

Frederick Bremer School



Suspension and Permanent Exclusion Policy October 2023

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1. Aims

This policy deals with the practice which informs the school's use of suspension and permanent exclusion. It is underpinned by the shared commitment of all members of the school community to achieve these important aims:

- The suspension/fixed period exclusion and permanent exclusion process is applied fairly and consistently
- The suspension/fixed period exclusion and permanent exclusion 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)
- Suspensions and permanent exclusions are used to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed
- Suspensions and permanent exclusions consider a balance between the needs of the individual pupil(s) who may need to be excluded against the needs of the pupils and adults in the school community
- A fair, equitable and consistent system for exclusions from school, particularly in relation to ethnic groups and students with SEN needs
- Suspension and permanent exclusion is only one of many options used to address unacceptable behaviour
- That suspensions and fixed period exclusions are used in the appropriate circumstance.
- That permanent exclusions are used in the appropriate circumstance.
- That updates to the exclusion guidance and borough guidance is incorporated into this policy

In order to achieve these aims the school will seek to:

- Provide an appropriate curriculum to meet individual needs and challenge every pupil.
- Ensure that the school's behaviour policy is implemented effectively including applying suitable rewards and sanctions.
- Provide effective pastoral support and intervention for pupils.
- Provide effective additional support for pupils.
- Involve parents, persons with parental responsibility and, where appropriate, community organisations in order to support pupils.
- Monitor suspensions and permanent exclusions carefully.
- Provide appropriate training for staff on behaviour for learning.
- Provide appropriate training for staff on the issues pertaining to the over-representation of ethnic minority pupils (or other over represented groups) in the school's exclusions figures.

A Suspension or permanent exclusion may be one of three types:

- Internal Exclusion (when a pupil is excluded from attending normal lessons, but remains within the school) – addressed in the school behaviour policy.
- Suspension/Fixed-Period Exclusion (when a pupil is excluded from school for a set period of time)
- Permanent Exclusion (where steps are taken to permanently remove the pupil from the school)

This policy is concerned with suspensions/fixed period exclusions and permanent exclusions.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education:

<https://www.gov.uk/government/publications/school-exclusion>

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](#)

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](#)

3. The decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school.

If the head teacher is absent, Jo Skelhorne (deputy head teacher) is the named person who may make the decision to exclude.

A permanent exclusion will be taken as a last resort. Frederick Bremer 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 exclusion procedures to ensure that every child receives an education in a safe and caring environment. A decision to suspend or permanently exclude a pupil will be taken only in response to serious or persistent breaches of the school’s behaviour policy, **and** if allowing the pupil to remain in school would seriously harm the education or welfare of others. Before deciding whether to exclude a pupil, either permanently or for a fixed period (suspend), the headteacher will;

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Ensure appropriate investigations have been carried out.
- Review all evidence available to support the allegations, taking into account the school’s behaviour policy.
- Ensure the pupil has been allowed to give her/his version of events.
- Consider evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment is considered as a potential mitigating factor.
- Consider if the pupil has special educational needs (SEN)
- Consider the level of support the school has put in place for the students and the impact of that support
- Take the pupils views into account before the decision is made
- Ensure the student has opportunities to express views with an advocate, parent carer PSO
- Ensure the student is informed of how their views will be taken into consideration when a decision is made

If the Head teacher is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, exclusion will be the outcome.

Frederick Bremer wholeheartedly recognises that disruptive behaviour can be an indication of unmet needs. Frederick Bremer is committed to meeting the needs of all our students, in line with our relational behaviour policy, and will always try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent exclusion. We seek multi agency external support and refer where appropriate.

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognize that a permanent exclusion may have a serious impact upon a pupil’s life chances.

In line with the 2023 guidance, the Headteacher may cancel/withdraw/rescind a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and VS.

When a suspension or exclusion is cancelled, the headteacher must notify;

- Parents/carers
- The governing board
- The LA
- The pupils social worker, where relevant
- The VSH (where relevant)

The Headteacher must provide all parties with the reason for cancellation.

Headteachers can now cancel suspensions that have not started yet, whereas prior to this they could only cancel suspensions/exclusions that had already begun .

4. Definitions

For the purposes of exclusions, the 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. The DfE updated its guidance on exclusions in September 2021 where it refers to fixed term exclusions as suspensions or fixed period exclusions.

Internal exclusions

Internal exclusions refer to incidents when a student is removed from lessons but not from the school site and remanded in the Break Out Room or alternative spaces if necessary. Students who have been internally excluded will be supervised by staff. Internal exclusions can be for whole days, more than one day or for part of the school day.

Suspensions (Fixed period exclusions)

Refers to incidents where students are suspended from attending the school site for a set period of time. A suspension is of short duration (usually between one and five days). For a fixed-period exclusion of more than five school days, the governing board (or local authority in relation to a pupil excluded from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth school day of the exclusion. Where a child receives consecutive fixed-period exclusions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a child has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of one fixed-period or more than one fixed-period exclusion.

Permanent exclusions

Refers to when students are permanently removed from attending the school. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is maintained by (or located within) a different local authority. In addition, where a pupil has an EHC plan, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement. The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children. Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

5. Reasons for suspension or permanent exclusion

In reaching a decision on implementing a suspension or permanent exclusion, the Head teacher will always investigate on a case by case basis. In considering whether a suspension or permanent exclusion is the most appropriate sanction, the Head teacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the behaviour policy
- The effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and involve the Police.

There are two main types of situation in which permanent exclusion may be considered:

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies (including referral to FAP). It is an acknowledgement that all available strategies outlined in the behaviour policy have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying or possession and/or use of an illegal drug on school premises, serious physical assault, possession or a weapon.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one off' offense. These might include:
 - Serious actual or threatened violence against another pupil or a member of staff.
 - Sexual abuse or assault.
 - Possession of an illegal drug.
 - Carrying an offensive weapon such as a knife
 - Arson.
 - The School will consider police involvement for any of the above offenses.

6. Exclusion of pupils from groups with disproportionately high rates of exclusion

The exclusion rates for certain groups of pupils are consistently higher than average. This includes: pupils with SEN; pupils eligible for free school meals, PP students; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy/Roma; Travelers of Irish Heritage; and Caribbean pupils. The school will endeavor to explore early intervention and extra support for these students as a preventative measure.

7. Exclusion of pupils with Education, Health and Care plans (EHC plans) and Looked After Children (LACs)

As well as having disproportionately high rates of exclusion, there are certain groups of pupils with additional needs who are particularly vulnerable to the impacts of exclusion. This includes pupils with EHC plans and looked after children. The head teacher should, as far as possible, avoid permanently excluding any pupil with an EHC plan or a looked after child. Frederick Bremer School will engage proactively with parents in supporting the behaviour of pupils with additional needs. In relation to looked after children we will endeavor to cooperate proactively with foster carers or children's home workers, the local authority that looks after the child and the local authority's virtual school head. If the school has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a pupil with an EHC plan or a looked after child, it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN. Where a pupil has an EHC plan, schools should consider requesting an early annual review or interim/emergency review.

8. LAC/PLAC/Children with a social worker. The role of the VSH and social worker

Schools have additional responsibilities for managing pupils who have a social worker, including looked-after children (LAC) and previously LAC. There is a need to balance these competing needs when faced with the possibility of suspending or excluding a pupil under the care of a social worker:

The child will often have known safeguarding risks at home or in the community, and school is known to be a protective factor; but the school has a duty to provide safe and calm environments for all pupils and staff, this tension must be carefully managed. The school will endeavor to keep the social worker up to date on any behaviour issues that could give rise to a suspension or exclusion. In the case of child on child abuse safeguarding investigations may run parallel to exclusion considerations. When a child is permanently excluded the files should endeavor to be transferred within 5 days

In addition to being informed of any suspensions or exclusions of children under their care, the VSH and social worker should be invited to participate in any governing board meetings and independent review panels (IRPs). Both should attend meetings to review suspensions or exclusions, as far as possible.

The VSH can play an advisory role in cases involving LAC or previously LAC, providing information on the child's background and circumstances that may have contributed to the suspension or exclusion

The social worker can serve as the child's advocate, identifying how the child's circumstances have led to the suspension or exclusion while making sure the child's welfare and safeguarding risks and needs are taken into account

9. Off rolling and illegal exclusions

Frederick Bremer upholds the law, safety and integrity with regards to unlawful suspensions. The school understands that illegal exclusions include;

- Directing a pupil off-site or not allowing them to attend school:
- Without following the statutory procedure or formally recording the event, e.g. sending them home to early following an incident
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- Off-rolling, a form of unlawful exclusion, can include using 'undue influence' over a parent to:
- Remove their child under threat of permanent exclusion
- Encourage them to choose elective home education or find another school place for their child

The school works to ensure that all exclusions are fair, legal and proportionate.

10. Exclusions with regard to Behaviour Outside School

Pupil behaviour outside school on school "business" for example trips, traveling to and from school, away school sports fixtures or a work experience placement are subject to the school's behaviour policy. Unacceptable behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's behaviour policy that occur 'outside of' the school may lead to a suspension or permanent exclusion. In addition, pupils are subject to school sanction if they are involved in any negative behaviour outside of school and identifiable as a member of Frederick Bremer School regardless of whether they are in uniform or not.

11. Roles and responsibilities

11.1 The headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-period exclusion 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 and how the pupil may be involved in this
- How any representations should be made

Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, 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 excluded that for the first 5 school days of an 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 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 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

The school must provide education during the first 5 days by ensuring that work is set and marked, online platforms are acceptable. In the case of LACs, the school should work with the LA to provide Alternative Provision where possible.

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 an exclusion, in which case the information can be provided with less than 48 hours’ notice with parents’ consent.

Frederick Bremer School endeavors to work closely with parents and carers and recognises that having the support of parents and carers makes a positive difference in supporting behaviour change. We request that parents and carers uphold the school’s expectations and values in order to ensure a triangulated approach to behaviour but also that parents adhere to a polite and professional code of conduct when working with the school. The school will also communicate with parents in a professional and supportive capacity.

Who the Headteacher must notify of a suspension or permanent exclusion

From September 2022, in addition to notifying parents, schools must now also notify the governing board and (as appropriate) the pupil's social worker, the virtual school head (VSH) and the local authority (LA), for all suspensions and exclusions, regardless of length and even if cancelled/rescinded

What to report	Who to	At Bremer.... The who and how...
All suspensions and exclusions; Length, dates	Parents	Letter sent via Gateway by JLO (overseen by HCO)
The Governing Board	All permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil) <ul style="list-style-type: none"> • All suspensions which would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term 	Once a term at SIP committee - FHE



	<ul style="list-style-type: none"> Any suspension or permanent exclusion which would result in the pupil missing a public examination or National Curriculum test All cancelled suspensions and exclusions (also, on a termly basis as part of your exclusions data) 	
The LA	<ul style="list-style-type: none"> All suspensions and exclusions, regardless of Length (page 30) All cancelled suspensions and exclusions For permanent exclusions: if the pupil lives outside of the school’s LA, also inform the pupil’s home LA 	Via Census collection - HHU
Students Social Worker	<ul style="list-style-type: none"> All suspensions and exclusions Any cancelled suspensions and exclusions 	HOY or PSO at time of event
Virtual School Head for LACs	<ul style="list-style-type: none"> All suspensions and exclusions Any cancelled suspensions and exclusions 	HOY or PSO at time of event

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

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions 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 exclusions, the headteacher will notify the governing board and LA once a term.

11.2 The governing board

Responsibilities regarding exclusions are delegated to the Governing body consisting of at least 3 governors.

- The governing body has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

11.3 The LA

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

12. Considering the reinstatement of a pupil

The governing board 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-period exclusion 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 or national curriculum test.

If a pupil has been excluded for any more than 15 days, including 15.5 days, in a term.

Where an exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The governing board can either:

Decline to reinstate the pupil, or

Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the governing board 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.

When the governing board is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached.

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing body's 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, 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 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 LA 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 friend to the review

That 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.

13. An independent review

If parents apply for an independent review, the LA 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 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. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the headteacher category.

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 the LA or governing board 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 the LA 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 LA, school, governing board, 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 (see appendix 1 for what training must cover)

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.

Frederick Bremer will encourage all meetings of this nature take place in person but parents /carers can request the meeting be held remotely, the Headteacher will inform parents/carers of their right to request a remote meeting.

14. School register

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.

15. Returning from a suspension

Frederick Bremer recognizes that the national guidance around the reintegration of students is more detailed from Sept 2021. Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate. A Reintegration strategy is always outlined at reintegration meeting and this may include multi agency approach and a range of support; pastoral, academic, internal and external. The following measures may be implemented when a pupil returns from a fixed-term exclusion:

Agreeing targets for the student and placing them on report

Reviewing and updating the student's pupil profile if applicable.

Making a referral for support or arranging in school support or intervention for the student

16. Monitoring arrangements

Fenella Hewitt and Jennifer Smith monitor the number of exclusions every term and report back to SLT/the headteacher and the governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Fenella Hewitt every annually. At every review, the policy will be shared with and approved by the governing body.

17. Links with other policies

This exclusions policy is linked to our;

- Behaviour policy
- SEN policy
- Anti-bullying policy and information report



Appendix

Appendix 1: Independent review panel training

The LA 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



Appendix 2: Suspension or permanent exclusion Letters

Address

Date

Dear Parent Name,

Re: Student Full Name Date of Birth:

Fixed Term Exclusion – * day (s)

I am writing to inform you of my decision to exclude Student Name for a fixed period of * day (s) pending investigation. This means that your child will not be allowed in school for this period. The exclusion is on Date of Exclusion.

I realise that this exclusion may well be upsetting for you and your family, but the decision to exclude Student Name has not been taken lightly. Student Name has been excluded for this fixed period because of:

- **Reason**

You have a duty to ensure that your child is not found in a public place during this exclusion on date unless there is reasonable justification for this. I must warn you that you may receive a penalty notice from the local authority if your child is found in a public place during normal school hours on the specified dates without reasonable justification.

We will set work for Student Name to be completed on the days specified in the previous paragraph as days during the period of his exclusion when you must ensure that he is not found in a public place without reasonable justification.

Please ensure that work set by the school is completed and returned to us promptly for marking. Work is also available on SAM Learning and Show my Homework. You have the right to make representations to the governing body. If you wish to make representations please contact:

Tahira Ahmed - Exclusions Caseworker
Social Inclusion Team,
99 Leyton Green Rd,
Leyton, E10 6DB
Tel: 0208 496 1782
Email: Tahira.Ahmed@walthamforest.gov.uk,

The Exclusions Caseworker can provide advice as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You also have the right to see a copy of Student Name's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of Student Name's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also wish to contact Tahira Ahmed as she will be able to provide advice about your child's exclusion. You may also find it useful to contact the Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted on 0808 802 008 or on



<http://www.childrenslegalcentre.com/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

Please bring Student Name to school to see Staff Dealing with Exclusion at Time on Date.

Yours sincerely

Jenny Smith
Head teacher

Ratified



Appendix 3: Serious Incident Form

Serious Incident Protocol

Incident No:

Name:

Form:

HoY:

The purpose of this protocol is:

To maintain the safe and orderly environment required if pupils are to achieve good educational outcomes.

To ensure parity, consistency and fairness in decision making.

To identify some of the relevant factors that will be considered when making the decision as to whether to suspend or permanently exclude and, if a decision to exclude is made, the length of the exclusion.

Type and Duration

Consistent with the starting point set out above, a suspension should be as short as reasonably possible. OFSTED inspection evidence suggests that 1-3 days is usually sufficient. With this in mind, the duration will be allocated as follows taking into account aggravating/ mitigating circumstances:

Is the proposal for;

Internal exclusion

Suspension

Permanent exclusion

In the case of a PEX..

Is this recommendation for a single one-off serious incident?

Or is it for persistent breach of the behaviour policy? (If so, please link to IEP and behaviour record)

1st incident – **1 day**

2nd incident – **2 days**

3rd incident – **3 days**

4th incident – **4 days**

5 days can only be allocated where we are considering the pupil for permanent exclusion

Decision to exclude

A suspension or permanent exclusion should only be used when the conduct of the pupil (taken together with any aggravating personal factors) is so serious that only suspension or permanent exclusion is appropriate.

In some cases, an incident of misconduct will be driven over the exclusion threshold once a pupil's previous conduct is taken into account.

Conversely, a pupil's conduct may be so serious that, as a starting point, exclusion is justified; however, their personal mitigation permits the Headteacher to take a less serious course. Similarly, personal mitigation may reduce the length of an exclusion.

Reason for exclusion

The *National Standard List of Reasons for Exclusions* is the authority for misconduct for which a punishment of exclusion should be the starting point of a Head teacher's considerations. This checklist is based on that guidance

- a. Physical assault against pupil
- b. Harmful Sexual Behaviour
- c. Physical assault against adult



- d. Drugs and alcohol related
- e. Verbal abuse/threatening behaviour against pupil
- f. Theft X
- g. Verbal abuse/threatening behaviour against adult
- h. Persistent disruptive behaviour
- i. Bullying
- j. Damage
- k. Racist/ Homophobic abuse
- l. Other

Aggravating circumstances

- a. Group activity (especially where in control)
- b. Recruitment of others or encouraging others to join in
- c. Vulnerable victim
- d. Pre-planned cause of conduct; sophistication
- e. Persistent conduct
- f. Ignorance of warnings/failure to respond previous “chances”/sanctions
- g. Racial abuse; abuse based on gender, religion, sexual, disability
- h. Prevalent behaviour which needs to be deterred
- i. Unprovoked violence
- j. Deliberate disruption of learning environment
- k. Incident took place outside school, witnessed by the public

Mitigating circumstances

- a. Very young
- b. Previous good record
- c. Behaviour represents a “blip” in a period of improved behaviour
- d. Stress or difficult personal circumstances
- e. Provocation (in limited circumstances)
- f. Remorse, early acceptance of responsibility; apology
- g. Pupil willing or able to respond to other measures
- h. Spontaneous and unsophisticated conduct.
- i. Conduct or behaviour by another (e.g. pupil, staff, visitor) which was itself, unfair, unacceptable or in breach of set down guidelines
- j. SEN need

Factor	Y/N/A - Notes if appropriate
Have any safeguarding concerns been taken into account when making this decision?	
If the child is a LAC/PLAC who will inform the social worker and/or VSH via email? Should be HOY or PSO	
Has the child had the chance to express their version of events?	



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Associated evidence Overview and statements

Head of Year signature:

SLT signature: _____

Once the exclusion has been agreed, the following must take place:

Action

By whom?

Exclusion letter requested from

HoY

Exclusion letter sent to parents via Gateway

JLO

Parents informed of the exclusion and meeting arranged

HOY/PSO

SIMS is updated with the final decision

JLO

Reported to social worker and VH where appropriate

HOY/PSO