Suspension and Exclusions Policy

Magna Academy

Approved by Regional CEO:		**Date:** 15th December 2021
Next review due by:	December 2022	

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1. Aims

Our suspension and exclusion policy aims to explain the process followed should a student receive a period of suspension or be permanently excluded. It outlines the process that Magna Academy will follow, ensuring all relevant parties are notified within a timely matter.

Our academy aims to ensure that:

- The suspension and exclusions process is applied fairly and consistently
- The suspension and exclusions process is understood by the Trust, staff, parents/carers and students
- Students at the academy are safe, happy and can make rapid academic progress
- Students do not become NEET (not in education, employment or training)

In order to avoid the use of the suspension and exclusion policy:

Magna Academy will promote positive behaviour and put students' needs first in order to make well-informed decisions throughout the academy community. This will be encouraged through positive working relationships based on respect for all.

Magna Academy will provide a safe learning environment for all within the academy community; free from disruption, addressing all issues in relation to violence, bullying or harassment with a keen eye to the guidance set out in the Equality Act (2010).

Magna Academy will support the personal development of each student by offering an education that ensures students are well informed, empathetic and able to appreciate differences.

2. Legislation and statutory guidance

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

It is based on the following legislation, which outlines the academy's powers to suspend/exclude students:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The School Standards and Framework Act 1998
- The Equalities Act 2010

In addition, the policy is based on:

- The Education and Inspections Act 2006, which looks at parental responsibility for excluded students
- 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 (Proposed for introduction September 2017)

This policy complies with our funding agreement and articles of association.

3. The decision to suspend or exclude

Only the Principal, or delegated Vice Principal, can suspend a student from the academy. A permanent exclusion will be taken as a last resort and the decision made only by the Principal.

Our academy 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."

We are committed to following all statutory suspensions/exclusions procedures to ensure that every child receives an education in a safe, inclusive and caring environment.
A decision to suspend or permanently exclude a student will be taken only:

- In response to serious or persistent breaches of the academy's behaviour policy, and
- If allowing the student to remain at the academy would seriously harm the education or welfare of others

Before deciding whether to suspend or permanently exclude a student, the Principal or Vice Principal will:

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

4. Definition

For the purposes of suspensions, the academy day is defined as any day on which there is an academy session. Therefore, INSET or staff training days do not count as an academy day.

5. Roles and responsibilities

5.1 The Principal

Informing parents
The Principal/Vice Principal, or a member of staff acting on their behalf will provide the following information, to the parents/carers of an suspended/excluded student: (childlawadvice)

When the decision has been made to suspend a student the parent/carer will be informed by a telephone call. This will include the following information

- The reason(s) for the suspension

- The length of a suspension
- To arrange a reintegration meeting for after a suspension
- The Principal is the only member of the academy who will notify the parent(s)/carer(s) of a student by a telephone call that has been permanently excluded. This will be witnessed and minuted by another member of academy staff

If the suspended student is SEND, all information will be shared with the academy SENCO via email. The SENCO may then be involved in future meetings regarding this suspension.

If the suspended student is LAC, all relevant information will be shared with BCP and Virtual Schools. A welfare call will be made if the suspension period is longer than a single day, with the first call being made within 48 hours of the suspension period starting.

Parents/Carers and the local authority (BCP) will be emailed a formal letter for any suspension that has been made, within 24 hours of the parent/carer first being notified. A hardcopy of this letter will also be posted out to the students address, that day. This information will include the following:

- The reason(s) for the suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- The date and time of the reintegration meeting following the suspension, as agreed during the telephone call
- Information about parents' right to make representations about the suspension to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a student, and the family have a right to attend a meeting

The Principal or Vice Principal will also notify parents that for the first five academy days of a suspension/exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during academy hours without good reason. Parents/carers 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/exclusion:

- 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 student to identify the person they should report to on the first day

The Principal or Vice Principal will immediately notify the governing body and the local authority (BCP) of:

- A permanent exclusion, including when a suspension is made permanent
- Suspensions which would result in the student being suspended for more than five academy days in a term

- Suspensions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the local authority (BCP) in which the academy is located, the Principal or Vice Principal will also immediately inform the student's 'home authority' of the permanent exclusion and the reason(s) for it, without delay.
For all other suspensions, the Principal or Vice Principal will notify the governing board and local authority once a term.

5.2 The Regional Board

Responsibilities regarding suspensions and permanent exclusions are delegated to the Regional Board. The Regional Board has a duty to consider the reinstatement of a suspended student or a student who has been permanently excluded (see section 6).
Within 14 days of receipt of a request, the Regional Board will provide the Secretary of State with information about any suspensions/exclusions within the last 12 months.
For a suspension of more than five academy days, the Regional Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.
Provision does not have to be arranged for students in the final year of compulsory education, who do not have any further public examinations to sit.

5.3 The Local Authority (BCP)

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

6. Considering the reinstatement of a student

The regional board will consider the reinstatement of a suspended/excluded student within 15 academy days of receiving the notice of the suspension/exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of academy days of suspensions to more than 15 in a term
- It would result in a student missing a public examination

The regional board can either:

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

In reaching a decision, the regional board will consider whether the suspension/permanent exclusion was lawful, reasonable, procedurally fair and whether the Principal followed their legal duties. They will decide whether or not facts are 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 suspend/permanently exclude. Minutes will be

taken of the meeting and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.
The regional board will notify, in writing, the Principal, parents/carers and the local authority of its decision, along with reasons for its decision, without delay.
Where an exclusion is permanent, the behaviour committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents'/carers' 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 student's SEN are considered to be relevant to the exclusion
    - That, regardless of whether the excluded student has recognised SEN, parents/carers 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/carers for this appointment
    - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
    - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel and parents/carers may also bring a family representative to the review

- That if parents/carers 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, the county court or 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

7. An independent review

If parents/carers apply for an independent review, the local authority will arrange for an independent panel to review the decision of the regional board not to reinstate a permanently excluded student. Applications for an independent review must be made within 15 academy days of notice being given to the parents by the regional board of its decision to not reinstate a student.
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 academy governor's category and 2 members will come from the Principal category.

- A lay member to chair the panel who has not worked in any academy in a paid capacity, disregarding any experience as a academy governor or volunteer

- Academy 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 Principal during this time
- Principals or individuals who have been in charge of an educational establishment within the last 5 years

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

- Are a member of the academy trust board of the excluding academy
- Are the Principal of the excluding academy, or have held this position in the last 5 years
- Are an employee of the academy trust or the governing board, of the excluding academy (unless they are employed as a Principal at another academy)
- Have, or at any time have had, any connection with the academy trust, academy, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartially
- Have not had the required training within the last 2 years (Appendix 1)

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.

8. Academy registers

A student's name will be removed from the academy admissions register if:

- 15 academy days have passed since the parents/carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/carers 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 regional board will wait until that review has concluded before removing a student's name from the register.
Where alternative provision has been made for an excluded student and they attend it, code B (education offsite) or code D (dual registration) will be used on the attendance register. Where excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension/exclusion

Following a suspension, a reintegration meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate.
The following measures may be implemented when a student returns from a suspension:

- Agreeing to a behaviour plan – with clear targets for success
- Receiving support based on the needs of the individual student, including that on offer externally

10. Monitoring arrangements

The Vice Principal/Assistant Principal in charge of behaviour monitors, the number of suspensions every half term and reports back to the Principal. They also liaise with the local authority to ensure suitable full-time education for suspended students.

This policy will be reviewed by the Vice Principal/Assistant Principal in charge of behaviour, every two years. At every review, the policy will be shared with the Trust.

11. Measures to prevent/reduce suspensions and/or exclusions

- Clear and concise communication of academy expectations to all stakeholders
- Excellent home-academy communication to meet the needs of our students
- Appropriate curriculum pathways to meet the academic needs of all students
- Regular SEND training for all staff, with specifics for students who are on our SEND register
- Appropriate use of pupil premium funding to support students with financial need
- Regular review of behaviour incidents, with specific actions, to prevent escalation i.e personal development curriculum
- Supporting students with specific interventions, whether internal or external e.g. anger management
- Alternative provision, where applicable, utilising the resources available within the local authority (BCP)
- Pastoral support plans in place, for students who require it, reviewed regularly
- Consistent use of our behaviour and recognition and rewards policies

12. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training - the 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 headteachers, 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