

Liberty Academy Trust

Exclusions Policy

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|--------------------|----------------|
| Date | October 2023 |
| Written By | Executive Team |
| Review Date | September 2024 |

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1 Introduction

- 1.1 **Name of School]**'s exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that **insert name of School** 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 the **name of School** 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 Behaviour that challenges, can be an indication of unmet needs and this is particularly true for the pupils in our schools. Where a school has concerns about a pupil's behaviour, it should try to identify whether there are any causal factors and intervene early with all possible stakeholders in order to reduce the need for a subsequent exclusion. In this situation schools should work with the Local Authority and social care and health professionals to support the pupil and prevent behaviours which may lead to exclusion.
- 1.4 The School will always have regard to the Statutory Guidance on Suspensions and Exclusions (May 2023) 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).
- 1.5 This policy should be read in conjunction with the behaviour policy and the SEND policy.

2 Application of policy

- 2.1 This policy applies to all members of the School and Trust community. Each School in 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 of 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 Exclusion procedure

- 4.1 A decision to suspend or exclude a pupil will only be taken in response to serious breaches of the school's behaviour policy or if allowing the pupil to remain in light of their behaviour in school would harm the education or welfare of the pupil or others in the school.
- 4.2 A decision to suspend or exclude must be carefully considered based on the information available and by adopting the civil standard or proof i.e. on the balance of probabilities.
- 4.3 Suspension or exclusion will not be appropriate for minor incidents such as failure to complete homework, poor academic achievement, lateness or truancy, pregnancy, breaching uniform or jewellery policy or punishing parent(s) for the behaviour of pupils.
- 4.4 Suspensions or exclusions will not be appropriate where the pupils' behaviour, which calls into question the need for exclusion, is evidently a consequence of the child's autism (as described in school and other documentation e.g. risk assessment, annual review, internal behaviour information), unless there is a serious risk of impacting students' safety, wellbeing or right to education.
- 4.5 Before deciding the type of exclusion (suspension or permanent), the Principal will review and consider all facts available at the time. This will take into account checking whether the incident appears to be provoked by discriminatory practice and, if necessary, consultation with others but not involving anyone who may later take part in the review of the decision. The pupil should be enabled to participate to give their version of events where possible.
- 4.6 Before taking the decision to Suspend or Permanently exclude, the Suspension and Exclusion Decision Making Record must be completed by the Principal. (Appendix 1)
- 4.7 Permanent exclusion is an extreme measure made if the pupil's behaviour meets the following twin test:
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 in the school.
- 4.8 A suspension shall not exceed a total of 45 school days in any academic year. A suspension may last for part, a whole or multiple days. If the suspension is determined to last for more than 5 days then the local authority will be notified. Suspensions will not last for more than 10 consecutive working days.
- 4.9 The pupil shall be returned to the care of the parent or placing Authority as appropriate
- 4.10 The school will provide work for the pupil to undertake and/or guidance with regard to activities and occupation of time during the period of exclusion up to the end of the fifth consecutive day;

- 4.11 Where there are concerns that there is a risk of further suspensions or a Permanent exclusion, the Pre-Exclusion Assessment process (PEAP) will be utilised. The school and external agencies (including the Local Authority, where appropriate) will participate in the process in order to reduce the risk of further suspensions. All PEAP forms will be submitted to LAT Director of Safeguarding for review. **See Appendix 2**
- 4.12 In the case of a pupil who is looked after by the Local Authority the Principal will convene an urgent review meeting to agree the next steps.
- 4.13 If a pupil is to be suspended for more than 15 school days in one term, the Principal must plan how to enable the pupil to continue their education; how to use the time to address the pupil's barriers to education, and in conjunction with the LA, what arrangements will best help the pupil to re-integrate into the school at the end of the exclusion.
- 4.14 The Principal will inform the LA immediately of all permanent exclusions, and all suspensions that result separately or in total of the pupil missing more than 15 schools days in any one term, or which deny the pupil chance to take an examination. Suspensions of one to five school days should be reported each term unless the LA requests more frequent reports.
- 4.15 The Principal who excludes must notify the parent(s)/carer immediately themselves by telephone as soon as possible, followed by a letter within one school day.

The letter should explain:

- why the decision was taken
 - steps to enable the pupil to continue their education
 - the parent/carers' right and method of appeal
 - the right to see their pupil's school record
 - if the exclusion is permanent, the date the exclusion takes place and details of any relevant previous warnings, exclusions or measure before the present incident and how this incident meets the twin test outlined above
 - For suspensions, the date and time of return and reintegration meeting
 - the name and telephone number of the LA Officer for parent(s)/carer(s) to contact
 - correspondence should be in a format that the parent(s)/carer(s) can understand.
- 4.16 The decision to suspend is not subject to review panel appeal. However, should parents or carers have serious concerns about the decision to suspend then they should discuss this with the Principal within the first day of the exclusion.
- 4.17 When a pupil is excluded they should be referred to the appropriate sources

of help and support. Effort will be made to welcome the pupil and strategies will be put in place to assist the pupil in returning to school. Advice and information are usually available to a parent(s) through the funding LA's SEN partnership scheme.

- 4.18 If a parent/carer sends a pupil to school or refuses to collect him or her during a suspension period, the school should have due regard for the pupil's safety and contact the LA/Education Welfare Office for advice.

5 Roles and responsibilities

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

5.1 The principal

All decisions to suspend or permanently exclude a pupil will be taken by the principal after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the behaviour policy.

5.2 The governors

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.

5.3 Parents

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 Principal.

5.4 Pupils

All pupils of the school 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 behaviour policy will apply.

6 CCTV, witness evidence and pupil views

- 6.1 The School uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion,

then it will be shown in some format (redacted as necessary) at any governor review meeting. Please see the [School/Trust]'s CCTV policy and privacy notices for more information.

- 6.2 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 review meeting. All statements will be signed and dated unless the principal has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.
- 6.3 Before taking a decision to suspend or exclude and where appropriate, the principal 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 principal will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

7 Reintegration strategy meetings following suspension or off-site direction

7.1 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:

- offer the pupil a fresh start;
- help them understand the impact of their behaviour on themselves and others;
- teach them to how meet the high expectations of behaviour in line with the school culture;
- foster a renewed sense of belonging within the school community; and
- 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 or practical perspective that might reduce the chance of repeat behaviours. This meeting should take account of the pupil's level of understanding of why they were suspended/excluded and the degree of control the pupil has to manage their anxiety. Previous behaviour is not seen as an obstacle to future success.

7.2 The school used various measures to support a pupil's successful reintegration including:

- [daily contact with a designated pastoral professional in-school;
- use of a report card with personalised targets leading to personalised rewards;
- ensuring the pupil receives academic support upon return to catch up on any lost progress;
- planned pastoral interventions;
- mentoring by a trusted adult or a local mentoring charity;

- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.]

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

8 Cancelling a suspension or exclusion

8.1 A suspension or exclusion can be cancelled by the Principal as long as the suspension or exclusion has not been considered by the governors. 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.

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

9 Suspensions before a permanent exclusion

9.1 In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the principal 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.

10 Directing off-site and managed moves

10.1 Before taking any decision to permanently exclude a pupil, the principal 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.

10.2 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.

10.3 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 attend the new school for a fixed period as a direction off -site to ensure that the new school would be suitable for them. We will share relevant information with the new

school and check that they have an integration strategy. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

11 Independent review panels (IRPs)

- 11.1 The Trust arranges its own IRPs, and requests for an IRP where a permanent exclusion has been upheld should be made to Chris Rossiter, Director of Governance and Compliance within 15 school days.
- 11.2 Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions and Suspension.

12 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.

13 Remote Meetings

- 13.1 Any governor 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.
- 13.2 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.

14 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 principal in accordance with the Trust's 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.

15 Equality impact

The School 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.

16 Monitoring arrangements

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

- the interventions put in place for pupils at risk of suspension and permanent exclusion;
- 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 benefitting from it;
- the 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:
 - any previous placements have been evaluated, including support for any applicable SEND;
 - there is a process in place to monitor the pupil's attendance and behaviour at the provision;
 - the correct attendance code is being used;
 - 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;
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils;
- 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;
- whether the school register and absence codes have been recorded correctly
- how the behaviour policy is applied and specifically its consistency;
- the circumstances in which pupils receive repeat suspensions;
- whether Personal Education Plans for looked after children have been reviewed on a termly basis.

Appendix 1 Suspension/Permanent Exclusion Decision Making Record

This record outlines the decision making and influencing factors leading to a pupil receiving a sanction that falls into Liberty Exclusions Policy. This document must be signed off by the Principal with input from appropriate members of their team and in consultation with the Director of safeguarding or the Director of Education. Directorate members. All of our pupils have SEND and an EHCP. All decisions to exclude (or not) will be taken with pupils' SEND needs, known behaviours and social care needs in mind.

| Pupil Name: | Pupil URN: | How does this information affect your decision making? |
|--|---|--|
| Date: | CPOMs reference: | |
| Step 1: The incident / series of incidents | Describe: | |
| Step 2: Investigation (must include a detailed chronology of events before the incident) | Conducted by: Checked by: Outcome: | |
| Step 3: Consultation | Who has been consulted in this process and what did they say? | |
| Step 4: Reasonable adjustments (EA 2010) | Describe and explain impact of reasonable adjustments to date: | |
| Other contextual information | | |
| Step 5: Deciding whether to suspend or permanently exclude | <p>Based on the detail in the grey boxes above, do the facts of the matter support a decision to exclude the pupil?</p> <ul style="list-style-type: none"> - Are there underlying factors that led to the incident/series of incidents? - Is this incident one in a series of similar incidents? What makes this situation different? - Does the incident threaten other school members' safety and/or ability to work and learn in school? - Is there an alternative to exclusion that has not already been attempted in support of the pupils' needs? - Does the issue meet the following definition: "on the balance of probabilities' it is more likely than not that the student in question carried out a serious breach or persistent breaches of the School's Behaviour Policy"? | |

| | |
|--|---|
| <p>Step 6: Exclusion type (only complete if decision is to implement any type of exclusion)</p> | <p><i>The decision to exclude a student permanently should only be taken:</i></p> <ul style="list-style-type: none"> • <i>in response to a serious breach, or persistent breaches, of the school's behaviour policy; and</i> • <i>where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.</i> <p>Based on the information in steps 1-4, does this incident meet the criteria in italics above? Yes/No If Yes, a panel must be formed.</p> <p>Reasoning:</p> |
| <p>Step 7: Outcome</p> | <p>If the decision is not to exclude, follow steps to successfully reintegrate the pupil into their structure and routine. Adjustments must be made to the pupils' provision (including PBS plan, provision assessment etc). The pupil and their family/carers must be consulted beforehand.</p> <p>If the decision is to exclude, then the Principal must follow the steps described in the Exclusion Policy and refer to the Government's guidance if in doubt. The Principal or their delegate must liaise with the local authority when excluding from school for any duration to ensure that the pupils' wider needs are accommodated. In all cases, the pupil's next steps (reintegration, transition) must be fully supported by the school team and in collaboration with suitable stakeholders.</p> <p>Decision: Not to exclude / internal / suspension / permanent</p> <p>Signed (Principal): Signed (LGB Chair):</p> |

Appendix 2

The Pre-Exclusion Assessment Process (PEAP)

Date PEAP Opened by School:

Name of School:

| | | | |
|-------------------------------------|--|---|--|
| Name of Child | | Year Group | |
| Date of Entry to the Academy | | Date 1st Issue Recorded | |

| | | | | |
|---------------------|---|-----------------|----------------------|-------------------|
| Ethnic Group | | EAL | Y | <u>N</u> |
| LAC/CIC | Y | <u>N</u> | Pupil Premium | Y <u>N</u> |

Details of Suspensions:

| Date | Duration | Reason |
|-------------|-----------------|---------------|
| | | |
| | | |

Details of External Support Involved: (to include details of LA-based Inclusion Panels where applicable)

| Name | Agency | Date Last Involved | Reason / Outcome | Still Involved? | Date of Next Visit |
|-------------|---------------|---------------------------|-------------------------|------------------------|---------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

School-Based support, Interventions and Strategies:

| Date | Duration | Reason | Impact |
|-------------|-----------------|---------------|---------------|
| | | | |
| | | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

Details of documentation to support child's individual needs:

| Documentation | Date of 1st document | Date of 2nd document | Date of 3rd document |
|--|--|--|--|
| Support Plan | | | |
| Risk Assessment | | | |
| Individual Behaviour Management plan (IBMP) | | | |
| Individual Timetabling arrangements (if appropriate) | | | |
| Meetings with parents/carers, specifically to discuss child's behaviour and next steps | | | |

Further information:

| |
|--|
| |
|--|

Voice of the Child:

Suggested questions are given below but Safeguarding Lead/Key worker should not be restricted by them, nor is this list complete; it is important that in accordance with the guidance from the DfE, we obtain as much information as the pupil is willing to share. Questions should be tempered as needed.

- 1) What do you like about school?**
- 2) What do you dislike about school?**
- 3) Are you happy when you are here?**
- 4) Can you describe a time when you have not been happy here and what happened?**

- 5) How do the teachers/staff try to help you?
- 6) Is there anything the teachers/staff could do better to help you?
- 7) What support do you feel you need?
- 8) Can you remember the last time you were suspended from school? When was it? Can you remember how many days you were at home?
- 9) When you were at home, what work did you have to do? When did this work get marked?
- 10) Can you remember a time when you have been suspended for more than a week?
- 11) When was this? Did you have lessons in a different place or did a teacher come out to teach you?
- 12) Is there anything else you'd like to tell us?

Voice of the Child Date and responses:

Voice of the Parents/Carers: *(please record details of any relevant parental liaison including communication with regards to exclusions and reintegration)*

Voice of the Parent Date and responses:

PEAP Review Date and Recommendations (SLT or LAT Executive review):

Additional pages for use in Permanent Exclusion:

Principal Evidence of Self-Evaluation:

| Questions | YES / NO | Supporting Commentary as Evidence of Actions Taken |
|--|-----------------|---|
| Have I investigated specific incidents with all parties in a sensitive and fair way? | | |
| Have I considered factors that could have contributed to the pupil's behaviour (e.g. SEND or bereavement) and have I taken these factors sufficiently into account? | | |
| Is exclusion the most appropriate and reasonable sanction, and consistent with the academy's behaviour policy? | | |
| Are all the exclusion reasons clearly recorded, including the impact on others? Are they robust? | | |
| Is relevant evidence properly recorded / retained / documented? (E.g. summaries of interviews, past behaviour and support given) | | |
| Have I spoken to the parents to ensure they fully understand the type / scale of the incident? | | |

This document MUST be completed and handed in to the Assistant Director for Children's Services and Safeguarding at least 7 working days prior to the IRP.

Summary Recommendations (to be completed by Reviewing officer)

| Evaluation of Actions Undertaken by the Academy | YES | NO |
|--|------------|-----------|
| The Academy has extensive evidence of a range of support put in place to meet the needs of the pupil for a period longer than a term | | |
| There is evidence of involvement from multiple agencies for a period longer than a term | | |
| There is evidence that the needs of the pupil and the involvement of the parents / carers have been central to all decisions made | | |
| The Academy has met all statutory guidance, without exception | | |
| The pupil's actions have breached the behaviour policy of the Academy and continue to pose a serious threat to the education of pupils or the safety and well-being of staff / pupils / themselves | | |

I am satisfied that the evidence provided, justifies the case being put forward to the LGB, in order to approve a permanent exclusion for the child named:

_____ In Year _____

I am not satisfied that the evidence provided, justifies the case being put forward to the LGB, in order to approve a permanent exclusion for the child named: _____ In Year _____

Signed:

Position:

On completion of the pre-exclusion assessment, all documentation must be sent to the Assistant Director for Children's services and safeguarding for sign-off or information and follow-up.

Dates documents sent: