





Chester International School

Suspensions & Exclusions Policy

Policy name:	Exclusions Policy
Version:	Final
Author/s:	Natalie Wright
Date written:	13/09/2023
Review period:	Annually

Name	Signature	Date approved
Katrina Brown <i>Principal</i>		24/11/2023
Stephen Miller <i>Chair of Governors</i>		24/11/2023

SUSPENSION AND PERMANENT EXCLUSION POLICY

1. Aims

At Chester International School, we believe that positive behaviour is an essential foundation for a creative and effective learning and teaching environment, in which all members of the school community can thrive and feel respected, safe and secure.

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions 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. What are the different types of exclusion?

2.1 A suspension is for a specific period of time. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion. Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. A suspension that takes place over a lunchtime would be counted as half a school day.

2.2 A permanent exclusion (P'EX) involves the child being removed from the school roll. However, the Headteacher must not remove a student's name from the school admissions register until the outcome of the Independent Review Panel (if this route is followed by parents).

3. In what circumstances can a child be suspended or permanently excluded?

3.1 A student must only be suspended or permanently excluded on disciplinary grounds. The decision to exclude must be:

- Lawful
- Rational
- Reasonable
- Fair; and
- Proportionate

3.2 The behaviour of students outside of school can be considered as grounds for suspension and exclusion. The school's behaviour policy will set out when a student's behaviour outside of school premises may lead to disciplinary sanctions.

3.3 A decision to exclude a student permanently should only be taken: "in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school".

3.4 When reaching the decision to exclude a child, the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' which means it is more likely than not that a fact is true.

3.5 Under the Equality Act 2010 schools must not discriminate against, harass or victimise students because of their:

- sex
- race
- disability
- religion or belief
- sexual orientation
- because of a pregnancy / maternity; or
- because of a gender reassignment.

3.6 For disabled children, this includes a duty to make reasonable adjustments to policies and practices.

3.7 It is unlawful to exclude or to increase the severity of an exclusion for a nondisciplinary reason. For example, it would be unlawful to exclude a student simply because they have additional needs or a disability that the school feels it is unable to meet. It would also be unlawful to exclude for a reason such as:

- academic attainment / ability
- the action of a student's parents
- the failure of a student to meet specific conditions before they are reinstated such as attend a reintegration meeting.

However, the Headteacher could lawfully and would normally exclude a child for:

- Repeated failure to follow academic instruction ☐ Failure to complete a behavioural sanction, e.g. a detention, a decision to change the sanction to exclusion would not automatically be unlawful
- Repeated and persistent breaches of the school's behavioural policy. Even if the offence that has immediately led to the exclusion would not have normally constituted a serious enough breach on its own. A child can still be excluded if it is part of a wider pattern of behaviour. These duties need to be taken into account when deciding whether to exclude a student. Formally arranged part-time timetables may be necessary as a temporary measure in exceptional circumstances to meet a student's needs but must not be used as a disciplinary sanction and is not a long-term solution.

4. What are the factors a Headteacher should consider before deciding to exclude?

4.1 The decision on whether to exclude is for a Headteacher to take. Students should be given an opportunity to present their case before the decision to exclude. When considering whether to exclude, Headteachers should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a student has suffered bereavement, has mental health issues or has been subject to bullying.

The 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 student may have
- the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour.

Where a student has received multiple suspensions or is approaching the legal limit of 45 school days of fixed period exclusion in an academic year, Headteachers should consider whether suspension is providing an effective sanction. Schools have the power to direct a student off-site for education to improve his or her behaviour (section 29A of the Education Act 2002). If the school decide to use this power, under the Education (Educational Provision for Improving Behaviour) (Amendment) Regulations 2012 they must:

- Ensure that parents (and the local authority where the student has a Statement of Special Educational Needs or an Educational Healthcare Plan— EHCP) are given clear information about the placement: why, when, where, and how it will be reviewed;
- Keep the placement under review and involve parents in the review. The regulations specify regular reviews but do not specify how often reviews must take place (that should be decided on a case-by-case basis). Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the student is benefitting from it; and
- Have regard to guidance from the Secretary of State on the use of this power - new statutory guidance on this issue can be found at paragraph 41 of the Alternative Provision - Statutory guidance for local authorities - January 2013.

A student can also be transferred to another school as part of a 'managed move.' This is to allow the student to have a fresh start in a new school and is an alternative to a suspension.

Managed moves must only be arranged with the consent of the parties involved and be offered as part of a planned intervention. Managed moves are usually subject to a trial period in the new school and should only occur when it is in the pupil's best interests.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in

agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

To ensure the pupil is provided with an effective integration strategy information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies will take place. Students can be returned to the original school if the placement fails.

It is unlawful for a child to be informally suspended from school.

5. What are the school's obligations when a child has Special Educational Needs (SEN) or is looked after?

There are certain groups of students with additional needs who are particularly vulnerable to exclusion. This includes students with Statements of Special Educational Needs (SEN) or an Education Health Care Plan (EHCP) and looked after children.

5.1 Headteachers should, as far as possible, avoid excluding permanently any student with additional needs. In relation to looked after children, schools should co-operate proactively with foster carers or children's home workers and the local authority that looks after the child.

5.2 Where a school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEN, an EHCP or a looked after child it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a student's SEN.

5.3 Where a student has a statement of SEN or EHCP, schools should consider requesting an early annual review or interim / emergency review.

6. What is the procedure for excluding a student?

6.1 When a Headteacher or teacher in charge decides to exclude a student, the parent/s or carer/s should be notified immediately, usually by telephone, followed by a letter without delay. The letter must state:

- If the exclusion is permanent
- The precise period of the suspension
- The reasons for the exclusion or suspension
- The parents' right to make representations to the governing body, and how the student can be involved in this;
- Who to contact about making such representations

- The right on written request to see copies of a child's school record
- The arrangements made by the school / Student Referral Unit for the student to continue their education during the first five days of the exclusion, including setting and marking of work. It is the parents' responsibility to ensure that work sent home is completed by the student and returned to school. At CIS, this is done through Canvas - our online learning platform.
- The school days (or school day from) which the student will be provided with alternative suitable education.

6.2 The Headteacher will also notify the local authority and if a pupil has a social worker, or if a pupil is looked-after, the headteacher will also notify the social worker and/or VSH, as applicable.

7. What are the obligations of parents during a suspension or permanent exclusion?

7.1 During the first five days of a suspension or permanent exclusion, the parents of an suspended or excluded student, who is of compulsory school age, must make sure that he or she is not present in a public place during school hours, unless there is a reasonable justification. Failing to ensure this is an offence, and parents may be given a fixed penalty notice. If the school or Local Authority thinks that parents could better influence the behaviour of the student, a parenting contract may be offered. A parenting contract is an agreement between the school and parents that they will both support the child in improving their behaviour.

7.2 For a suspension of more than five school days, the governing body (or Local Authority in relation to a student suspended from a student referral unit) must arrange suitable full-time education for any student of compulsory school age (for example; home tutoring, a student referral unit or online studies). This provision must begin no later than the sixth day of the exclusion. This duty is set out in section 100 of the Education and Inspections Act 2006.

7.3 For permanent exclusions, the Local Authority must arrange suitable full-time education for the student, again of compulsory school age, to begin no later than the sixth day of the exclusion. This duty is set out in section 19 of the Education Act 1996.

7.4 In addition, where a student has a Statement of Special Educational Needs or Education Health Care Plan the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents.

8. Does the school have to provide education during the first 5 school days of a suspension or permanent exclusion?

8.1 It is important for schools to help minimise the disruption that a suspension or exclusion can cause to a suspended or excluded student's education. Whilst the statutory duty on governing bodies or Local Authorities is to provide fulltime education from the sixth day of an exclusion, there is an obvious benefit in starting this provision as soon as possible.

8.2 Where it is not possible, or appropriate, to arrange alternative provision during the first five school days of an exclusion, schools should take reasonable steps to set and mark work for students. Work that is provided should be accessible and achievable by students outside of school. At CIS this will be done via Canvas, our online learning platform.

9. What happens after an exclusion?

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

A reintegration meeting is used to help students understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture and offers them a fresh start. Schools can consider a range of measures to enable the pupil's successful reintegration.

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

Governing board reinstatement meetings and IRPs can now be held via the use of remote access for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.

10. Can the Headteacher cancel an exclusion?

10.1 The Headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. This practice is sometimes known as withdrawing or rescinding an exclusion. Any exclusions the Headteacher rescinds or overturns, must be reported to the Governor Pastoral Committee at the next meeting.

Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;

- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

11. Informing the governing board and local authority

11.1 The principal will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- A fixed term exclusion of more than 5 days. An alternative education site is provided beyond day 5 in this instance.
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the principal will notify the governing board and LA once a term.

11.2 The governing board

Responsibilities regarding exclusions is delegated to the principal and designated safeguarding lead.

The governing body has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

11.3 The Local Authority

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

12. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the governing body will consider the exclusion and decide whether or not to reinstate the pupil.

The governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The governing board will notify, in writing, the principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent

- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

13. An independent review

If parents apply for an independent review, the LA 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 a pupil.

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 governors category and 2 members will come from the principal category.

- 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
- 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 principals during this time
- Principals or individuals who have been a principal 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, or governing board of the excluding school
- Are the principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA/academy trust, or the governing board, of the excluding school (unless they are employed as a principal at another school)
- Have, or at any time have had, any connection with the LA/academy trust, 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 (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one 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 when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

14. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel'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, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

15. Returning from a fixed-term exclusion

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation

16. Monitoring arrangements

The designated safeguarding lead monitors the number of exclusions every term and reports back to the principal and governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by governors every year. At every review, the policy will be shared with the governing board.

17. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report
- Substance misuse policy

Appendix 1: Independent review panel training

The LA/academy trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making

The need for the panel to observe procedural fairness and the rules of natural justice

The role of the chair and the clerk of a review panel

The duties of principals, governing boards and the panel under the Equality Act 2010

The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act