



## Houghton Conquest Lower School & Pre- Pupil Discipline, Suspension and Exclusion Policy

School

### **Statement of Intent:**

At Houghton Conquest Lower School our values underpin our every action. They motivate high expectations of us all and together, they create a loving community, a climate of safety and support and high aspirations for all to flourish. Houghton Conquest Lower School is committed to valuing diversity and equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their ability.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing board and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. 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.

An “**exclusion**” is defined as the permanent removal of a pupil from the school, 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 pupils or staff in the school.

### **Aims:**

#### **Houghton Conquest Lower 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).

The Headteacher will ensure the school does not discriminate against pupils on the basis of

any protected characteristic in accordance with the Equality Act.

### **Legislation and Statutory Guidance:**

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to exclude pupils: Section 52 of the Education Act 2002, as amended by the Education Act 2011 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 Sections 64 - 68 of the School Standards and Framework Act 1998.

In addition, the policy is based on:

- Part 7, Chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- 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
- This policy complies with our funding agreement and articles of association.

### **Partnership with Parents**

We believe parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. In our school, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour, so that we can work together in the best interest of pupils to ensure expectations for behaviour are made clear. Our school is responsible for communicating to pupils, parents, and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

These are:

- Behaviour Policy;
- Anti-Bullying Policy;
- Home-School Agreement
- Safeguarding policy

### **Supporting Pupils to Succeed**

We aim to include, not exclude, and we approach all distressed behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour and we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We will use behaviour data to assess patterns of challenging behaviour in pupils. Where patterns emerge, we will systematically intervene, drawing up an Individual Behaviour Plan with SMART targets with the child, parent, and teacher. We will always consider whether the behaviour displayed by

the child is a communication of a wider need or could be because the child has additional Social, Emotional and Mental Health (SEMH) needs which would lead us to believe that they should be covered by the SEN Code of Practice (2014) or covered by the Equality Act (2010). No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

### **Decision to Suspend or Exclude:**

We believe that suspension or exclusion from school is a very serious matter and that it is a final step only to be taken if all other strategies have failed. Houghton Conquest Lower School is 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.”

Houghton Conquest Lower School is committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

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

- In response to serious or persistent breaches of the school's behaviour policy.
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a pupil, either permanently or for a suspension, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN).

Pupils' behaviour outside school e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; additionally, this includes any serious breach of policy which could 'bring the school into disrepute'.

The following examples of behaviour may underline the school's decision to suspend or exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff,
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Sexual abuse
- Constant disruption
- A single, serious, and major incident, e.g., serious assault on another individual leading to injury.

## **Types of Suspension or Exclusion**

### **Internal Suspension - Removal from the Classroom**

Removal is where a child, for serious disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of the senior leadership team. This is differentiated from circumstances in which a child is asked to step outside of the classroom briefly for a conversation with a staff member and asked to return following this. The use of removal allows for continuation of the child's education in a supervised setting within the school. The continuous education provided may differ to the mainstream curriculum; however, this will still be meaningful for the child.

Removal from the classroom is considered a serious sanction. It is only to be used when necessary and once other behavioural strategies in the classroom have been attempted unless the behaviour is so extreme that it warrants immediate removal.

Parents will be informed on the same day if their child has been removed from the classroom. As with all disciplinary measures, we will consider whether the sanction is proportionate and consider whether there are any special considerations relevant to its imposition.

Removal should be used for the following reasons:

- maintain the safety of other pupils or staff;
- restore a stable learning environment when other approaches have been unsuccessful;
- enable pupils exhibiting distressed behaviour to be able to continue their education in a managed environment, so the education of others is not disrupted;
- enable a pupil to stabilise their emotions and de-escalate in a safe space.

Removal will be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons. For instance, where a child is taken out of the classroom to regulate his or her emotions because of identified sensory overload as part of a planned response.

### **Suspension**

A decision to suspend must be undertaken from the headteacher. A suspension is when a child is suspended from school and must remain home for a fixed period of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy. Pupils can only have up to 45 school days in one school year, even if they have changed school. If the suspension is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, e.g., at a pupil referral unit.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

### **Work Set**

When a pupil is suspended for more than one day, work should be set by the school within a reasonable timescale, and this should be returned to the school when the suspension is over. If a child is suspended at the end of a school day, then it may not be possible to arrange for work to be set until the following morning. A pupil can be suspended for up to 10 continuous

days on a fixed-term basis.

## **Permanent Exclusion**

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. The decision to permanently exclude must be taken by the Headteacher and the decision is scrutinised by a panel of Governors.

## **Roles and Responsibilities**

### **The Headteacher:**

#### **Informing parents**

The Headteacher will, as soon as is practicable, provide the following information in writing, to the parents of a suspended or excluded child:

- The reason(s) for the suspension or exclusion.
- The length of a suspension or for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the exclusion to the governing board.
- How the pupil may be involved in this.
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a child and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Informing the Governing Body and Local Authority:**

The headteacher will immediately notify the governing body and the local authority (LA) of:

- A suspension and a permanent exclusion, including when a suspension is made permanent.
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term.
- Suspensions 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 Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

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

### **The Governing Body:**

Responsibilities regarding exclusions will be delegated to a Pupil Discipline Committee which represents the governing body.

The Pupil Discipline Committee has a duty to consider the reinstatement of an excluded pupil.

If a child is looked after (LAC) the virtual schools head and the social worker for the individual must be informed and involved in this process.

### **The Local Authority:**

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

### **Considering the Reinstatement of a Pupil:**

The Pupil Discipline Committee 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 suspension 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 Pupil Discipline Committee 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 Pupil Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Pupil Discipline Committee will consider the exclusion and decide whether or not to reinstate the pupil.

The Governing Body can either:

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

In reaching a decision, Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable, and procedurally fair and whether the Headteacher 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 Pupil Discipline Committee will notify, in writing, the parents, the Headteacher, the LA of its decision and the virtual schools Headteacher and social worker if applicable, along with reasons for its decision, without delay.

Where an exclusion is permanent, Pupil Discipline Committee 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.
- 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 Local Authority 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 representative to the review.

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.

### **An Independent Review:**

If parents apply for an independent review, Central Bedfordshire Council 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 Houghton Conquest's Governing Body 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.

- 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 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 of Central Bedfordshire Council or on the governing body 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 Central Bedfordshire Council 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 Local Authority, school, governing body, 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.

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.

### **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.

### **Returning from a Suspension**

Following a suspension, a re-integration meeting will be held at Houghton Conquest Lower School involving the pupil, parents, the Headteacher and other staff, where appropriate. At this meeting a way forward for the pupil will be discussed with all present and a re-integration plan will be constructed. This will be reviewed regularly once the pupil has returned to school. This process will be guided by our belief in the values of forgiveness and hope. Parents will be asked to sign to agreement of the minutes of the meeting.

### **Monitoring Arrangements**

The number of suspensions and exclusions per half-term will be reported as part of the Headteacher Report to the Governing Body.

This policy will be reviewed annually. In the first year of this policy being mandatory, it will be reviewed by the Governing Board after one year.

### **Links with other policies:**

This exclusions policy is linked to our:

- Behaviour Policy
- SEND Policy and Information Report
- Equal Opportunities Policy