of the senior management team but only after consultation with the Head Teacher.
- The Head Teacher may suspend a child for one or more fixed periods, for up to 45 days in any one school year. However, individual suspensions should be for the shortest time necessary, bearing in mind that suspensions of more than a day or so make it more difficult for the pupil to re-integrate into the school. In all cases work must be set and marked.
- In extreme and exceptional circumstances, the Head Teacher may exclude a child permanently. It is also possible for the Head Teacher to convert a suspension into a permanent exclusion, if the circumstances warrant this.

Suspension and Permanent Exclusions

Suspensions must not be decided in the heat of the moment unless there is an immediate risk to the safety of others in the school or the pupil concerned. A decision to suspend a child should be taken only:

- In response to serious breaches of the school's Behaviour Policy.
- Once a range of alternative strategies have been tried and have failed (unless the breach of behaviour policy is extreme).
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or other pupils.

Before reaching a decision the Head Teacher must:

- Consider all the relevant facts and firm evidence to support the allegations made, and take into account the school's policy on equal opportunities.
- Allow the pupil to give their version of events.
- Check whether the incident appeared to be provoked by racial or sexual harassment.
- If necessary, consult others, being careful not to involve anyone who may later take part in the statutory review of their decision, e.g. a member of the Governors' Pupil Discipline Committee.
- When establishing the facts in relation to a suspension the Head Teacher must apply the civil standard of proof and not the criminal standard of "beyond reasonable doubt". This means that if something is more likely than not to have occurred ("on the balance of probabilities") then the standard is met.

Suspensions should **NOT** be used for:

- Minor incidents such as failure to do homework or to bring dinner money in.
- Poor academic performance.
- Lateness or truancy.
- Breaching school uniform policy, including hairstyle or wearing jewellery.
- Punishing pupils for the behaviour of their parents, for example, by extending a fixed period exclusion until the parents agree to attend a meeting.

If the Head Teacher excludes a child, he informs the parents immediately, giving reasons for the exclusion. At the same time, the Head Teacher makes it clear to the parents that they can, if they wish, appeal against the decision to the governing body. The school informs the parents how to make any such appeal.

When a child is suspended or permanently excluded, the school must, without delay, provide parents with the following information in writing:

- the reasons for the exclusion
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- the parents' right to make representations about the suspension or permanent exclusion to the governing body
- how any representations should be made
- where there is a legal requirement for the governing body to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend

The school must also notify the pupil's parents of the actual school days on which they must ensure that their child is not present in a public place at any time during school hours. Parents who

fail to comply with this duty without reasonable justification commit an offence and may be given a fixed penalty notice or prosecuted.

School will provide work for pupils up until the fifth day of any suspension. If a child is suspended for more than five days i.e. six or more, on the sixth day the school must arrange suitable full-time education. This provision must begin no later than the sixth school day of the exclusion. HMFA schools carry out this legal obligation by having a reciprocal agreement with other schools within the federation. A Teaching Assistant is provided to attend the host school with the suspended pupil.

The Head Teacher informs the Local Authority (LA) about any permanent exclusion and about any suspensions (by returning a copy of the suspension/permanent exclusion letter via anycomms).

The school may hold a reintegration meeting with the pupil and their parents/carers as the pupil comes back to school. The purpose of the reintegration meeting will be to support the pupil in order that further suspensions are not necessary.

The school will initiate a Pastoral Support Plan for any child who is considered to be at risk of suspension and an Early Help Assessment may also be considered if necessary. The school will work actively with the Herefordshire Local Authority Inclusion Manager (Telephone: 01432 383321 & Email: socialinclusion@herefordshire.gov.uk) taking into consideration a Managed Move or Managed Transfer if appropriate.

Llangrove CE Academy would consider permanent exclusion only as a very last resort. Permanent exclusion would only be considered for serious breaches of the school's behaviour policy when all other options had been exhausted.

Governing Body

The Head Teacher must, without delay, notify the governing body of:

- a permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil)
- suspensions which would result in the pupil being excluded for more than five school days in a term
- suspensions which would result in the pupil missing a public examination or national curriculum test

The governing body itself cannot either suspend/permanently exclude a child or extend the suspension period made by the Head Teacher.

The governing body has a discipline committee, which includes the Chair of Governors and the Pastoral & Wellbeing governor. The committee will consider any suspension or permanent exclusion appeal on behalf of the governors. When an appeal panel meets to consider suspension they consider the circumstances in which the child was suspended, consider any representation by parents and the LA, and consider whether the child should be reinstated. If the governors' appeals panel decides that a child should be reinstated, the Head Teacher must comply with this ruling.

When convening and holding an exclusion appeal panel the Governors will refer to guidance set out in *Exclusion from maintained schools, academies and pupil referral units in England* (September 2017) [Exclusion from maintained schools, academies and pupil referral units in England](https://publishing.service.gov.uk) (publishing.service.gov.uk)

Temporary arrangements applying to suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022

[Changes to the school suspension and permanent exclusion process during the coronavirus \(COVID-19\) outbreak - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/changes-to-the-school-suspension-and-permanent-exclusion-process-during-the-coronavirus-covid-19-outbreak)

All suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates) are subject to temporary arrangements with regards to the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels. This is a contingency measure should there be any further public health restrictions to limit the spread of COVID-19 that might make it difficult for meetings to be held in person within the normal statutory timescales.

Governing boards and independent review panels (IRPs) who have a duty to meet to discuss a suspension or permanent exclusion that occurs between 25 September 2021 and 24 March 2022 (inclusive), must ensure that any such meeting takes place within the normal statutory timescales described in the statutory guidance [Suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England](#).

If the deadlines are missed because of COVID-19, the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).

Governing boards and IRPs should:

- facilitate remote access meetings where it is not reasonably practicable to meet in person
- consider the [actions for schools during the coronavirus \(COVID-19\) outbreak](#)

A permanent exclusion should be taken as having 'occurred' on the first day of the permanent exclusion.

Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.

Conducting remote meetings

For suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates), meetings of governing boards or IRPs should be held via remote access if:

- it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to COVID-19 and the governing board, or arranging authority for IRPs, is satisfied that:
 - all the participants agree to the use of remote access
 - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
 - all the participants will be able to put across their point of view or fulfil their function
 - the meeting can be held fairly and transparently via remote access

The governing board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place.

Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions.

When determining if it is practicable to meet in person, the governing board or arranging authority should assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants, as far as this is possible
- the latest public health guidance, including the [actions for schools during the coronavirus outbreak](#)

Arranging a remote access meeting

The governing board or arranging authority should explain the technology they propose to use and make sure that the participants, particularly pupils and their families, know that they do not have to agree to a meeting to be held via remote access.

Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.

Governing boards, arranging authorities and panel members must:

- comply with relevant equalities legislation
- recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language

The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required. For example, governing boards and arranging authorities may wish to run a 'test meeting' to trial if technology that is going to be used is suitable.

If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

Fairness and transparency

The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.

If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and pupils to take account of their wishes.

Running the meeting

If a meeting is held via remote access, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.

The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging authority must appoint one and cover the cost as normal. Parents may be joined by a friend or representative as normal.

Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants, governing boards and IRPs must:

- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact with any questions they may have beforehand
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting
- ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any 'chat' functions should be used
 - whether there will be any breaks in proceedings
 - how participants can access advocacy services during the meeting

Applications for an independent review

The deadline for applications for an independent review has been reinstated to normal statutory timescales (15 days) in relation to permanent exclusions occurring from 25 September 2021. Applications for an independent review must be made within 15 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.

Schools must allow 15 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 (as amended).

The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 remains 25 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.