



Our vision is to be stronger together, transforming lives and
creating memories which are celebrated for a lifetime

SUSPENSION AND EXCLUSION POLICY

Aims

WMAT aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Trustees, Governors, staff, parents and students
- Students in the WMAT schools are safe and happy
- Students do not become NEET (not in education, employment or training)
- 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:

- The Education Act 2002 as amended by the Education Act 2011
- The Education and Inspections Act 2006
- The Education (Provision of Full-time Education for Excluded Pupils) (England) Regulations 2007
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012
- 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. It should be read in conjunction with other student policies as appropriate.

The Trust Vision

WMAT is committed to the philosophy and practice of inclusion.

We aim to provide a stimulating learning environment for all learners. We also aim to be in a position to maximise individual potential and ensure that students of all ability levels and staff at differing stages of their career are well equipped to meet the challenges of education, work and life.

This will be achieved by:

- Designing a curriculum to promote a full range of learning, thinking and life skills
- Providing a broad, balanced and relevant curriculum
- Using flexible and responsive teaching and learning styles
- Equipping students with the skills, knowledge and attitudes necessary to succeed as responsible and valued members of society
- Developing a close partnership within and with the whole community, including all stakeholders

We aim to be an inclusive trust and offer equality of opportunity and diversity when needed to all groups of students within our schools.

These groups include:

- Boys and girls
- Students from minority faiths, ethnicities, travellers, asylum seekers, refugees
- Students who have English as an additional language
- Students who have special educational needs
- Students who are academically more able
- Students who are looked-after children
- Students who are at risk of disaffection or exclusion, young carers, sick children, children from families under permanent or temporary stress

We aim to provide a differentiated curriculum that meets the needs of all students, individuals and groups by:

- Setting suitable learning challenges
- Responding to students' diverse learning needs
- Overcoming potential barriers to learning and assessment

We aim to provide happy, healthy and safe schools by:

- Recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our students and staff members
- Providing high quality pastoral care, support and guidance, driven by the leadership team
- Safeguarding the health, safety and welfare of students and staff
- Listening and responding to the concerns of learners and parents
- Taking care to balance the needs of all members of the school community

We will secure inclusive education for our students by constant review and evaluating what is done through the following questions:

- Does each student achieve as much as they can?
- Are there differences in the achievements of different groups of students?
- What is in place for students who are not achieving their potential?
- Are our actions effective?
- Are all students happy to be in school?
- Are all members of our community valued, do they feel secure and are they offered opportunities to learn? Are structures in place to support inclusion if they cannot?

Suspension

We are mindful that the government does not regard suspension to be justified for:

- A breach of uniform or appearance, except for persistent defiance
- Minor incidents, such as failure to complete homework or to bring in money owed
- Poor academic work
- Lateness or truancy
- Pregnancy
- Misdeeds by a child who has special educational needs, except for very serious offences

We will do everything possible to avoid the need for suspension by:

- Carrying out early intervention strategies, especially in the case of a student with SEN to ascertain that the student is receiving appropriate provision and support
- We will consider the use of multi-agency assessment of students who demonstrate persistent disruptive behaviour
- We will check whether there are mental health or family problems
- We may request an early review of a student's education, health and care (EHC) plan – or we may ask for an interim/emergency review

Duration of Suspensions

The Principal/Headteacher may suspend a student for one or more fixed periods not exceeding a total of 45 days in any one school year.

If a student is suspended for lunchtimes only, each lunchtime counts as a half day.

Permanent Exclusion

The Principal/Headteacher may exclude a student permanently if they judge that the circumstances warrant it. The current DfE statutory guidelines and regulations will be stringently followed.

The Decision to Exclude

Permanent exclusion will be used:

- For a major first offence, such as serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon. We will not postpone taking a decision on permanent exclusion solely because a police investigation is underway. Our decision will be taken on the evidence available to the school at the time. The Principal/Headteacher will give particular consideration to the fairness of permanent exclusion if they are aware that some evidence is being withheld by the police.
- In exceptional cases i.e. when further evidence has come to light a further fixed-period exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.
- In response to a serious breach of the school's behaviour policy or following a series of breaches of the school's behaviour policy after an exhaustive range of strategies, including suspensions to resolve the student's disciplinary problems, have been tried and have failed.
- Where allowing the student to remain in school would be seriously detrimental to the education of other students, to the safety and/or welfare of other students, staff or the student themselves. When the behaviour of students outside school is such that it can be considered as grounds for exclusion.

The Principles of the policy:

Only the Principal/Headteacher, CEO, or acting Headteacher/Principal, can permanently exclude a student from a WMAT school and only ever on disciplinary grounds. This power may not be delegated to anyone else.

The Principal/Headteacher may withdraw a permanent exclusion that has not been reviewed by the governing body.

In line with the principles of administrative law (including the European convention on human rights), any decision the Principal/Headteacher makes to exclude a student must be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

When establishing the facts in relation to a possible permanent exclusion, the Principal/Headteacher will always apply the civil standard of proof, that is, on the balance of probabilities. They will take care to ensure that a decision to suspend or permanently exclude does not involve any kind of discrimination as defined by the Equality Act 2010.

The school:

- Will always have due regard to its public sector equality duty
- Will be mindful of the prevent duty
- Will not suspend or permanently exclude any student for non-disciplinary reasons
- Will ensure that suspension or permanent exclusion will never be used informally or unofficially. This is against the law.
- Does not use the practice of off-rolling as a measure to deal with behavioural problems

The Principal/Headteacher does however have the right to direct a student for education off-site to improve behaviour, or to arrange a 'managed move' for the same reason. This will only be considered when there has been full consultation and agreement with parents and the receiving institution. The student will remain on the school roll. The threat of exclusion will never be used to influence parents to remove their child from the school.

Where practical, the Principal/Headteacher will give the student an opportunity to present their case before taking the decision to permanently exclude.

When considering exclusion, the Principal/Headteacher will take into account:

- Possible short term mitigating circumstances, such as bereavement, mental health issues etc.
- Where it comes to light that the student has been subject to bullying
- Whether the student comes into a category that is known to be a particularly vulnerable group (for example, students with SEN, free school meals (FSM) students; looked-after children; certain groups or a group with disproportionately high levels of exclusion; Traveller children and whether all preventative strategies have been fully used
- Whether a student has already had a number of suspensions which appear to have been ineffective
- If a decision is overturned, there is no recourse for students or parents making a claim as a result of the original decision.

Definition

For the purposes of suspensions and permanent exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Roles and responsibilities

The Headteacher/Principal

Following any suspension of whatever duration or a permanent exclusion, the Principal/Headteacher will immediately inform the parents and provide the following information, in writing via email, text or letter using the last known contact details, to the parents of a suspended or permanently excluded student:

- Give the reason(s) for the suspension or permanent exclusion
- The period of the suspension or that it is a permanent exclusion
- Information about parents' rights of representations about the suspension or permanent exclusion to the Governing Body and how these representations may be made
- Take account of their legal duty of care when sending a student home following a suspension or a permanent exclusion. 'Holding' arrangements until the student can be collected may be necessary (the school cannot force parents to collect a suspended or excluded child straight away).
- Where there is a legal requirement for the Governing Body to meet to consider the suspension or permanent exclusion, that parents have a right to appeal to the governing body concerning suspensions of more than five school days in a term or if any suspension means that the students misses a public examination. If governors decide not to reinstate the students before the end of a suspension or not to reinstate following a permanent exclusion, then the parents can appeal to the trust.
- Arrangements which have been made to provide education for the student during the first five days of the suspension or permanent exclusion. Work will be provided that is accessible and achievable by students outside of school.
- The information can be legally sent home with the student but in this case, the school will always send a duplicate copy by a reliable alternative method. The information provided to parents will be clear and free of unnecessary jargon. Consideration will be given to translating the letter if the parent's first language is not English.
- Parents may make a claim to a court or tribunal if they believe the student has been discriminated against. The Equality Advisory Service will supply help and advice.
- The Principal/Headteacher will also notify parents without delay and at least by the end of the afternoon session that for the first five (5) school days of a suspension or permanent exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not in a public place during school hours without reasonable justification and that they may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged, the following information will be included when notifying parents of an 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 pupil to identify the person they should report to on the first day
- Where this information on alternative provision is not reasonably attainable 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.
- If the suspension is extended or the school is considering initiating a process for a permanent exclusion, the Principal/Headteacher will write again to the parents explaining the reasons for the change and providing any additional information required. **Informing the CEO, Local Governing Body and Local Authority**
- The Principal/Headteacher will immediately notify the Local Governing Body, WMAT CEO and Local Authority (LA) of:
- Exclusions which would result in the students being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusion which would result in the student missing a public examination
- For a permanent exclusion, if the student lives outside the LA in which the school is located, the Principal/Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.
- For all other exclusions, the Principal/Headteacher will notify the CEO, Local Governing Body and Local Authority once per term. If a request is made, schools must also provide exclusion information to the RSC.

The Local Governing Body

- Responsibilities regarding exclusions is delegated to a Governors Disciplinary Committee which will comprise of at least three (3) Governors. A Clerk to the Disciplinary Committee will be appointed.
- The Governors Disciplinary Committee has a duty to consider the reinstatement of a suspended or permanently excluded student. The Chair of the Committee will have the casting vote in all cases where an even number of governors are considering the case.
- The Governors Disciplinary Committee may review suspensions or permanent exclusions and will consider representations made by parents and the student.
- The Governors Disciplinary Committee has no power to increase the severity of the exclusion. It can only uphold the exclusion or direct the student's reinstatement, either immediately or on a particular date.
- In the case of a suspension that does not bring the student's total number of days of suspension to more than five days in a term, the Governing Body cannot direct reinstatement and is not required to arrange a meeting with parents.

- If the suspension or permanent exclusion could result in a student missing a public examination, the committee will make every effort to meet before the date of the examination. Should this not be possible, then the Chair of Governors will consider the suspension or permanent exclusion and decide whether to reinstate the student (these are the only circumstances in which the Chair alone will review the suspension or permanent exclusion). The committee or Chair of Governors may agree to allow the student back on to the school premises for the sole purpose of sitting an examination or make arrangements for the examination to be taken and invigilated off the school site, but they are not obliged to do so.

The Local Authority

- For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. A LA representative will be invited to attend the Disciplinary Committee meeting.
- Convening an appeal meeting
- Suspensions of 5-15 days
- If the parents of suspended students make written representations, the committee will consider them. No statutory time limits apply to the consideration of such suspensions. The committee has the discretion to agree to a meeting to discuss the suspension if this is requested by the parents.
- In the case of a suspension of more than five days but not more than fifteen school days, the committee once having agreed to hold a meeting, will hold that meeting between the sixth and the fiftieth school day after receiving the notice of the suspension from the Principal/Headteacher.
- Longer suspensions and permanent exclusions
- Disciplinary Committee/Considering the reinstatement of a student
- The Governors Disciplinary Committee will consider the reinstatement of an excluded student within fifteen (15) school days of receiving the notice of the exclusion if:
- The exclusion is permanent
- It is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term
- It would result in a student missing a public examination
- The parents, Principal/Headteacher and LA officer will be invited to the meeting at a time and a place convenient for all participants, within the statutory time limit. The parents and the school may be accompanied by a friend/advisor.
- The committee will ask for any written statements, including witness statements, in advance of the meeting.
- The Clerk will circulate in advance of the meeting any written statements and a list of those who will be attending the meeting to all parties, including the student if it is known that they will be present. Prior to the meeting:

- The governing board should not discuss the suspension or permanent exclusion with any party outside of the meeting. They should identify steps they will take to enable and encourage the student to attend the meeting and speak on their own behalf.

Conduct of the meeting

The meeting will be conducted as follows:

- No party to the review will be alone with the committee before, during or after the meeting
- The Clerk makes all introductions and explains the reason for the meeting and the powers held by the committee either to uphold a suspension or permanent exclusion or reinstate the student
- The school representative, usually the Principal/Headteacher will present the school's case
- The Principal/Headteacher can be questioned by all the other parties
- The parents will be asked to give their reasons for appealing
- A friend/advisor may present the parents' case in which case the parents and the student, if present, will be asked if they have anything to add
- The other parties may question the parent and/or comment on what the family has said
- The LA representative will provide information on support for students in the LA and how similar incidents have been dealt with by other schools and can be questioned on these but may not comment on the specific case being discussed. The trust is not obliged to have a LA representative present.
- The school summarises its case
- The parents or their representative summarise their case
- All the parties except the committee and the Clerk leave
- In reaching a decision, the Governors Disciplinary Committee will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the Principal/Headteacher followed their legal duties. The committee will apply the 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.
- Minutes will be taken of the committee meeting, and a record of evidence considered kept. The minutes will be made available to all parties on request. The outcome will also be recorded on the student's educational record.

The decision – suspension

- The Clerk may help the committee in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letters afterwards.
- In the case of suspension, it is possible that the suspension may already have expired and the student is back in school before the committee has met. In that case:

- The committee will decide whether or not, based on the evidence submitted, they would have reinstated the student during the suspension.
- The outcome should be added to the student's record for future reference.
- In rare cases, the parents may have already decided that they do not want their child reinstated whatever the committee's decision. Under those circumstances, the committee should simply record whether or not they believed that the Principal/Headteacher's decision was justified. This view should be recorded and sent to the parents.
- If the suspension is still operative:
 - The committee can either uphold the suspension, which will have to run its course, or
 - Direct the student's reinstatement either immediately or on a named date.
- The committee through the Clerk must inform the parents, the Principal/Headteacher and the LA (if present at the meeting) of their decision in writing without delay giving the reasons. They may not attach any conditions to any direction they have given the Principal/Headteacher to reinstate the student.
- The school has in place established procedures both for the return to school of a student whose suspension has been upheld, and for the reinstatement of a student whose permanent exclusion has been overturned. On their return, a student first has a meeting with the Principal/Headteacher or another senior member of staff, responsible for the student's welfare, along with the parents.

The decision – permanent exclusions

- We follow Government guidance which sets out reasons why it would normally be inappropriate to reinstate a student. These are:
 - Serious actual or threatened violence against another student or a member of staff.
 - Sexual abuse or assault.
 - Supplying illegal drugs.
 - Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to school rules.
- When the committee decides to uphold a permanent exclusion, a letter to the parents will state:
 - The fact that it is permanent and their reason for the decision.
 - The right of the family to refer the case to an independent review panel, together with the name and address of the person to whom any request for a review should be sent.
 - The date by which any request for a review should be lodged.
 - That any request for a review must set out the grounds on which the request is made.
 - That any claims on grounds of disability discrimination can also be set out. If a case for discrimination is made, this will be referred to a first-tier tribunal or a county court.
 - If the committee decides to overturn the permanent exclusion, as with suspensions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties. A note of the governing board's views on the permanent exclusion will be placed on the student's school record with copies of relevant papers.

Where the Governors Disciplinary Committee declines to reinstate the student, parents will also be advised of the relevant sources of free and impartial information that will allow them to make an informed decision on whether and, if so, how to seek a review of the decision. This will include:

- A link to the DfE's statutory guidance on exclusions;
- A link to guidance on making a claim of discrimination to the First-tier Tribunal
- A link to sources of impartial advice for parents such as the Coram Children's Legal Centre
- If appropriate, a link to local services such as the traveller education service or local parent partnership

Independent Review

- If parents apply for an independent review, in the case of a permanent exclusion, the school will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.
- Applications for an independent review must be made within fifteen (15) school days of notice being given to the parents by the Governors Disciplinary Committee of its decision to not reinstate a student.
- A panel of 3 members will be constituted as per DfE guidelines. The panel will consist of:
 - 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/trustee or volunteer
 - A current or former school governor/trustee who has served as a governor/trustee for at least 12 consecutive months in the last five years, provided that they have not been teachers or Head Teachers during that time
 - A Headteacher/Principal or individual who has been a Headteacher within the last five years.
- Panel members cannot be included in the review panel if they:
 - Are a member/trustee of the academy trust or governing body of the excluding school
 - Are the Principal/Headteacher/Principal of the excluding school
 - Are an employee of the academy trust or the governing body of the excluded schools (unless they are employed as the Principal/Headteacher at another school)
 - Have or at any time had had any connection with the academy trust, governing body, parent or students, or the incident leading to the exclusion
 - Have not had the required training within the last two years
- A Clerk will be appointed to the panel. This will not be the same clerk who was appointed for the review of the decision to exclude.
- The independent panel will decide one of the following:
 - Uphold the Local Governing Body decision
 - Recommend that the Local Governing Body reconsiders reinstatement
 - Quash the Local Governing Body 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.
- If requested by the parents in their application for an independent review panel, the trust must appoint a SEN expert to attend the panel and cover the associated cost of appointment.

- The panel may decide to adjourn a hearing if there is an on-going Police investigation and/or criminal proceedings associated with the exclusion. The panel will reconvene at the earliest opportunity but may adjourn more than once if necessary.

School registers

- Where an application for an independent review has been made within fifteen (15) school days, the student will remain on the school roll until the review has been held and its outcome known.
- A student's name will be removed from the school admissions register if:
- Fifteen (15) school days have passed since the parents were notified of the governing board's decision to uphold the permanent exclusion and no application has been received 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 Local Governing Body will wait until that review has concluded before removing a student's name from the register.
- If the parents go on to make a discrimination claim which is upheld by either a first-tier tribunal or the county court, the student must be re-instated.

Parenting orders

- Under the Anti-Social Behaviour Act 2003, LAs have powers to apply for a parenting order to help address children's behaviour. A parenting order is a court order which compels parents to attend parenting classes and to fulfil other requirements as determined necessary by the court for improving their child's behaviour.
- The school may consider asking the LA to do this following a permanent exclusion or a second suspension within 12 months, particularly if parents have not responded to the opportunity to meet with us or the governors' committee.

Financial Implications

- Should a student be permanently excluded, the appropriate sum allotted for that child's education will be deducted immediately from the school budget. The money will remain in the school budget for a little longer if the parent chooses to appeal to a governors' committee and then an independent review panel.
- If an independent review panel requires the governing board to reconsider a permanent exclusion but the governing board upholds that permanent exclusion, the school will be required to make an equivalent payment to the LA in which the academy is sited. The money will not be deducted if the parents decline a reinstatement offered by the school.
- This is to ensure that the money follows the child to whatever form of education they receive after the permanent exclusion. Special arrangements can be made if the child moves to another LA or would be about to move anyway from one phase of education to another, for example, at age 11.

Monitoring Arrangements

The Monitoring Officer in each school monitors the number of exclusions every term and reports back to the Principal/Headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded students. This information will be included in the Principal/Headteacher report to the Governing Body, CEO and Board of Trustees.

Links with other policies

This exclusions policy is linked to the:

- Behaviour policy
- School SEND policies and reports

APPENDIX 1

Independent Review Panel Training

- WMAT must ensure that all members of an independent review panel 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/Principals, Local Governing Bodies 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

APPENDIX 2

