



# LEICESTER THERAPEUTIC SCHOOL

BUILDING FOUNDATIONS THROUGH NURTURE AND MINDSET

## Suspensions and Permanent Exclusions Policy

<b>Policy Owner</b>	Leicester Therapeutic School
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<b>ISS Regulatory Requirements</b>	Part 1 – Quality of Education Part 3 – Welfare, Health and Safety of Pupils Part 6. Provision of information Part 8. Quality of leadership in and management of schools

## **Safeguarding at Leicester Therapeutic School**

At Leicester Therapeutic School, we are committed to providing an environment in which students feel safe and secure to access their education. All stakeholders are responsible for ensuring the safety and well-being of children. Safeguarding is everyone's responsibility, and all staff are encouraged to maintain an "it could happen here" attitude. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying. Leicester Therapeutic School are dedicated to creating a strong safeguarding culture, and that the safety and well-being of children is the central thread that embeds itself through all aspects of the school. If a person is concerned about anything they read, witness or hear with regards to the school, they should contact the school's designated safeguarding lead immediately or Headteacher. Safeguarding, and the safety and well-being of all pupils at Leicester Therapeutic School is carefully considered and a central theme through all school policies.

## **Special Educational Needs & Disabilities (SEND) at Leicester Therapeutic School**

At Leicester Therapeutic School, we are passionate about providing an inclusive education to children with special educational needs. We recognise and celebrate the individuality of our pupils and use personalised approaches, allowing pupils with SEND to feel supported during the school day. We strive to provide pupils with the same opportunities and experiences that pupils would have received at a mainstream school, believing passionately that in the right environment, with the right support, pupils will flourish in education. We do this by focusing on providing a SEND friendly environment, an adapted curriculum and a strong focus on developing pupils' personal, social and emotional development. The special educational needs and disabilities of all pupils at Leicester Therapeutic School is carefully considered and a central theme through all school policies. For more information, please read the school's SEND Information Report.

## **1. Suspension and Permanent Exclusion Policy Aims**

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Leicester Therapeutic School's exclusion policy aims to ensure that:

- The exclusions process is applied lawfully, fairly and consistently
- The exclusions process and appeal process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## **2. Legislation and Statutory Guidance**

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Leicester Therapeutic School is an independent school and therefore have a statutory duty to follow and adhere to the Independent School Standards. However, this policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

Under the Equality Act 2010, Leicester Therapeutic School will not discriminate against, harass or victimise pupils because of their; sex, race, disability, religion or belief, sexual orientation, because of pregnancy or maternity or gender reassignment. For disabled pupils, Leicester Therapeutic School will comply with our duty to make 'reasonable adjustments' to policies and practices, which should be considered before the decision is made to exclude.

## **3. Off-Rolling**

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Leicester Therapeutic School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

## 4. Definitions

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**Suspension** – When a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

**Permanent exclusion** – When a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

**Off-site direction** – When a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

**Parent** – Any person who has parental responsibility and any person who has care of the child.

**School day** – For the purposes of suspension, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

## 5. Roles and Responsibilities of the Headteacher

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Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A decision to suspend or permanently exclude a pupil will be taken only:

- **In response to serious or persistent breaches of the school's Positive Behaviour policy, and**
- **If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil and/or others**

Before deciding whether to suspend or exclude a pupil, the Headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))

If a pupil's behaviour is significant, the Headteacher may extend the fixed term suspension to 5 days, allowing sufficient time for an emergency EHCP review to take place. In this review, the Headteacher will consider all reasonable adjustments that can be made and consider all outcomes, one of which could be a recommendation of alternative provision or permanent exclusion.

The Headteacher will consider the views of the pupil, considering their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. The Headteacher will attempt to hear the pupil's views on what happened that led to a suspension. Pupils will be allowed to have their views expressed through an advocate, such as a parent or social worker. The Headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision. However, there may be times when hearing the pupil's views prior to a decision to suspend being made may not be possible due to timescales and a pupils' special educational needs. In this case, the pupil's views will be gathered after the decision has been made.

Formally arranged part-time timetables, in agreement with the parents of the child and the local authority, may be necessary as a temporary measure in exceptional circumstances to meet a pupil's needs, but must not be used as a disciplinary sanction or as a long-term solution. Any such arrangement would be deemed a reasonable adjustment on the grounds of disability under the 2010 Equalities Act. A decision to use this strategy would be deemed as a reasonable adjustment following a fixed term exclusion. Other factors that may be considered before making a decision to exclude a pupil will include:

#### *Contributing Factors*

When considering whether to exclude, head teachers should take account of any contributing factors identified after an incident of poor behaviour has occurred – for example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

#### *Early Intervention*

The Statutory Guidance is clear that early intervention should be used to address underlying causes of disruptive behaviour. This should include: an assessment of whether appropriate support is in place to support any special educational needs or disability that a pupil may have; the use of a multi-agency assessment for pupils who demonstrate persistent disruptive behaviour.

#### *Effectiveness*

Where a pupil has received multiple exclusions or is approaching the legal limit of 45 school days of fixed period exclusions in an academic year (or 15 days in one term), Leicester Therapeutic School will consider whether exclusion is providing an effective sanction, or an alternative placement is desirable.

#### **Informing Parents**

If a pupil is at risk of suspension or exclusion the Headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour. If the Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension
- The length of a fixed-term suspension
- Information about the complaint's procedure.
- If the Headteacher decides an emergency review is required, the letter will make reference to a fixed term suspension, in which time the school will also state a time and place for an emergency annual review of the EHCP where parents and the local authority will be present.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is excluded by phone, followed by written confirmation within 24 hours of the decision to exclude.

### **Informing the school's Governing Body**

The Headteacher will immediately notify the school's Governing Body:

- A fixed term exclusion of 5 days requiring an emergency review may lead to a permanent exclusion.
- A fixed-period exclusion is likely to be made permanent as an outcome of the emergency review.
- Exclusions would result in the pupil being excluded for more than 5 school days in a term.
- The exclusion would result in the pupil missing a public examination.

For all other fixed term exclusions, the Headteacher will notify the Local Governing Body weekly through the key performance indicators (KPIs). In addition, a termly Headteacher's report to the Local Governing Body, will provide information regarding any exclusions during the term as part of the Behaviour and Attitudes section.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are always considered.

#### **4. Roles and Responsibilities of the School's Governing Body**

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- Responsibilities for investigating fixed term exclusions is delegated to the Local Governing Body's Safeguarding Lead.
- Responsibility for hearing appeals against an exclusion lies with the Chair of the LGB where the parent can make personal representations and be accompanied by a friend.
- For a fixed-period exclusion of more than 5 school days, the Local Governing Body, Headteacher and/or local authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.
- The Local Governing Body will be responsible for stage 3 reviews, complaints or appeals regarding exclusions.

#### **Monitoring and analysing suspensions and exclusions data**

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves. The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

#### **5. Roles and Responsibilities of the Local Authority**

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For permanent exclusions, the Local Authority remains responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

#### **6. Providing education during the first 5 days of a suspension or permanent exclusion**

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During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## **7. Returning from a Fixed-Term Suspension**

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Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. The following measures and reasonable adjustments may be implemented when a pupil returns from a fixed-term exclusion:

- Reviewing the incident and the learning opportunities
- Further support strategies to support pupils' understanding of acceptable and unacceptable behaviours
- Agreeing a behaviour contract
- Specific intervention relating to behaviour or SEND, aiming to promoting positive behaviour
- Any other reasonable and proportionate health and safety procedure that keeps all pupils safe.

If the Headteacher is not convinced that the pupil and/or other members of the school community are safe if the pupil returns, then the decision may be made to further suspend the pupil during the meeting so that further reasonable adjustments can be made.

## **8. Parent Representations**

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If a parent has any concerns about a fixed term exclusion, they should follow the complaints procedure which in brief, is detailed below.

Stage 1 – Informal stage, conducted verbally with the Headteacher.

Stage 2 – Formal stage, conducted through a written complaint to Headteacher.

Stage 3 – Final stage, conducted through an independent panel.

If the parent is not satisfied with the outcome of the stage 1 and stage 2 process, they have the right to continue to stage 3 which will include a review conducted by an independent panel including a representative from the school's Governing Body and independent reviewer within 10 working days. The outcome of the emergency review is final and there will be no further appeal stage.

## **9. Monitoring Arrangements**

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The Headteacher has responsibility for monitoring the number of exclusions every term. The Headteacher informs the Local Governing Body. The Suspension and Permanent Exclusion Policy will be reviewed by the Headteacher every year in collaboration with the Senior Leadership Team. At every policy review, the policy will be shared with the Local Governing Body.