

# Fairfield High School for Girls

## Policy for Suspension/Exclusions



<b>Approved by:</b>	Full Trust Board	<b>Date:</b> September 2022
<b>Last reviewed:</b>	September 2021	
<b>Next review due by:</b>	September 2023	
<b>Person Responsible:</b>	Headteacher	

**Outstanding progress for all**

## **Introduction**

The Trustees of Fairfield High School for Girls have stated that they consider that the use of the Headteacher's power to suspend/exclude from school can be essential for the purposes of establishing and maintaining order and discipline. They believe that its use should be reasonable and proportionate. Within these powers, they support the Headteacher in using their discretion in the exercise of these powers.

Positive discipline in Fairfield High School for Girls is essential to ensure that all pupils can benefit from the opportunities provided by education. However, suspension or permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of our Policy for Outstanding Conduct and Behaviour; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to suspend/exclude a pupil must be lawful, reasonable and fair. Fairfield High School for Girls should give particular consideration to the fair treatment of pupils from groups who are vulnerable to suspension/exclusion.

All children have a right to an education. Fairfield High School for Girls should take reasonable steps to set and mark work for pupils during the first five school days of a suspension/exclusion, and alternative provision must be arranged from the sixth day.

## **Purpose**

This policy document is intended to give a clear indication to staff, parents/carers and pupils the kinds of circumstances within which the Headteacher will use their powers to suspend/exclude and the procedures that will be followed in exercising them. Trustees will rely on this in reviewing the actions of the Headteacher in suspending/excluding pupils.

## **The Headteacher's power to suspend/exclude**

Only the Headteacher of Fairfield High School for Girls can suspend/exclude a pupil and this must be on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a suspension may be extended or converted to a permanent exclusion.

The behaviour of pupils outside school can be considered as grounds for suspension/exclusion. This will be a matter of judgement for the Headteacher.

The Headteacher may withdraw a permanent exclusion that has not been reviewed by the Trust Board.

The Headteacher must take into account their legal duty of care when sending a pupil home following a suspension/exclusion.

When establishing the facts in relation to a suspension/exclusion decision the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

It is unlawful to suspend/exclude or to increase the severity of a suspension/exclusion for a non-disciplinary reason. For example, it would be unlawful to suspend/exclude a pupil simply because they have additional needs or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; the action of a pupil's parents/carers; or the failure of a pupil to meet specific conditions before they are

reinstated. Pupils who repeatedly disobey their teachers' instructions could, however, be subject to suspension/exclusion.

Fairfield High School for Girls has the power to direct a pupil off-site for education to improve their behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents/carers. However, the threat of suspension/exclusion must never be used to influence parents to remove their child from the school.

There will be occasions where it is more appropriate to internally isolate a pupil in school as an alternative to a suspension. As with a permanent exclusion, only the Headteacher can make this decision. Internal isolation, as an alternative to suspension, does not fall into the realms of appeals outlined in this policy. Any issues related to internal isolation should be taken up with the Senior Assistant Headteacher as a concern in the first instance.

### **Statutory guidance on factors that a Headteacher should take into account before taking the decision to suspend/exclude**

A decision to exclude a pupil permanently should only be taken:

- In response to a serious breach, or persistent breaches, of the school's Policy for Outstanding Conduct and Behaviour; and
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision on whether to exclude is for the Headteacher to take. Where practical, the Headteacher should give pupils an opportunity to present their case before taking the decision to exclude.

Whilst an exclusion may still be an appropriate sanction, the Headteacher should take account of any contributing factors that are identified after an incident of poor behaviour has occurred. For example, where it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying.

### **The Headteacher's duty to inform parties about a suspension/exclusion**

Whenever the Headteacher suspends/excludes a pupil they must, without delay, notify parents/carers of the period of the suspension/exclusion and the reasons for it.

The Headteacher must also, without delay, provide parents with the following information in writing:

- The reasons for the suspension/exclusion;
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- Parents/carers rights to make representations about the suspension/exclusion to the Trust Board and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the Trust Board to consider a permanent exclusion, that parents/carers have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.

Written notification of the information can be provided by: delivering it directly to the parents/carers; leaving it at their last known address; or by posting it to this address.

Where a suspended/excluded pupil is of compulsory school age the Headteacher must also notify parents/carers without delay:

- That for the first five school days of a suspension (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 school hours without reasonable justification, and that parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the suspension;
- 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; and
- Any information required by the pupil to identify the person she 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 must be provided without delay and 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'/carers' consent.

The information above must be provided in writing but can be provided by any effective method, such as an email or text. Where information is sent home with a pupil, the Headteacher should consider sending a duplicate copy by an alternative method or confirming that the information has been received.

When notifying parents/carers about a suspension, the Headteacher should set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school.

Parents/carers must be informed where a suspension has been extended or converted to a permanent exclusion. In such cases the Headteacher must write again to parents/carers explaining the reasons for the change and providing any additional information.

### **The Headteacher's duty to inform the Trust Board and the Local Authority about an exclusion**

The Headteacher must, without delay, notify a representative of the Trust Board and the Local Authority of:

- A permanent exclusion (including where a suspension is made permanent);
- Suspensions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Suspensions which would result in the pupil missing a public examination.

For all other suspensions the Headteacher must notify the Trust Board once a term.

Notifications must include the reasons for the suspension and the duration of any suspension.

For a permanent exclusion, if the pupil lives outside the Local Authority in which the school is located, the Headteacher must also advise the pupil's 'home authority' of the exclusion without delay.

### **The Trust Board's duty to arrange education for suspended pupils**

For a suspension of more than five school days, the Trust Board must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the suspension.

For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the exclusion. This will be the pupils' 'home authority' in cases where the school is located within a different Local Authority.

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

### **Statutory guidance on the education of pupils prior to the sixth day of an exclusion**

Fairfield High School for Girls should take reasonable steps to set and mark work for pupils. Work that is provided should be accessible and achievable by pupils outside of school.

### **The Trust Board's duty to consider an exclusion**

The Trust Board has a duty to consider parents/carers representations about a suspension/exclusion. The requirements on a Trust Board to consider a suspension/exclusion depend upon a number of factors (these requirements are illustrated in Annex 'A').

The Trust Board may delegate their functions with respect to the consideration of a suspension/exclusion decision to a designated Pupil Issues sub-committee consisting of at least three Trustees.

The Trust Board must consider the reinstatement of a suspended/excluded pupil within 15 school days of receiving the notice of the suspension/exclusion if:

- The exclusion is permanent;
- It is a suspension which would bring the pupil's total number of school day of suspension to more than 15 in a term; or
- It would result in a pupil missing a public examination.

If requested to do so by parents/carers, the Trust Board must consider the reinstatement of a suspended pupil within 50 school days of receiving the notice of the suspension if a pupil would be suspended from school for more than five school days, but not more than 15, in a single term.

Where a suspension would result in a pupil missing a public examination there is a further requirement for a Trust Board, so far as is reasonably practicable, to consider the suspension before the date of the examination or test. If this is not practicable, the Chair of Trustees may consider the suspension independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair can review suspension/exclusion decision alone. In such cases parents still have the right to make representations to the Trust Board and must be made aware of this right.

The following parties must be invited to a meeting of the Trust Board, or the delegated sub-committee, and allowed to make representations:

- Parents/carers; and
- The Headteacher.

A Trust Board must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but in compliance with the relevant statutory time limits. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Trust Board must consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

### **Statutory guidance to Trust Boards in preparing for the consideration of an exclusion decision**

Where the Trust Board is legally required to consider the decision of a Headteacher to permanently exclude a pupil they should:

- Not discuss the exclusion with any party outside of the meeting;
- Ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEN).
- Where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- Allow parents/carers and pupils to be accompanied by a friend or representative;
- Have regard to their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent/carer or pupil has a disability in relation to mobility or communication that impacts upon their ability to attend the meeting or to make representations); and
- Identify the steps they will take to enable and encourage the excluded pupil to attend the meeting and speak on their own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in their views by other means if attending the exclusion meeting is not possible.

### **Statutory guidance to Trust Boards on suspensions/exclusions that would result in a pupil missing a public examination**

Whilst there is no automatic right for a suspended/excluded pupil to take an examination or test on the school premises, the Trust Board should consider whether it would be appropriate to exercise their discretion to allow a suspended/excluded pupil on the premises for the sole purpose of taking the examination or test.

### **The requirements on a Trust Board when considering the reinstatement of a suspended pupil**

Where the Trust Board is legally required to consider an exclusion they must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The Trust Board must also consider any representations made by:

- Parents/carers; and
- The Headteacher.

When establishing the facts in relation to an exclusion decision the Trust Board must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'. In the light of their consideration, the Trust Board can either:

- Uphold an exclusion; or
- Direct reinstatement of the pupil immediately or on a particular date.

Where reinstatement is not practical because for example, the pupil has already returned to school following the expiry of a suspension or the parents/carers make clear they do not want their child reinstated, the Trust Board must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

### **Statutory guidance to Trust Boards on the consideration of an exclusion decision**

The Trust Board should identify the steps they will take to ensure all parties will be supported to participate in their consideration and have their views properly heard.

The Trust Board should ensure that clear minutes are taken of the meeting as a record of the evidence that was considered by the Trust Board. These minutes should be made available to all parties on request.

The Trust Board should ask all parties to withdraw before making a decision. Where present, a clerk may stay to help the Trust Board by reference to their notes of the meeting and with the wording of the decision letter.

In reaching a decision on whether or not to reinstate a pupil, the Trust Board should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account of the Headteacher's legal duties.

The Trust Board should note the outcome of their consideration on the pupil's educational record, along with copies of relevant papers for future reference.

### **The Trust Board's duty to notify people after their consideration of an exclusion**

Where legally required to consider an exclusion, the Trust Board must notify parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different Local Authority from the one that maintains the school, the Trust Board must also inform the pupil's 'home authority'.

The Trust Board may provide this information by: delivering it directly to parents/carers; leaving it at their last known address; or by posting it to this address.

Notice is deemed to have been given on the same day if it is delivered directly, or on the second working day after posting if it is sent by first class mail.

## **Statutory guidance to Trust Boards on providing information to parents/carers following their consideration of an exclusion**

The Trust Board should set out the reasons for their decision in sufficient detail to enable all parties to understand why the decision was made.

### **The Headteacher's duty to remove a permanently excluded pupil's name from the school register**

The Headteacher must remove a pupil's name from the school admissions register if:

- 15 school days have passed since the parents were notified of the Trust Board's decision to uphold a permanent exclusion 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 panel has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.

## **Statutory guidance to schools on marking attendance registers following exclusion**

Whilst an excluded pupil's name remains on a school's admissions register the pupil should be marked using the appropriate attendance code. Where alternative provision has been made that meets the requirements of the pupil registration regulations, and the pupil attends it, an appropriate attendance code, such as Code B (Education Off-site) or Code D (Dual Registration), should be used. Where pupils are not attending alternative provision they should be marked absent using Code E.

### **Duty to arrange an independent review panel**

#### Arranging a date and venue

The role of a panel is to review the Trust Board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The panel must apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

Following its review, the panel can decide to:

- Uphold the exclusion decision;
- Recommend that the Trust Board reconsiders their decision, or
- Direct that the Trust Board considers the exclusion again.

However, the Department for Education clearly states that an independent panel does not have the power to direct a Trust Board to reinstate an excluded pupil.



More details on independent review panels are available on request.

Any such appeal will be dealt with in line with the latest educational legislation.

### **Parenting Contracts/Parenting Orders**

In accordance with government guidance, the school will consider the use of a Parenting Contract or applying for a Parenting Order, where a pupil has had more than two suspensions.

**Annex A – A Summary of the Trust Board’s Duties to Review the Headteacher’s Exclusion Decision**

