Suspension and Exclusion Policy

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Suspension and Exclusion policy Empower Trust

1 Introduction

1.1 Empower Trust's exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that all schools in Empower Trust will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.

1.2 Where approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

1.3 The schools and trust will always have regard to the Statutory Guidance on Suspensions and Exclusions (August 2024) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).

1.4 This policy should be read in conjunction with the Relationships (Promoting Positive Behaviours) Policy and the SEND policy.

2 Application of policy

2.1 This policy applies to all members of the Empower Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

3 Types of exclusion

Suspensions and permanent exclusions are different:

3.1 Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.

3.2 Permanent exclusions are where, subject to a decision of the governing board to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

4 Roles and responsibilities

All members of the Empower Trust community are expected to follow this policy. Roles, responsibilities and expectations of each section of the community are set out in detail below.

The Headteacher

4.1 All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances and following a discussion with either the Strategic Lead for SEND or for Inclusion. Every decision made will be proportionate to the seriousness of behaviour with reference to the Empower Trust Relationships (Promoting Positive Behaviours) Policy.

4.2 A decision to suspend or exclude a pupil will be taken only;

4.2.1 In response to the serious or persistent breaches of the Empower Trust Relationships (Promoting Positive Behaviours) Policy.

4.2.2 **And**, if allowing the pupil to remain in school would seriously harm the education or welfare of others.

4.3 Without delay, the headteacher will inform the parents, the governing body, the CEO and the Local Authority (LA). They will also inform any other relevant professionals such as a social worker or virtual school head.

4.4 The Headteacher suspension/exclusion checklist will be completed to ensure that all relevant steps and actions have been taken to aim to prevent a suspension or exclusion. (Appendix A). A copy of this will be sent to the Strategic Lead for Inclusion.

4.5 When a decision had been made to suspend a child, and it is felt that this child is at risk of Permanent Exclusion, the Headteacher will consult with the Strategic Leads for SEND and Inclusion to explore how we may prevent this. A panel discussion will take place as a preventative exercise and to look at solutions.

The Governors/Trustees

4.6 The headteacher will, without delay, notify the governing board of:

4.6.1 Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.

4.6.2 Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term.

4.6.3 Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.

4.7 The headteacher will notify the governing board once per term of any other suspension of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reason for the cancellation.

4.8 The governing board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In each case, the decision of the relevant committee formed by the governing board will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

Please refer to the Empower Trust Pupil Discipline Committee Guidance.

Parents

4.9 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 into place to improve the behaviour.

4.10 Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

Pupils

4.11 All pupils of the schools in Empower Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the Relationships (Promoting Positive Behaviour) policy will apply.

5 Witness evidence and pupil views

5.1 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any Governors/Trustees review meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

5.2 Before taking a decision to suspend or exclude and where appropriate, the Headteacher will take the pupil's views into account, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

5.3 Appendix B – Pupil Witness Statement Template

6 Reintegration strategy meetings following suspension or off-site direction

6.1 Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

6.1.1 offer the pupil a fresh start,

6.1.2 help them understand the impact of their behaviour on themselves and others,

6.1.3 teach them to how meet the high expectations of behaviour in line with the school culture,

6.1.4 foster a renewed sense of belonging within the school community; and

6.1.5 build engagement with learning

so that further suspensions are not needed. School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral of practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

6.2 The school will use various measures to support a pupil's successful reintegration including:

6.2.1 daily contact with a designated pastoral professional in-school;

6.2.2 ensuring the pupil receives academic support upon return to catch up on any lost progress;

6.2.3 planned pastoral interventions;

6.2.4 mentoring by a trusted adult or a local mentoring organisation;

6.2.5 regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and

6.2.6 informing the pupil, parents and staff of potential external support.

6.3 Whilst reintegration meetings are highly encouraged, pupils will not be prevented from being admitted to the School or being put in mainstream classes because a meeting has not taken place.

7 Cancelling a suspension or exclusion

7.1 A suspension or exclusion can be cancelled by the Headteacher as long as the suspension or exclusion has not been considered by the Governors/Trustees. In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.

7.2 Where a suspension or exclusion is cancelled, the relevant parties will be informed by the Headteacher in accordance with the Statutory Guidance on Suspensions and Exclusions.

8 Suspensions before a permanent exclusion

8.1 In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

9 Directing off-site and managed moves

9.1 Before taking any decision to permanently exclude a pupil, the headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

9.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

9.3 For a managed move to take place there needs to be agreement between the School, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the pupil will often attend the new school as part of a direction off-site. We will share relevant information with the new school and check that they have an integration strategy. At the end of the off-site direction, the relevant parties (including the parents) will review how it has gone before a decision is taken about whether it becomes a permanent managed move.

10 Independent review panels (IRPs)

10.1 The Local Authority arranges IRPs on the trust's behalf, and requests where a permanent exclusion decision has been upheld should be made to Shropshire Local Authority within 15 school days. These requests will be made by Michelle Harrington on behalf of Empower Trust.

10.2 Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions and Suspensions.

11 Reconsideration by the governing board

Where an IRP either recommends reconsideration or quashes the initial decision of the governing board, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the School and parents or may be a reconsideration with only the governing board members and the clerk present.

12 Remote Meetings

12.1 Any trustee/governor meeting and/or an IRP meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease.

12.2 In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations.

13 Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Empower Trust complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the Statutory Guidance on Exclusions and Suspensions will be followed.

14 Equality impact

Empower Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex. Before bringing this policy into effect the Trust consulted stakeholders, the Executive Team and Trustees on this policy to gain their views and responses. The consultation responses have informed this policy.

15 Monitoring arrangements

The governors and trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored to ensure the processes and support for pupils are appropriate:

15.1.1 the interventions put in place for pupils at risk of suspension and permanent exclusion

15.1.2 the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

15.1.3 full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:

(a) any previous placements have been evaluated, including support for any applicable SEND;

(b) there is a process in place to monitor the pupil's attendance and behaviour at the provision

(c) the correct attendance code is being used

(d) the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible

15.1.4 whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils

15.1.5 the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves

(a) whether the school register and absence codes have been recorded correctly

(b) how the Relationships (Promoting Positive Behaviour) policy is applied and specifically its consistency

(c) the circumstances in which pupils receive repeat suspensions

(d) whether Personal Education Plans for looked after children have been reviewed on a termly basis

This policy must be read in conjunction with the Department of Education document:

Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. August 24.

Headteacher Suspension/Exclusion checklist

The Department for Education's statutory guidance on exclusions requires decisions to be lawful, reasonable, fair and proportionate. As such, taking the following matters into account and recording your position in relation to them will be important evidence in showing compliance with the legal framework on exclusions.

Do you have sufficient evidence to satisfy the tests for suspension or permanent exclusion?

- What evidence do you have to show a breach of the school's behaviour policy?

- What evidence do you have to satisfy the test at paragraph 11 of the guidance for permanent exclusion (i.e. serious breach or persistent breaches of the behaviour policy and, where allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others such as staff or pupils in the school)?

- Does the available evidence satisfy the tests on the balance of probabilities? YES/NO
- Have you taken the pupil's views into account, considering these in light of their age and understanding?

If not, why not?

- Do you have witness statements? Are they signed and dated? If not, what is the reason for this?

- Do your reasons for suspension or permanent exclusion accord with the potential grounds for suspension or exclusion as set out in paragraph 16 of the guidance or are they of similar severity?

For suspensions

- What length of suspension is appropriate and proportionate in the circumstances?

Length of suspension: Reason for decision:

- What arrangements have been made for work to be provided on days 1 to 5? Or has alternative provision been arranged?

- Has a reintegration strategy been organised and communicated to the parents as set out in paragraphs 27 and 28 of the guidance?

If you need to extend the length of a suspension or issue a permanent exclusion following a period of suspension

- Do you have new information to justify the new suspension or permanent exclusion and are you satisfied it is sufficient to justify the new decision on the balance of probabilities?

- Have you sent out a new decision letter to the parents and other relevant stakeholders? YES/NO

Is suspension or permanent exclusion the last resort or an appropriate sanction?

- What alternatives to suspension or permanent exclusion have been considered, including but not limited to off-site directions, managed moves, engagement with parents, provision of mentoring/coaching, use of pupil support units, assessment and support under the SEND framework, and multi-agency support under the “working together” framework?

- Have the circumstances of the pupil been considered and taken into account?

- Are there any safeguarding concerns that require a multi-agency approach?

- Does the pupil have SEND? Is an assessment required? Have any reasonable adjustments to school practices and/or procedures been considered and implemented? If the pupil has an EHCP, have you called an interim/emergency annual review?

- If the child is looked after, has contact been made with the social worker or virtual school headteacher and has a PEP review been called?

Notification

- Have parents been notified without delay?

Date of notification:

- Have you told parents that during the first 5 days of the suspension or exclusion (or until any full-time alternative provision begins) the parent must ensure that the child is not in a public place during school hours? YES/NO

- Have parents received the formal written notification with reasons without delay?

Date for formal written notification:

- Have other relevant stakeholders been notified — governors, local authority, social worker, virtual school headteacher?

Dates of notification: Governors: Local Authority: Social Worker: Virtual School: Other:

Template letter suspending a pupil for up to (and including) five days in a term

PLEASE CONTACT MICHELLE HARRINGTON WHERE NUMBER OF SUSPENSION IS OVER 5 DAYS IN A TERM FOR THE CORRECT TEMPLATE

[NB: Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post. Send letter as soon as possible after the decision to suspend]

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Suspension of [name of pupil]

I regret to inform you of my decision to suspend [name of pupil] for [number] days with effect from [date] [pending further investigation]. This means that [name of pupil] will be expected to return to school on [date]. [Please note that the outcome of my investigation may lead to a further decision of permanent exclusion.] [A reintegration meeting has been arranged to take place on [date] at [time] to discuss how [name of pupil]'s return to school and future behaviour will be managed.]

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [name of pupil] has not been taken lightly. [name of pupil] has been suspended because [reasons for the suspension].

[If relevant confirm that the pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension]

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid a suspension, and what adjustment (if any) has been made to this suspension.]

You have a duty to ensure that your child is not present in a public place in school hours during this suspension, i.e. on [specify the precise dates] unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for your child's education to continue will be made. During the suspension we will set work for [name of pupil] and would ask you to ensure this work is completed and returned promptly to school for marking. [Set out how work will be set and whether it should be collected or will be sent to the parent **OR** If alternative provision is being arranged during the suspension, set out the following details if known at this stage: the start date for any provision of full-time education that has been arranged for the child during the suspension; the start and finish times of any such provision, including the times for morning and

afternoon sessions where relevant; the address at which the provision will take place; any information required by the pupil to identify the person they should report to on the first day.]

You have the right to make written representations to the [governing board/discipline committee]. [[name of pupil] may also make written representations about their suspension]. The [governing board/discipline committee] must consider any representations but does not have the power to reinstate [name of pupil].

If you and [name of pupil] wish to make written representations to the [governing board/discipline committee] please send these through to [name] at [email] as soon as possible. If you think this suspension relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the [governing board/discipline committee].

[**Academies only:** You may request a copy of [name of pupil]'s school record as a subject access request. Please send any request through in writing to [name] at [email]. [As [name of pupil] is over [13] years old please provide their written consent to enable me to send their information through to you].

There are sources of free and impartial advice available on suspensions:

- The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here https://www.gov.uk/government/publications/school-exclusions-guide-for-parents
- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Yours sincerely

[name]

Headteacher

[cc. where applicable, the pupil's social worker, the VSH if the pupil is a LAC and/or the local authority if a pupil has an EHCP]

Template permanently excluding a pupil

[NB: Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way, otherwise deliver directly in-hand or send by post. Send letter as soon as possible after the decision to permanently exclude]

[Name of Parent(s)]

[Address]

[Date]

Dear [Name of Parent(s)]

Re: Permanent exclusion of [name of pupil]

I regret to inform you of my decision to permanently exclude [name of pupil] with effect from [date]. This means that [name of pupil] will not be allowed in this school unless they are reinstated by the [governing board/ discipline committee].

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [name of pupil] has not been taken lightly. [name of pupil] has been excluded because [set out reasons, whether decision is for a single serious breach or persistent breaches of the behaviour policy and why allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school].

[Where the pupil has a disability, or additional needs/special educational needs which may amount to a disability, confirm what adjustments have previously been made for the pupil to avoid permanent exclusion.]

You have a duty to ensure that your child is not present in a public place in school hours during the first five school days of this exclusion unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those days. It will be for you to show reasonable justification.

Alternative arrangements for [name of pupil]'s education will be made. For the first five school days of the exclusion we will set work for [name of pupil] and would ask you to ensure this work is completed and returned promptly to school for marking. [Set out how work will be set and whether it should be collected or will be sent to the parent **OR** if alternative provision is being arranged during the first five days, set out the following details if known at this stage: the start date for any provision of full-time education that has been arranged for the child during the exclusion; the start and finish times of any such provision, including the times for morning and afternoon sessions where relevant; the address at which the provision will take place; any information required by the pupil to identify the person they should report to on the first day.] From the sixth school day of the exclusion onwards, the local authority will provide suitable full-time education. The arrangements for this will be set out in a further letter.

As this is a permanent exclusion the [governing board/discipline committee] must meet to consider it. At the review meeting you may make representations to the [governing board/discipline committee] if you wish and

ask them to reinstate your child in school. The [governing board/discipline committee] has the power to reinstate your child immediately or from a specified date, or, alternatively, it has the power to uphold the exclusion, in which case you may request that its decision be reviewed by an independent review panel. The latest date by which the [governing board/discipline committee] must meet is [date – 15 school days after receiving notice of exclusion].

If you wish to make representations to the [governing board/discipline committee] and wish to be accompanied by a friend and/or representative, please contact [name] on [number / email] as soon as possible. You will, whether you choose to make representations or not, be notified by the clerk to the [governing board/discipline committee] of the time, date and location of the meeting. Please let us know if [name of pupil] will attend the meeting and whether they would like to make any written and/or oral representations. You have the right to request that this meeting takes place remotely and if you wish for the meeting to take place remotely, please let [name] know as soon as possible.

[[name of pupil]'s [social worker][Virtual School Head] will be invited to attend]. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [name] if it would be helpful for you to have an interpreter present at the meeting. If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the [governing board/discipline committee]

You may request a copy of [name of pupil]'s school record as a subject access request. Please send any request through in writing to [name] at [email]. [As [name of pupil] is over [13] years old please provide their written consent to enable me to send their information through to you].

You may wish to contact the exclusion officer at [local authority name] for further advice and guidance in relation to the exclusion. The exclusion officer can be contacted by telephone on [number], or by email on [email].

There are sources of free and impartial advice available on exclusions:

- The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here https://www.gov.uk/government/publications/school-exclusions-guide-for-parents
- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network
- Coram's Child Law Advice service can be accessed through their website https://childlawadvice.org.uk/information-pages/school-exclusion/ or contacted on 0300 330 5485 from Monday to Friday, 10am – 4pm.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Yours sincerely

[name]

Headteacher

[cc. local authority, where applicable, home local authority, the pupil's social worker and the VSH if the pupil is a LAC]

Pupil Witness Statement

Name:	**Year**:
Why statement is needed:	
Details:	
Signed:	**Date**:
Staff member(s) present:	