

Suspension and Permanent Exclusion Policy

Policy Reference:	A5
Version Number:	4
Applies to:	All Schools and FE Colleges
Associated documents:	<ul style="list-style-type: none"> Anti-Bullying Policy Complaints Policy Promoting Positive Behaviour Policy Placement End Policy Transition and Reintegration Policy Attendance Policy
Approved by:	Operations
Implementation date:	September 2023
Next review due by:	September 2024
<p>This policy has been reviewed to ensure it promotes safeguarding and does not present barriers to participation or disadvantage any protected groups</p>	

0. Summary of changes since previous version of policy

This policy takes account of the changes in school suspensions and fixed term exclusions, DfE effective from 1st September 2023.

Suspension replaces the terminology fixed term exclusions.

Additions to who to notify for all suspensions/exclusions.

Additional responsibilities for managing pupils who have a social worker, including LAC and previously LAC.

Clarity on the DSL's role.

1. Aims

This policy outlines the process which must be followed in the event of a proposed suspension or permanent exclusion from education. In implementing the processes outlined in this policy Aurora schools and colleges aim to ensure that:

- 1.1.2 The suspension process is applied fairly and consistently
- 1.1.3 The suspension process is understood by staff, parents and pupils/students
- 1.1.4 pupils/students in school/college are safe and happy
- 1.1.5 pupils/students do not become NEET (not in education, employment or training)
- 1.1.6 the Promoting Positive Behaviour policy (A4) is being applied effectively and all other options are being considered before suspension.
- 1.1.7 the use of suspensions are regularly reviewed and evaluated by senior leaders and governors in regard to their fairness and effectiveness.

2. Legislation and statutory requirements

This policy is based on Education (Independent School Standards) Regulations: 2014 <https://www.gov.uk/government/publications/school-exclusion>

It also takes into account guidance from the Department for Education: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2023 'Timpson Review of School Exclusion' (May 2019) and 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](#)

Aurora recognises its duty under the Education and Inspections Act 2006 to establish and maintain a behaviour policy that promotes self-discipline, respect for others and proper regard for authority; and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the Education Act 2002, as amended by the Education Act 2011.

Aurora acknowledges the obligations associated with the Children Act 1989, the Human Rights Act 1998 and the Equality Act 2010. We also follow current DfE guidance 'Keeping children safe in education', 'Working together to safeguard children', and the Local Safeguarding Children Partnership's policies, procedures, guidance and protocols.

3. Scope

This policy applies to Aurora Schools and Colleges

4. Roles and responsibilities

The Head teacher and Principal:

Ensure the policy is implemented at site level.

Ensure staff are aware of the policy, and its associated procedures

Has the authority to suspend and ensure policy is followed

Ensure reintegration meetings take place in line with policy

Discuss any concerns regarding being unable to meet an individual's need in line with Placement End Policy via the placements at risk meeting on a weekly basis.

Ensure the policy is adhered to in partnership with the Attendance Policy

The Operations Director:

Ensure the Head teacher or Principal adheres to the policy

Monitor and review all suspensions

In the case of permanent exclusions, authorise the decision and report the decision following the reporting up policy

Monitor all placements at risk and in supervision with head review details and ensure policy and process being adhered to and all opportunities to support are being offered.

The Incident and Safeguarding Governance Board

Monitor and review suspension rates and recommend actions on a service and/or group level as required to support reduction of suspensions.

Monitor and review attendance rates for pupils moved off-site

Communicate lessons learned as a result of reviews to Site Leads

The Proprietor

Set up appeals panels when necessary

5. Policy Detail

The Aurora Group have a very clearly defined vision and ethos in relation to Positive Behaviour Support. Aurora schools and colleges consistently promote the provision of appropriate support for children and young people who may present behaviours of concern. Personalised strategies for individual children and young people are developed from a thorough knowledge of the young person, their specific needs, prior information and a rigorous initial and ongoing assessment process. Our aim therefore is to ensure that the decision to suspend a pupil/student, either for a fixed period or exclude permanently is always seen as a last resort. However, we recognise there are times where pupils/students will benefit from off-site provision and there are times suspension of pupils/students is a necessary tool to ensure continued safety and high standards of behaviour across the school/college.

5.1 DEFINITIONS

Types of removal from school: There are 2 kinds of sanctions - suspension and permanent exclusion.

Suspension is used to refer to what legislation calls an exclusion for a fixed period. A suspension is where a child/young person is temporarily removed from school/college and is not allowed to return for a specified number of days. A child/young person can only be removed for up to 45 education days in one academic year, even if they have changed placement within that time.

Permanent exclusion: Permanent exclusion means that the child/young person may no longer attend the school/college and is removed from the site's register. In the Aurora Group this is only for extreme behaviour where there is no other option and must be approved by the Operations Director and reported up in line with policy.

For the purposes of exclusions, education day is defined as any day on which there is an education session. Therefore, INSET or staff training days do not count as an education day.

It is unlawful for a child/young person to be 'informally excluded' or 'off-rolled' from school, even where the child's parent/s or carer/s agree to the exclusion. 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."

5.2 The decision to suspend or exclude

Only the Head teacher/Principal, or their deputy in their absence, can suspend a pupil/student for up to 3 days. Any exclusion exceeding this timeframe can only be with agreement from an Operations Director. A permanent exclusion will only be taken as a last resort. Before deciding whether to suspend or exclude a pupil, the Head teacher/Principal will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked.
- Apply the civil standard of proof (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.') when establishing the facts in relation to an exclusion decision, This means

that the Principal/Head teacher should accept that something happened, if it is more likely that it happened than that it did not happen.

- Review and evaluate the responses used to date, taking care not to overlook effective strategies.
- Scrutinise the individual's Education, Health and Care (EHC) Plan and current provision.
- Allow the child/young person to give their version of events.
- Consider whether an alternative approach may be more conducive to upholding our PBS ethos, by providing a therapeutic and restorative environment away from timetabled lessons, where children/young people can be supported to further develop self-regulation strategies and emotional management techniques.
- Gain approval from an Operations Director prior to taking action in cases where suspension is over 3 days.
- Ensure that there is sufficient recorded evidence to support the decision.
- Should a permanent exclusion be being considered this must be discussed and agreed with OD and COO and where the contract with the Local Authority states it as a requirement, an emergency review will be conducted prior to a permanent exclusion being decided.
- Where the pupil/student is a LAC, inform social workers and Virtual School Heads of suspensions and exclusions including cancelled ones.
- Where the pupil/student has a social worker, inform them of suspensions and exclusions including cancelled ones.
- Explain the decision to the pupil /student.
- Contact the parents by phone or in person as soon as possible once the decision to exclude has been made, explain the decision and ask that the child/young person be collected or arrange for transport home.
- Send a letter to the parents confirming the reason for the suspension/exclusion (see appendix a, whether it is a permanent exclusion or a suspension, the length of the suspension and any terms or conditions agreed for the individual's return. The letter will inform the parents that, during the first 5 days of suspension, they must ensure that a pupil/student under the age of 18 is not present in a public place at any time during school hours, unless there is good reason. Any parent/carer who fails to comply with this duty, without reasonable justification, commits an offence and may be given a fixed penalty notice or be prosecuted.
- Inform the LA, in writing, of the suspension/ exclusion and any cancelled suspensions/ exclusions, the period of the suspension, reasons for suspension/exclusion and any arrangements to hold a meeting regarding the suspension/exclusion.
- Inform those holding a governance position of all permanent exclusions, suspensions for more than 5 school days/10 lunchtimes, any suspension or exclusions that result in the missing of public exam or national curriculum test and all cancelled suspensions or exclusions.
- In cases of more than a day's suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked. This can include online pathways.
- Plan how to address the individual's needs on their return.
- Plan a meeting with pupil/student on their return and involve parents/carers for under 18 year olds or where appropriate for those in Further Education.
- Record ALL suspensions via the Engage system within 24 hours, irrespective of duration..
- A suspension or exclusion will not be enforced if doing so may put the safety of the pupil/student at risk.

Reasons for suspension or permanent exclusion:

In response to serious or persistent breaches of the school's/college's behaviour policy and procedures.

Risk of harm to the education or welfare of the pupil/student or others in the school/college

Pupils/Students must not be suspended as a result of their special educational needs (SEN). Services should ensure that reasonable steps have been taken so that individuals are not treated less favourably for reasons related to their disability. Reasonable steps will include:

1. Differentiation in the service's local Behaviour Procedures
2. Developing strategies to support individual positive behaviour
3. Requesting external help with the child/young person
4. Staff training

Where reasonable adjustments to policies and practices have been made, to accommodate a child/young person's needs and to avoid the necessity for suspension/exclusion as far as possible, suspension/exclusion may be justified, if there is a material and substantial reason for it.

No suspension or exclusion will be initiated without having first exhausted other strategies or, in the case of a serious single incident, a thorough investigation.

5.3 Suspension

A suspension will be used for the shortest time necessary to secure benefits without adverse educational consequences.

Suspension can be used for parts of the school day; i.e. lunchtime periods if disruption occurs during this time or for a period of time from half a day to 5 days for persistent or cumulative problems would be imposed only when the school/college had already offered and implemented a range of support and management strategies. These could include:

- Discussion with the pupil/student
- Mentoring (adult support)
- Discussion with parents/local authority
- Setting targets and agreeing an individual action plan
- Checking on any possible provocation
- Mediation
- Counselling
- Multi-agency support

Suspension will not be used for minor incidents (e.g. lateness, poor academic performance or breaches of uniform rules).

Reintegration meeting

After a suspension the Head teacher/Principal will arrange a reintegration meeting at a time, date and location that is convenient to parents/carers, local authority representatives and other interested parties. This must not cause unnecessary delay in reintegrating the child or young person into school/college. The meeting will be documented, and any actions or strategies agreed to reduce the likelihood of further suspension recorded.

The purpose of the meeting, is to:

- Talk about why the individual was suspended and the steps taken to try and avoid it;
- Discuss ways in which the child or young person can be supported to change their behaviour;
- Seek the views of the parents/carers, child/young person and local authority representatives
- Agree a strategy for reintegrating the individual into school/college and for managing their future behaviour.
- Update any behaviour support or risk assessment plans as needed.

5.4 Single Incidents

Suspension may be used in response to a serious breach of school/college rules and policies or a disciplinary offence. In such cases the Head teacher or Principal will investigate the incident thoroughly, usually via the senior leadership team, and will consider all evidence to support the allegation, taking account of the service's policies. The pupil/student will be encouraged, and if necessary be supported by familiar staff or parents, to give his/her version of events. A member of the leadership team will check to find out whether the incident may have been provoked, for example by bullying or harassment. The Head teacher or Principal will consult their Operations Director where the suspension exceeds 3 days.

5.5 Permanent Exclusion

A permanent exclusion is a very serious decision. As with a suspension, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of school/college rules and policies, such as:

- Serious actual or threatened violence against another child, young person, member of staff, or visitor to the site
- Possession or use of an illegal drug on Aurora premises
- Carrying an offensive weapon
- Persistent bullying
- Racial harassment
- Persistent disruptive behaviour
- Significant criminal damage
- Significant safeguarding risks arising from the child's/young person's behaviour

The DSL will ensure the transfer of the pupil's child protection file to the new school within 5 days for an in year transfer or the first 5 days of a new term.

In all cases of permanent exclusion the processes in the Placement End Policy must be adhered to.

Aurora Group will only permanently exclude pupils/students in extreme circumstances and this must be approved by OD, all other options must have been explored to support success of placement.

5.6 Behaviour outside School/College

Pupils'/Students' behaviour outside the site, on transport in, on school/college trips and sporting events is subject to the site's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in school/college.

5.7 Marking Attendance Registers following Exclusion

When a pupil/student is suspended temporarily, he/she will be marked as absent using Code E.

5.8 Removal from the School or College for Other Reasons

The Head teacher or Principal may send a child or young person home, after consultation with the parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, e.g. because of a diagnosed illness such as a notifiable disease. This will not be classed as a suspension and should be for the shortest possible time.

5.9. Multi-agency partnership

We are committed to working with parents, carers, local authority representatives, the police and other interested parties in a positive and constructive relationship to support children and young people who may be at risk of suspension or permanent exclusion.

Where we have concerns about a child or young person's behaviour, we will seek to identify any contributory factors and intervene as early as possible, in order to reduce the need for exclusion.

We take appropriate steps to escalate concerns, including with the placing and host local authority, their allocated social worker (where appropriate) and the police.

The VSH and social worker will be invited to any independent review panels of a suspension/exclusion.

5.10 Procedure for Appeal

If parent/guardian/carers wish to appeal the suspension/permanent exclusion then they must do so in writing to The Proprietor, governance@the-aurora-group.com or in writing to Unit 13, Twigworth Court Business Centre, Tewkesbury Road, Gloucester, England, GL2 9PG within

one week of the letter notifying the parents or guardians of the suspension/permanent exclusion.

The Chief Operating Officer will acknowledge the appeal and set up an Appeal Panel consisting of two senior leaders who were not involved in the initial decision to consider the appeal. The panel lead will schedule a hearing to take place as soon as practicable and normally within two working weeks.

The parents or guardian may bring a representative to the meeting. Neither the appellant nor the Aurora Group will bring legal representation as the panel meeting is not a form of legal proceedings

Where the young person is 18 or older and capacity is established they will be invited to the meeting.

Records relating to the decision to exclude and the parents' appeal will be copied to all parties prior to the hearing. In no circumstances however will the school or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Head teacher or Principal has acquired during an investigation.

The parents or guardian or their representative may ask questions of the Head teacher or may raise any relevant matter for the consideration of the Panel. The Panel may call for any further information it requires. No evidence or argument shall be presented to the Panel in the absence either of the parents or guardian or their representative, or in the absence of the Head teacher. At the conclusion of the hearing, the Panel shall retire to consider what recommendation it may make. The Panel may recommend:

- The suspension or permanent exclusion is confirmed
- The suspension or permanent exclusion is rescinded
- The suspension or permanent exclusion be rescinded and replaced with an alternative sanction

However, the final decision will always rest with the Proprietor, who may or may not accept the recommendations of the panel.

The recommendation shall be communicated to the parent/guardian/carers and the Head teacher/Service Lead. Every child and young person has a right to confidentiality – it will be kept in the strictest confidence and only disclosed to those who need to know. We appreciate that such sensitive matters must be dealt with in confidence. If the school or college decides (after completing the investigation or as a result of new evidence and further investigation) that it is necessary to extend a suspension or to convert it into a permanent exclusion, the Head teacher will write again to the parent/guardian/carers and LA with the reasons for this decision.

Any decision will be made and parents advised within 10 working days.

6. Implementation

Head teachers and Principals are responsible for implementing this policy at their site

7. Support, Advice and Communication

Guidance on local procedures is provided by the Service Lead and Operations Director, further guidance can be provided by the Incident and safeguarding Committee

8. Monitoring arrangements

This policy will be reviewed by the Incident and Safeguarding Committee on an annual basis. It will be ratified by the Executive team.

Appendix 1:

Informing parents/carers and other relevant parties

When suspending or excluding a child or young person, the Head teacher/Principal must notify the parents/carers of the period of suspension and the reason(s) for it, without delay.

This will normally only be done by telephone, and the telephone call will be followed by a letter sent via email and posted First Class within one school/college day.

The template letter is noted below:

Date

Dear

Today we have made a decision to suspend **YP NAME** for a fixed period of **xxx** day/s. The suspension start date is **Insert start date** and the end date is **Insert end date** at 9.00 a.m. During the period of this suspension **YP NAME** will not be allowed in school.

This suspension may well be upsetting for you and your family, but my decision to suspend **YP NAME** has not been taken lightly. **YP NAME** has been suspended for this fixed period because of a clear breach of our published behaviour policy for:

- **Outline reason in full.**

During this suspension period **YP NAME** continues to be required to complete work set. The arrangements for this are as follows:

- (please note how work will be provided, daily contact arrangements and marking arrangements)

To support a successful return to school and address the issues which have led to this suspension, you and **YP NAME** will be required to attend a re-integration meeting with **NAME OF SLT MEMBER** on **DATE** at **TIME AND VENUE**.

You have a duty to ensure that **YP NAME** is not present in a public place in school hours during the school days of this suspension as noted above. I must advise you that you may be prosecuted or receive a penalty notice from the local authority if **YP NAME** is present in a public place on the specified dates without reasonable justification. It will be for you to show that there is reasonable justification for this.

You and **YP NAME** have the right to make representations about my decision to suspend to the Proprietor at governance@the-aurora-group.com or in writing to Unit 13, Twigworth Court

Business Centre, Tewkesbury Road, Gloucester, England, GL2 9PG. You must raise any appeal against my decision within 1 week of receipt of this letter.

If you have any further questions regarding **YP NAME's** suspension, please do not hesitate to contact me. Please can you confirm receipt of this letter, we look forward to meeting with you at the reintegration meeting.

Kind Regards

Headteacher/principal

cc. LA SEND Worker, Social Worker,

The letter will include information about:

-