



Cabot
Learning
Federation

CLF
Exclusions
and
Suspensions
Policy
King's Oak
Academy



History of most recent Policy changes

| Date | Page | Change | Origin of Change e.g. TU request, Change in legislation |
|----------------------------|---------------------|---|---|
| Date | E.g. Whole Document | Detail of change | Reason for change |
| 12 th June 2017 | Whole document | Implementation | Implementation of Federation wide policy |
| November 2017 | Whole document | Review | New DfE guidance released |
| January 2020 V3.0 | Items 6,7, 8 and 9 | Equalities guidance added. Review to include guidance regarding clubs and wraparound care. Information added regarding risk assessments for vulnerable students | Cyclical review |
| April 2020 V3.2 | Items 7.1 and 10.5 | Information added regarding risk assessments and dealing with unforeseen academy closures | |
| June 2020 V3.3 | Addendum | Addendum added outlining DfE guidance on exclusions during the Covid-19 pandemic | DfE Guidance released |
| Oct 2021 V4.0 | Whole Document | Annual review Replacement of the term 'fixed term exclusion' with the term 'suspension' | |
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1 Policy Statement

- 1.1 King's Oak Academy is committed to being a fully accessible and inclusive organisation, welcoming and respecting the diversity of its students, staff, community and visitors to the school.
- 1.2 This policy is underpinned by the commitment of all at King's Oak Academy to ensure the safety and well-being of the whole school community and to maintain an appropriate and safe educational environment in which all students can learn and achieve.

2 Reference to Other Policies

- 2.1 This policy will make reference throughout to the Academy's Behaviour policy which can be found on the website.

3 Data Protection

- 3.1 The academy will keep records of exclusions and suspensions in line with the Records Retention Policy. Anonymised data will be shared with the central team, Academy Council and board.

4 The Legal Position

- 4.1 King's Oak Academy is part of the Cabot Learning Federation. The federation adheres to the statutory guidelines detailed within the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 4.2 The principal legislation to which the Department for Education's guidance relates is:
 - the Education Act 2002, as amended by the Education Act 2011;
 - the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
 - the Education and Inspections Act 2006;
 - the Education Act 1996; 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. The Principal's Power to Exclude
- 4.3 Further guidance issued by the DfE in May 2020 and subsequent reviews, relating to remote access meetings and revised timescales during the Covid-19 pandemic is included in the addendum to this policy and should be read in full, and further guidance issued by the DfE regarding the change in use of terminology where, from September 2021, fixed term exclusions will be known as suspensions.
- 4.4 Any decision to exclude or suspend a pupil must be lawful; rational; reasonable; fair and proportionate.

- 4.5 The Principal will ensure he /she is proceeding within the guidance set out within the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 4.6 The Principal will take account of their legal duty of care when sending a pupil home following exclusion or suspension.
- 4.7 The Academy will only make lawful exclusions and suspensions; students will not be sent home for part of a school day unless this is by way of a formal suspension or permanent exclusion.
- 4.8 The behaviour of pupils outside school can be considered as grounds for exclusion or suspension.
- 4.9 The Principal will ensure appropriate investigations have been carried out, and that the pupil has been provided the opportunity to make a written statement.
- 4.10 When establishing the facts in relation to an exclusion or suspension decision the Principal will 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'.
- 4.11 Principals and Academy Councils will take account of their statutory duties in relation to special educational needs when administering the exclusion and suspension process.
- 4.12 The Principal may withdraw an exclusion or suspension that has not been reviewed by the Academy Council.
- 4.13 Further guidance issued by the DfE in May 2020 relating to remote access meetings and revised timescales during the Covid-19 pandemic is included in the addendum to this policy and should be read in full.

5 Suspensions (previously called fixed-term exclusions)

- 5.1 A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. Under the updated statutory guidance, Principals may no longer convert a suspension to a permanent exclusion. It may sometimes be appropriate for Principals to issue a further suspension or issue a permanent exclusion (both immediately after the original suspension), though this is limited to exceptional circumstances, usually where new information or evidence has come to light. This is a fresh decision and needs to be treated as such in terms of process, with parents informed without delay and a new suspension or exclusion notice issued.
- 5.2 Where a pupil has been suspended they should return to the academy on the first day after the fixed period of suspension expires. There should not be a delay in returning to school; academies must not refuse a student from attending while they are waiting for a return to school or re-integration meeting. This would be an illegal exclusion.
- 5.3 Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period; one lunchtime period is counted as a half school day for calculation purposes.

- 5.4 Where a pupil has received multiple suspensions or is approaching the legal limit of 45 days in an academic year; Principals will consider whether suspension is providing an effective sanction and will consider alternatives if appropriate.
- 5.5 For a suspension of more than five school days, the academy (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion
- 5.6 Informal or unofficial exclusions, such as sending a pupil home to 'cool off' or settle down, are unlawful, regardless of whether they occur with the agreement of parents or carers. Any exclusion of a pupil, even for short periods of time, must be formally recorded.

6 Permanent Exclusions

- 6.1 A decision to exclude a pupil permanently can only be taken by the Principal:
- In response to serious or persistent breaches of the Academy's Behaviour Policy; and
 - Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.
- 6.2 Principals must 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 pupil has suffered bereavement, has mental health issues or has been subject to bullying.
- 6.3 The Academy will ensure early intervention is available to address underlying causes of disruptive behaviour, including an assessment of whether appropriate provision is in place to support any SEND that a pupil may have.

7 Alternatives to Suspension and Exclusion

- 7.1 Suspensions and exclusions will be given only where no other sanction is deemed appropriate.
- 7.2 Where an exclusion is permanent and is given for reasons of persistent breaches of the Academy Behaviour Policy, the Academy will demonstrate the means by which it has provided support and intervention to the pupil to address their individual needs. This may include (but is not limited to) a range of internal and external support, workshops, mentoring and counselling.
- 7.3 The Academy will, where appropriate, explore the possibility of a placement through suitable alternative internal provision and/or explore the possibility of a managed move to another CLF academy to avoid permanent exclusion. The threat of permanent exclusion will not be used as a means to encourage parents / carers to move their child to another school.
- 7.4 As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHC plans and looked after children. The Principal should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child.
- 7.5 Where an academy has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan 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 provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

8 Equality

- 8.1 The decision to suspend or exclude a pupil must be lawful, reasonable and fair. Schools have a statutory duty not to discriminate against pupils on the basis of protected characteristics, such as disability or race. Schools should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion.
- 8.2 An Equality Impact Assessment has been carried out and the outcome is available from the Corporate Services team or HR team.
- 8.3 The Principal and Academy Council must comply with their statutory duties in relation to SEN when administering the suspension or exclusion process. This includes having regard to the SEND Code of Practice.
- 8.4 It is unlawful to suspend or exclude a pupil for a non-disciplinary reason. For example, it would be unlawful to exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents; or the failure of a pupil to meet specific conditions before.
- 8.5 The academy should ensure that the behaviours exhibited that lead to the sanction are not a key feature of their disability. Any sanction given, including suspension or permanent exclusion, must be a considered and proportionate response.
- 8.6 Non-statutory advice from the Department for Education is available to help schools to understand how the Equality Act affects them and how to fulfil their duties under the Act and can be downloaded at the following link:

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>

- 8.7 The SEND code of practice can be found here:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

9 Risk Assessment

- 9.1 When a student is to be suspended or excluded, the academy will consider if a risk assessment is appropriate given the circumstances of the student. This decision, and the reasons for it, should be recorded.
- 9.2 If such a risk assessment is deemed appropriate, the academy should complete a risk assessment that considers what is happening for the student when they are not in the academy – e.g. consideration around safeguarding (including contextual safeguarding risks) and the health and wellbeing of the student. Where necessary the academy should consider if it is able to mitigate any of the risks that emerge. This should include, where appropriate, the Academy safeguarding team contacting any external agencies working with the child, such as Social Care

and Youth Offending Teams, in order to inform them of the suspension and better safeguard the child.

10 Consideration of wraparound care and clubs or other activities before or after school

10.1 In the event of a suspended or excluded child being registered to attend breakfast club or an after school club, (where that provision is run by the school), the suspension or exclusion would also cover attendance at that club or activity. This would also be the case where a third party provider runs the club, if it takes place within the academy grounds. The suspension or exclusion letter that is sent to the parent/carer should make this clear.

11 Reporting the Suspension or Exclusion

11.1 The Principal will, without delay, notify the parents / carers of the period of the suspension or exclusion.

11.2 The Principal must write to the parents / carers stating:

- The reasons for the suspension or exclusion;
- That it extends to breakfast or after school clubs and activities (where relevant to the student);
- The period of a suspension or confirmation that an exclusion is permanent;
- Parents / carer's rights to make representations about the suspension or exclusion to the Academy Council in line with the Department for Education's guidance 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017;
- How any representation should be made;
- Where the Academy Council Disciplinary panel meet to review the suspension or exclusion, the parents /carers right to attend the meeting; be represented (at their own expense); or bring a friend.

11.3 The Principal will set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the Academy.

11.4 Where a suspended or excluded pupil is of compulsory school age, the Principal will notify the parents / carers without delay, and by the end of the afternoon session:

- That for the first five school days of the suspension or exclusion parents / carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents / carers may be given a fixed penalty notice or prosecuted if they fail to do so.

11.5 Where it is necessary for a parent/carer to bring a suspended or excluded student to the academy to take a sibling to school, the suspended or excluded child should not enter the

playground or academy site. Arrangements may need to be made for a member of academy staff to meet the parent/carer at the academy gate.

11.6 The Principal will include in the notification relevant sources of free and impartial information as set out in the Department for Education's guidance 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.

11.7 The Principal will ensure information provided to parents /carers is clear and easily understood. Where the parents' first language is not English, consideration will be given, where practical, to translating the letter or taking additional steps to ensure that the details of the suspension or exclusion and their right to make representations to the Academy Council have been understood. This may include the use of an interpreter and or a meeting between the academy and parent/carer.

11.8 The Principal will, without delay, notify the Academy Council and the local authority of:

- A permanent exclusion;
- Suspensions which would result in the pupil being suspended for more than five school days in a term;
- Suspensions or exclusions which would result in the pupil missing a public examination or national curriculum test.

11.9 For all other suspensions or exclusions, the Principal will notify the local authority and Academy Council once a term.

12 Board and Academy Council's Responsibilities

12.1 The board are responsible for approving this policy. The Academy Council is responsible for monitoring the implementation and effectiveness of this policy.

12.2 Academy Council has a duty to consider parents' representations about a suspension or exclusion. The requirements on the Academy Council depend upon a number of factors determined in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.

12.3 The Academy Council may delegate their functions with respect to the consideration of a suspension or exclusion decision to a designated sub-committee consisting of at least three Academy Councillors from any CLF academy.

12.4 The Academy Council must consider the reinstatement of a suspended or excluded pupil within 15 school days of receiving notice of the suspension or exclusion if:

- The exclusion is permanent;
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term;
- It would result in a pupil missing a public examination or national curriculum test.

- 12.5 The Academy Council or designated sub-committee must review the suspension or exclusion in line with the statutory guidance contained in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 12.6 Where it is necessary to close an academy, or all academies in the trust, due to local or national incidents, every effort will be made to hold the Academy Council review, which may include using video conferencing and or other electronic means if deemed appropriate, and in line with the DfE Guidance 'Exclusions from maintained schools, academies and pupil referral units in England (Sept 2017)', and in full consultation with the parent/carer.
- 12.7 The following parties must be invited to a meeting of the Academy Council and allowed to make representations:
- Parents or carers;
 - The Principal;
 - A representative of the local authority.
- 12.8 The Academy Council can either:
- Decline to reinstate the pupil;
 - Direct reinstatement of the pupil immediately or on a particular date.
- 12.9 The Academy Council must notify parents, the Principal and the local authority of their decision, and the reasons for their decision, in writing and without delay. The notification should include specific information as outlined in the Department for Education's paper 'Exclusion from maintained schools, Academies and pupil referral units in England' 2017.
- 12.10 Parents / carers have the right to ask for the decision to be reviewed by an independent review panel. Any such request will be dealt with by the Clerk to the Board.

13 Academy Admissions Register

- 13.1 The Principal will remove a pupil's name from the Academy admissions register if:
- 15 school days have passed since the parents were notified of the Academy Council's decision to decline to reinstate the pupil following a permanent exclusion 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.
- 13.2 Where an application for an independent review panel has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

Addendum to the Exclusions and Suspensions Policy

1 Statutory Guidance

- 1.1 The following DfE statutory guidance describes the temporary changes made to the school exclusion and suspension process due to coronavirus (COVID-19).
- 1.2 The [new regulations](#) change some of the procedures that must be followed in relation to an exclusion or a suspension, to give greater flexibility to schools, parents and local authorities during the coronavirus (COVID-19) outbreak. They apply to all maintained schools, academies (including alternative provision academies but excluding 16 to 19 academies) and pupil referral units (PRUs).
- 1.3 The normal arrangements and procedures that must follow a decision to exclude or suspend on disciplinary grounds are described in the 2017 [statutory guidance 'Exclusion from maintained schools, academies and pupil referral units in England'](#). They are unchanged except as noted below.
- 1.4 The term 'governing board' used throughout this guidance includes the governing body of a maintained school, the management committee of a PRU or an academy trust.

2 Temporary arrangements applying to suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022

- 2.1 All suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates) are subject to temporary arrangements with regards to the use of remote access technology (for example, videoconferencing or telephone conferencing software) for meetings of governing boards or independent review panels. This is a contingency measure should there be any further public health restrictions to limit the spread of COVID-19 that might make it difficult for meetings to be held in person within the normal statutory timescales.
- 2.2 Governing boards and independent review panels (IRPs) who have a duty to meet to discuss a suspension or permanent exclusion that occurs between 25 September 2021 and 24 March 2022 (inclusive), must ensure that any such meeting takes place within the normal statutory timescales described in the statutory guidance [Suspensions and permanent exclusions from maintained schools, academies and pupil referral units in England](#).
- 2.3 If the deadlines are missed because of COVID-19, the meeting must be held as soon as it becomes reasonably practicable to meet either in person or via remote access (respecting the conditions for such a meeting).
- 2.4 Governing boards and IRPs should:
 - facilitate remote access meetings where it is not reasonably practicable to meet in person
 - consider the [actions for schools during the coronavirus \(COVID-19\) outbreak](#)

- 2.5 A permanent exclusion should be taken as having 'occurred' on the first day of the permanent exclusion.
- 2.6 Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.
- 2.7 For any suspension or permanent exclusion that occurred between 25 September 2020 and 24 September 2021, the above also applies.

3 Conducting remote meetings

- 3.1 For suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of those dates), meetings of governing boards or IRPs should be held via remote access if:
 - it is not reasonably practicable for the meeting to take place in person, within the usual timescales, due to COVID-19 and the governing board, or arranging authority for IRPs, is satisfied that:
 - all the participants agree to the use of remote access
 - all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
 - all the participants will be able to put across their point of view or fulfil their function
 - the meeting can be held fairly and transparently via remote access
- 3.2 The governing board, or arranging authority for IRPs, is responsible for ensuring that these conditions are met before a meeting takes place.
- 3.3 Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions.
- 3.4 When determining if it is practicable to meet in person, the governing board or arranging authority should assess:
 - the facts of the case
 - the circumstances in which a meeting in person could be expected to take place
 - the needs of the intended participants, as far as this is possible
 - the latest public health guidance, including the [actions for schools during the coronavirus outbreak](#)

4 Arranging a remote access meeting

- 4.1 The governing board or arranging authority should explain the technology they propose to use and make sure that the participants, particularly pupils and their families, know that they do not have to agree to a meeting to be held via remote access.
- 4.2 Where a parent or pupil has given their agreement for a meeting to be held via remote access, the other participants should accommodate that preference except in exceptional circumstances.
- 4.3 Governing boards, arranging authorities and panel members must:
 - comply with relevant equalities legislation
 - recognise that some participants may find it difficult to participate in a remote access meeting, for example if they have a disability or if English is not their first language
- 4.4 The governing board or arranging authority should take reasonable steps to facilitate a parent, child or young person's access to the technology required. For example, governing boards and arranging authorities may wish to run a 'test meeting' to trial if technology that is going to be used is suitable.
- 4.5 If a governor, trustee, panel member or other participant requires support to access or use remote access technology, the governing board or arranging authority should facilitate this to ensure the meeting can be held promptly.

5 Fairness and transparency

- 5.1 The governing board or arranging authority must assess whether a meeting can be held fairly and transparently via remote access with reference to the facts of each case. It cannot be decided by following a general policy.
- 5.2 If a governing board or arranging authority is not satisfied that a meeting can be held fairly and transparently via remote access, they should consider using reasonable adjustments to overcome this. They should consult with parents and pupils to take account of their wishes.

6 Running the meeting

- 6.1 If a meeting is held via remote access, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.
- 6.2 If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the governing board or IRP should adjourn the meeting.
- 6.3 The use of remote access does not alter other procedural requirements that may apply to governing boards, arranging authorities or IRPs. For example, if a parent requests the appointment of a special educational needs (SEN) expert to advise a review panel, the arranging

authority must appoint one and cover the cost as normal. Parents may be joined by a friend or representative as normal.

- 6.4 Though governing boards and IRPs must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.
- 6.5 As long as the conditions for a remote access meeting are met, it is possible for some participants to be present in person and for others to join the meeting via remote access. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).
- 6.6 To help meetings run smoothly and ensure they are accessible for participants, governing boards and IRPs must:
- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
 - indicate a named person who participants can contact with any questions they may have beforehand
 - consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting
 - ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
 - how participants should indicate they wish to speak
 - how any 'chat' functions should be used
 - whether there will be any breaks in proceedings
 - how participants can access advocacy services during the meeting

7 Applications for an independent review

- 7.1 The deadline for applications for an independent review has been reinstated to normal statutory timescales (15 days) in relation to permanent exclusions occurring from 25 September 2021. Applications for an independent review must be made within 15 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.
- 7.2 Schools must allow 15 school days to pass without an application having been made before deleting the name of a permanently excluded pupil from their admissions register. This is in accordance with the Education (Pupil Registration) (England) Regulations 2006 (as amended).
- 7.3 The deadline for applications for an independent review in relation to permanent exclusions occurring between 25 September 2020 and 24 September 2021 remains 25 school days from the date on which notice of the governing board's decision is given in writing to parents, or directly to the pupil if they are 18 or above.