

St Augustine's Academy



Suspension and Permanent Exclusion Policy

Approved by:



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'Let your light shine before others, that they may see your good deeds and glorify your Father in Heaven.'

Matthew 5:16

Suspension and Permanent Exclusion Policy

Introduction

Suspension and permanent exclusions

Suspension and permanent exclusion from school is a serious step to take however, this step is sometimes the only course of action available to the school. Actions for exclusion from the school day may be implemented when a child is responsible for, but not limited to, any of the following actions.

- physical assault on another child or member of staff
- constant disruption to the education of other children
- regular breaches of the school's behaviour policy which result in the teacher being distracted from the task of teaching the class in order to attend to the needs of an individual child
- deliberate and wilful damage to school property
- The behaviour of a pupil outside the school can be considered as grounds for exclusion

It is likely that a combination of the above will contribute to exclusion.

St. Augustine's Academy follows the Central Bedfordshire Guidance for Exclusion which is detailed below. Future amendments to the guidance, which are not noted in this Policy, will always take precedence.

Types of exclusion and informing you

A suspension or permanent exclusion is when a headteacher (or the person appointed to carry out the functions of the Headteacher in their absence) decides that a child is not allowed to attend school. It may result from a series of incidents or from one very serious incident.

There are three types:

- **lunchtime suspension** – used when a child's playground behaviour is considered unacceptable. Parents / carers have to take responsibility for their child during lunchtimes and return them to school at the start of the afternoon session
- **fixed term suspension** for a specified number of days. Fixed term exclusions can be used for a maximum of 45 days in any school year
- **permanent exclusion** – used only in the most serious cases when it is allowing the child to remain in school would harm the education or welfare of the child or others in the school

If a child is suspended from school they may not:

- go onto the school premises at any time during the period of suspension or permanent exclusion, including breaks and lunchtimes and after school
- use school transport

Informing the parent / guardian

You will be informed as soon as possible, usually by phone, if your child is suspended or permanently excluded.

The headteacher must confirm by letter what sort of exclusion it is, how long it is for and the reasons for it. The letter should tell you that you have the right to make representations to the Discipline Committee of the school's Governing Body about the decision to exclude your child.

The headteacher can suspend a child on the day an incident occurred.

Informal exclusions are illegal and should not be used. A headteacher may, however, send a child home to remedy a breach in the school's rules on uniform or appearance.

For the first 5 days of any suspension or permanent exclusion, the child's school should take reasonable steps to set and mark work for your child. If the suspension is for more than 5 days, the school must provide full time, off-site education from the sixth day of the suspension. If a permanent exclusion is issued, the local authority will provide suitable full time provision from the sixth day.

Your responsibilities and rights

Your responsibilities

During the first 5 days of any suspension or permanent exclusion, you are responsible for ensuring that your child is not found in a public place during school hours.

If a child is excluded for 6 days or more, you are responsible for ensuring the child attends the alternative education provided.

Your rights

You may wish to contact the school and ask to discuss the situation. The school may hold a reintegration meeting with you at the end of any suspension, but you are not legally required to attend this meeting if you do not wish to do so.

If the suspension is for 5 days or less in a term you have the right to make written representations.

If the exclusion is for more than 5 days in a term, you have the right to ask to meet with the Discipline Committee.

If the exclusion is for more than 15 days in a term, or permanent, then you should be invited to a meeting of the Discipline Committee.

Any written evidence and information included in the Discipline Committee should be sent to all parties at least 5 days in advance of the meeting. You are also entitled to send to the Discipline Committee a written statement or any other evidence you wish to present.

The Discipline Committee

(Please note: St. Augustine's Academy does not have a designated Discipline Committee however one will be formed as the need arises)

The Discipline Committee is made up of at least 3 governors who consider cases of suspension and permanent exclusion. The headteacher, together with other school staff will attend the meeting of the Committee to present the case for suspension or permanent exclusion. A representative of the local authority may attend to offer procedural advice and will always attend in the case of a permanent exclusion from a maintained school and by invitation only at an academy. As a parent, you can ask a friend or advocate to accompany you.

If the Discipline Committee does not uphold the headteacher's decision, it will direct the headteacher to reinstate the child. The Committee has no power to direct reinstatement if the suspension is for 5 days or less, or the suspension has already been served. It can, however, place a copy of its findings on the child's school record. If the Discipline Committee does uphold the headteacher's decision you will be advised of this in writing.

A suspended or permanently excluded child can usually attend the Discipline Committee, subject to his / her age and understanding, to give their own explanation of what happened.

If you are the parent of a child who has been or is at risk of suspension / permanent exclusion, you can obtain help and advice from an Inclusion Officer (Central Bedfordshire Access and Inclusion Service) by calling 0300 300 6924 or 0300 300 6531.

Permanent Exclusion - Independent Review

When a child is permanently excluded, and the Discipline Committee has upheld the exclusion, the parents may refer the exclusion to an Independent Review Panel within 15 days from receiving the letter from the Discipline Committee.

The letter from the Discipline Committee will explain how you can do this.

Referring to an Independent Review Panel

If you refer to an Independent Review Panel, you must set out the grounds on which the referral is being made. This may include details of any special educational needs, and how they may be relevant to the exclusion.

You can obtain help and advice from an Inclusion Officer by calling 0300 300 6924.

You can, at your own expense, appoint someone to make written or oral representations to the Panel. You can also bring a friend.

If relevant, you may wish to support the case with a report from a paediatrician or a mental health professional. This should be sent to the clerk to the Panel by no later than a week before the Panel is due to meet. If you submit new evidence under a week before the Panel is due to meet, the Review may be delayed to give all parties time to read and consider any new information.

The clerk to the Panel will also request written evidence from the school / academy and circulate this in advance

The Independent Review Panel

The Independent Review Panel will review a Discipline Committee's decision not to reinstate a permanently excluded pupil.

It can:

- uphold the original decision of the governing body
- recommend that the governing body reconsiders its original decision
- quash the governing body's original decision and direct it to reconsider this decision. The governing body should then meet to reconsider its decision within 10 school days

It cannot order a Discipline Committee to reinstate an excluded pupil.

An Independent Review Panel is a panel made up of usually 3 members:

- a lay member who will chair the panel. They will not have worked in a school in any paid capacity
- a school governor who has served as a school governor for at least 12 consecutive months in the last 5 years, provided that they have not been a teacher or headteacher during this time
- a headteacher, or someone who has been a headteacher within the last 5 years

An Independent Review Panel will be clerked by a solicitor who will ensure that it avoids bias or any appearance of bias.

The panel may only quash the governing body's decision if it considers that this decision was flawed. The governing body's decision would be considered to be flawed if it was judged in the light of the principles applicable on an application for judicial review to be:

- illegal
- irrational
- subject to procedural impropriety

Procedural impropriety means not simply a breach of minor points of procedure but something that has a significant impact on the decision-making process.

SEN Adviser

You have a right to request the attendance of a Special Educational Needs (SEN) expert regardless of whether the school / academy believes that the child has SEN.

The role of the SEN expert is to offer advice and information, and act as an expert witness, providing impartial advice to the Independent Review Panel about how SEN could be relevant to the exclusion, for example, whether the school / academy acted reasonably in relation to its legal duties when excluding the pupil.

Whether or not the school / academy recognises that the pupil has SEN, the expert's advice will focus on whether the school's / academy's policies on SEN, or the application of these policies, were reasonable and procedurally fair.

If the SEN expert believes that this was not the case, they may advise the panel on the contribution which this could have made to the pupil's exclusion.

The SEN expert's role does not include making an assessment of the pupil's SEN.

The meeting of the Independent Review Panel

The clerk will ask everyone present to introduce themselves and will explain the procedure. They will record the proceedings and will advise all parties on the law and regulations.

All parties attending the Panel have the right to be represented.

The Panel will generally ask to hear from those involved in the incidents leading to the permanent exclusion. In advance of the Review, the clerk will ask the parent whether the excluded pupil will be attending.

The headteacher of the school / academy will explain to the Panel why they decided to permanently exclude the pupil.

A governor from the school / academy will explain why the Discipline Committee decided to uphold the exclusion.

As the parent of the excluded child, you will then be given the opportunity to ask questions of the headteacher and the governor.

The Panel will also question the headteacher and governor.

You can then explain why you believe the Discipline Committee should review its decision.

The headteacher will be given the opportunity to ask questions of the parent.

The Panel will also question the parent.

All parties will be invited to present evidence to support their case. Witnesses may be called.

The Panel may rely on written statements from witnesses who are pupils at the school. Pupils may appear as witnesses provided that they do so voluntarily and with parental consent.

All written witness statements will be attributed, signed and dated unless the school has good reason to protect the anonymity of the witness.

If the parent has asked the local authority / academy trust to provide a SEN expert all parties will be given the opportunity to ask questions of the expert.

The Panel will also, if the child has been excluded from a maintained school, ask the local authority to make a statement on the case. If the child has been excluded from an academy the local authority may only attend the Panel if the parent requests it.

When all parties have summed up, the clerk will ask everyone to leave the room while the Panel makes its decision. The Panel will apply the civil standard of proof, 'on the balance of probabilities' it is more likely than not that a fact is true, rather than 'beyond reasonable doubt'.

What happens after the panel meets?

The clerk will notify all parties of the Panel's decision in writing without delay.

Parents do not have the right of appeal against the decision of an Independent Review Panel.

If you believe that the Panel was not conducted properly, you may complain to the Local Government Ombudsman.

If you believe that the Panel's decision was perverse, that is, one that no reasonable authority could have made, you can apply for a judicial review within 3 months of the review hearing.

For further guidance about exclusion, please follow the links detailed below.

<http://www.centralbedfordshire.gov.uk/school/pupil-support/exclusion/types.aspx>

<https://www.gov.uk/government/publications/school-exclusion>