



# **Exclusions Policy & Procedure**

September 2023

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**Date of implementation:** January 2014

**Date of last review:** September 2023

**Date of next review:** September 2024

This policy and procedure document links with and is supported by the following other policy and procedure documents:

- Anti-Bullying Policy & Procedure
- Conduct Policy & Procedure
- Safeguarding Policy & Procedure
- Screening, Searching & Confiscation Policy & Procedure

## AIMS

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

At Tytherington School we aim to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

Here at Tytherington School we 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.”*

## INTRODUCTION

Suspensions from a student’s normal educational experience are a sanction available to the school that can take several forms and are generally used as a last resort or in response to an incident of serious negative conduct. Where possible, other strategies will be used in the management of repeated or more serious negative conduct.

The sanction of a suspension may be considered following investigation for:

- misbehaviour when the student is:
  - taking part in any school-organised or school-related activity, or;
  - travelling to or from school, or;
  - wearing school uniform, or;
  - in some other way identifiable as a pupil at the school.
- Or misbehaviour at any time, whether or not the conditions above apply, that:
  - could have repercussions for the orderly running of the school, or;
  - poses a threat to another pupil or member of the public, or;
  - could adversely affect the reputation of the school.

If, following investigation and the consideration of any safeguarding concerns and learning needs, a form of suspension is thought to be an appropriate course of action then the nominated decision maker (i.e. a Head of Year or Senior Leader) is to complete a Referral for Suspension Form (please see Appendix A) and pass it to the Assistant Headteacher (Behaviour) or the Deputy Headteacher with all evidence attached. Only the Headteacher has the authority to action a fixed term suspension. A Deputy Headteacher also has the authority to issue a fixed term suspension in consultation with, and when acting on behalf of, the Headteacher in his absence.

All fixed term suspensions and permanent exclusions are reported in writing to parents/carers, the Chair of Governors and the Local Education Authority, and the parents/carers are informed of the right of appeal. Where a pupil has a social worker, or if a pupil is looked-after, the headteacher will notify the social worker (SW) and/or Virtual School Head (VSH) following the decision to suspend or permanently exclude. A Governing Board Meeting (GDM) will be convened to consider any suspension which exceeds 5 school days.

If fixed term suspension or permanent exclusion is used for an incident of ‘sexually inappropriate behaviour’ then child protection procedures are to be instigated.

## FORMS OF EXCLUSION

The school adopts several forms of suspension/exclusion but in all cases of suspension/exclusion from a student’s normal educational experience the school will ensure the following:

- To support a return to positive conduct with key indicators demonstrating improvement in conduct.
- To continue to provide a learning experience that allows academic progress to be made.

## SUSPENDED SUSPENSION AGREEMENT

This is not a formal suspension but is a precursor to suspension should the student's conduct not improve and meet conditions that are set as part of the agreement. The agreement is to be signed by the student, their parents/carers and the school, and copies retained by all parties (see appendix B).

## INTERNAL SUSPENSION

A period of suspension where pupils spend a day or more working away from their peers on the school site. The school provides work to be completed during the period of suspension and is likely to involve work with our specialist staff in order to support a return to positive conduct.

## FIXED-TERM SUSPENSION

A period of suspension from the school site that is between 1 – 45 days where parents/carers are fully responsible for their child being at home during school hours. The school provides work to be completed at home during the period of suspension, arranged by the student's year team leaders, and is to be brought back into school at the reintegration meeting following fixed-term suspension. Members of staff should see Appendix C for further details on the procedure for reintegration following fixed-term exclusion. A behaviour support plan (Appendix D) is agreed with parent/carers and the pupil in the reintegration meeting. Failure to agree to the terms of reintegration or the behaviour support plan may lead to an extension of the fixed term suspension.

## GOVERNORS DISCIPLINARY PANEL

A Governors Disciplinary Panel (GDP) will be convened in instances where the school has serious concerns over the conduct of a pupil. This could be as a result of multiple internal or fixed term suspensions or for a one-off incident of extreme negative conduct. A GDP will be made up of at least two governors and will be convened where a pupil may become at risk of permanent exclusion should their negative behaviour continue. As part of the GDC, governors will review the pupil's behaviour, determine whether or not the level of support provided to the student has been effective and set three targets that are in agreement with the school, parents/carers and the pupil. A review of progress against the agreed targets will be shared in writing with all stakeholders after six weeks.

## PERMANENT EXCLUSION

Used only in the case of very extreme negative conduct or where serious disruption to the school continues despite the implementation of a wide range of strategies to support a return to positive conduct. In such instances, it would be anticipated that a student would already have served a significant number of fixed term suspensions and possibly nearing the maximum allowed in any one year. However, permanent exclusion can occur for one off incidents of serious negative conduct, such as, an incident that endangers other members of the school community.

## GOVERNING BOARD MEETING

Considering suspensions and permanent exclusions:

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances. A Governing Board Meeting (GBM), consisting of at least 3 governors, will be convened to consider any suspension of more than 5 days or a permanent exclusion. In instances of permanent exclusion, a GBM must be convened within 15 days of the decision by the Headteacher to permanently exclude.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents/carers (where requested, a representative or friend)
- The pupil
- The headteacher (other relevant supporting staff i.e. SENCO/behaviour lead).
- The pupil's social worker (if applicable)
- A Local Authority representative
- The Virtual School Headteacher (VSH), if the pupil is looked after

The governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision the governing board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- 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
- Any other evidence presented to the governing board

#### INDEPENDENT REVIEW

If parents apply for an independent review within the legal timeframe, the school will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a [member/director] of the [LA/academy trust] of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the school or the governing board of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

The parents/carers of the pupil will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. Once the panel has reached its decision, the panel will notify all parties in writing without delay.

#### SCHOOL REGISTERS

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

APPENDIX A – REFERRAL FOR SUSPENSION FORM

<b>Name of Student</b>				<b>Tutor Group</b>	
<b>Date of Investigation</b>				<b>Total BPs</b> (on Date of Investigation)	
<b>Previous Suspensions</b>					
<b>Reason for Referral for Exclusion:</b> (please tick one only)			<b>Brief details of the incident/issue</b> (to continue on another page if required)		
Physical assault against a pupil (PP)		Physical assault against an adult (PA)			
Verbal abuse/threatening behaviour towards a pupil (VP)		Verbal abuse/ threatening behaviour towards an adult (VA)			
Bullying (BU)		Racist abuse (RA)			
Sexual misconduct (SM)		Drug and alcohol related (DA)			
Damage (DM)		Theft (TH)			
Persistent disruptive behaviour (DB)		Other (OT)			
<b>What evidence is attached to this referral form?</b>			<b>Proposed Sanction</b> (please see overleaf for guidance)		
<b>Original Accounts/ Statements</b>	Yes / No	<b>Other</b> (please specify)			
<b>Signed</b>				<b>Date</b>	

Please pass this referral to the Deputy Headteacher - KS4 , Assistant Headteacher - KS3 or Associate Headteacher – Middle School or the Headteacher in their absence

<b>Suspension Referral Agreed?</b>	Yes / No		<b>If no, is a Suspended Suspension Agreement to be used?</b>	Yes / No	
<b>If yes, suspension is to take the form of</b> (please circle)	Internal	Fixed-Term	<b>If no, what alternative sanction is being imposed?</b>		
<b>Internal Suspension</b>			<b>Is the student to be referred to work with Specialist Staff?</b>	Yes / No	
<b>Fixed-Term Suspension</b>			<b>If yes, which Specialist Staff</b> (please circle)	Inclusion	RSO SSPO
<b>Length of suspension</b> (in days)			<b>Parents informed of outcome</b>	Yes / No	
<b>Date of start of suspension</b>			<b>Suspension Letter completed</b>	Yes / No	
<b>Date &amp; time of reintegration meeting</b>			<b>Return to School Agreement prepared</b>	Yes / No	
<b>Signed</b>				<b>Date</b>	

## FACTORS TO CONSIDER IN REFERRAL FOR SUSPENSION

### MITIGATING FACTORS

This would include the relationship between those involved, the previous good character of the perpetrator, showing remorse or has apologised already to the target of the negative behaviour. This could be anything that the decision maker consider could have an impact on the Agreed Sanction, including conflicting accounts provided by students.

### AGGRAVATING FACTORS

Are anything that could lead to the agreed sanction being applied at the top end of the range. Such things as showing no remorse and being sanctioned for the same thing previously. It could also include the impact that the behaviour has had on the target and their future relationship within school.

## PROPOSING A SANCTION AND ARRANGING

### PROPOSED SANCTION

Based on a suggested outcome from whoever gathers the information and considering the above factors. This can be varied by SLT at the time of ratification.

### REINTEGRATION CONSIDERATIONS

Considering the factors involved in the incident that has led to the referral for exclusion and the potential outcomes that the school is trying to achieve through this form of sanction.

### AGREED SANCTION

Is the actual sanction administered to the student. This is when the SLT member and Headteacher have looked at all the considerations mentioned in the report and decided on the sanction to be imposed. This could be at a higher or lower level than the Proposed Sanction.



APPENDIX B – SUSPENDED SUSPENSION AGREEMENT

<b>Student's Name:</b>		<b>Tutor Group:</b>	
<b>Incident Date:</b>		<b>Date of Agreement:</b>	

**DATA SUMMARY**

Performance Indicator	At Present
Attendance	
Achievement Points	
Behaviour Points	

**SUMMARY OF INCIDENT**

Previous Suspensions		
Date	Reason	Length

**STEPS TAKEN TO THIS POINT**

<ul style="list-style-type: none"> <li></li> </ul>
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**CONDITIONS OF SUSPENDED FIXED TERM SUSPENSION AGREEMENT**

Condition	By When?	Condition Met?
1.		
2.		
3.		
4.		

I understand that if I were to go against any of the above conditions placed upon me following the incident detailed then I will immediately be placed on a Fixed Term Suspension and be subject to the conditions of that sanction.

Student Signature: \_\_\_\_\_ Parent Signature: \_\_\_\_\_

School Leader Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPENDIX C – PROCEDURE FOR REINTEGRATION FOLLOWING FIXED-TERM SUSPENSION

The following is a procedural guide for Heads of Year and Members of SLT to use in the reintegration of students following fixed-term suspension.

### AHEAD OF THE REINTEGRATION MEETING

When the decision to suspend has been taken by the Headteacher the following will happen:

1. The Headteacher's PA will contact the Head of Year and Assistant Headteacher (Behaviour and Standards) in order to arrange with them who will attend and the best time for a reintegration meeting to be held and confirmed with parents/carers.
2. The Head of Year or member of SLT that will lead the reintegration meeting then contacts the parents/carers of the student and informs them:
  - a. Of the nature of the suspension;
  - b. How long it is for;
  - c. Of the intended date and time of the reintegration meeting (agreed with the parent/carer and then confirmed with the Headteacher's PA).
3. The Headteacher's PA will inform the parents/carers, Chair of Governors and Local Education Authority of the nature of the exclusion in writing
4. The Head of Year or member of SLT who will lead the reintegration meeting will arrange the terms of the "Return to School Agreement Following Suspension" with the Headteacher's PA to allow it to be prepared and attached to a copy of the exclusion letter and "Referral for Suspension Form".
5. The Head of Year or member of SLT that will lead the reintegration meeting arranges a room for it to take place in.

### AT THE REINTEGRATION MEETING

6. The Head of Year or member of SLT leading the reintegration meeting collects the pack from the Headteacher's PA's.
7. The Head of Year or member of SLT leading the reintegration meeting will make a judgement on whether or not to have the student in from the beginning of the meeting or start by talking with the parent/carer first – If the parent is spoken to first then the way that the meeting will progress is to be agreed before inviting the student in.
8. The Head of Year or member of SLT leading the reintegration meeting will speak with the student and discuss a way forward in order to allow for reintegration to occur, to one or a combination of the following:
  - a. If applicable, a restorative meeting with any member of the school community affected by the negative conduct leading to the exclusion;
  - b. If applicable, any alternative provision to be agreed in order to support a return to positive conduct;
  - c. A period of the student being on report to their HoY or a member of SLT (whichever appropriate) to be at least 2 weeks with targets for the report being agreed with the student and parents/carers to support in the monitoring of it.
9. The Head of Year or member of SLT leading the reintegration meeting will make a judgement about whether or not the student is ready to be reintegrated:
  - a. If the student is to be reintegrated then they and their parents/carers sign the "Return to School Agreement Following Suspension" (see appendix D);
  - b. If the student is not judged to be ready to be reintegrated they are not allowed to and a further meeting is arranged in order to discuss next steps, allowing a period of time where the parent/carer can speak with the student away from the school setting.

### FROM THE REINTEGRATION MEETING

10. The Head of Year or member of SLT that led the reintegration meeting is responsible for any actions that are agreed at the reintegration meeting (including alternative provision) being confirmed in writing and completed. Confirmation can be made through the "Parent Meeting Agreed Actions Letter Template" which can be found on the school network or written into the "Return to School Agreement".
11. Parents/carers retain a signed copy of the "Return to School Agreement", and the school retains the full records.
12. Any actions, including any alternative provision and the period of being on report, are reviewed by all stakeholders following an appropriate length of time in order to analyse the exclusion against the objectives.
13. The Head of Year or member of SLT that led the reintegration meeting is responsible for ensuring that all staff are aware of the students' return to school and the level of report that they are working on.

## STUDENT RETURN TO SCHOOL AGREEMENT FOLLOWING SUSPENSION

Student's Name: \_\_\_\_\_ Tutor Group: \_\_\_\_\_

No. of previous exclusions \_\_\_\_\_ No. of days excluded \_\_\_\_\_ Current attendance \_\_\_\_\_

I agree to abide by the following conditions to enable me to return to school:

1. To behave within the framework of the school's rules and policies.
2. Never to use or threaten to use violence against other members of the school community.
3. Never to be rude, abusive or make threatening comments to members of staff or other members of the school community.
4. To seek advice from a member of staff when difficulties arise.
5. Be on report to my Head of Year/a member of Senior Leadership (delete as appropriate) during a period of reintegration spanning at least two weeks and understand that any incident that goes against the conditions of this agreement will lead to review by Senior Leadership.

Signature .....  
Student

Signature .....  
Parent

Signature .....  
Headteacher

Date of review  
meeting .....

Date .....

## STUDENT RETURN TO SCHOOL SUPPORT PLAN FOLLOWING SUSPENSION

Behaviour for learning targets:

Area for development	Current score (0-10); 0=never, 10=always	Target score (0-10) 0=never, 10=always	How will we achieve this?	Timescale/review date
<i>e.g. Come prepared to work</i>	3	7	<i>Arrive on time / bring pen and other equipment</i>	<i>3 weeks from meeting</i>

**Other agreed actions and support:**

Restorative meeting  Behaviour report  Additional SEN support  Timetable related support  Bridges referral  Outside agency referral

Further details of support or additional strategies (i.e. time out cards, mentoring, managed move, Fermain referral etc.):

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Pupils comments:	Parent/guardians comments:	Schools comments: