

TALENT EDUCATION TRUST

EXCLUSION POLICY

Approved by	Board of Trustees
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Statement of Intent

A Talent Education Trust (the ‘Trust’), we understand that good behaviour and discipline is essential for promoting a high-quality education.

As a Trust, we do not wish to suspend or permanently exclude any child from any of our schools but on rare occasions, this may be necessary.

Our aims are to ensure that:

- The process is applied fairly and consistently
- The process is understood by Trustees, staff, parents and pupils
- The Trust and its schools maintain a safe and caring environment in which all pupils can learn and succeed
- Rigorous Early Help strategies are used to support pupils to reduce the need for any suspension or permanent exclusion
- Pupils do not become NEET (not in education - employment or training) Amongst other disciplinary sanctions, our schools recognise that the suspension or permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school’s Behaviour Policy.

The suspension or permanent exclusion of a pupil may also be required in instances, where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspension or permanent exclusion of a pupil will only be used as a means of last resort.

The Trust has created this policy to clearly define the legal responsibilities of the Headteacher, Trustees and the Local Authority when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy must be read alongside the statutory guidance as set out in DfE (2022) ‘Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’ .

This policy also aims to secure a pupil’s right to an education despite having been excluded, by ensuring that appropriate alternative arrangements are in place.

Definitions

The Department for education has started to refer to 'fixed-term' or 'fixed-period' exclusions as 'suspensions'. This refers to the temporary removal of a pupil from the school for a violation of the school's behaviour policies, for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

A 'permanent exclusion' is the most serious sanction a school can give if a pupil does something that is against the school's behaviour policy. It means the pupil is no longer allowed to attend the school and their name will be removed from it.

Throughout this policy we will refer to 'suspensions' when referring to a temporary removal of a pupil and 'permanent exclusion' when referring to a permanent exclusion where a pupil's name is removed from the school roll.

Legislation and statutory duty

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 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
- European convention on Human Rights (EHCR)
- Equality Act 2010 This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:
 - DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
 - DfE (2022) 'Behaviour in schools'
 - DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
 - DfE (2018) 'Mental health and behaviour in schools' This policy operates in conjunction with the following school/Trust policies:

- Behaviour Policy
- Anti-Bullying Policy
- Pupil Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy 4 Introduction
- Talent Education Trust's exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that our schools will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- Where the individual school's approaches towards behaviour management have been exhausted, then suspensions or permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- The Trust and its schools will always have regard to the Statutory Guidance on Suspensions and Exclusions (September 2022) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- This policy should be read in conjunction with the respective school's behaviour policy and the Trust SEND policy.

Application of policy

- This policy applies to all members of the Trust community. Each school within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are relayed to all staff, parents and pupils.

Types of exclusion Suspensions and permanent exclusions are different:

- Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.
- Permanent exclusions are where, subject to a decision of the governors' pupil discipline committee to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken in response to a serious breach or persistent breaches of the school's behaviour policy; and where allowing the

pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

Roles and responsibilities

All members of the Trust community are expected to follow this policy.

Roles, responsibilities and expectations of each section of the Trust community are set out in detail below.

The Headteacher

All decisions to suspend or permanently exclude a pupil will be taken by the Headteacher after considering all the circumstances.

Every decision made will be proportionate to the seriousness of the behaviour with reference to the school's behaviour policy.

The Trust Board

The Trust board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision.

In our Trust this task is delegated Trustees for the Anglo-Portuguese School, to deal with exclusions.

In each case, the decision of the Trustees, will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.

Parents

Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Headteacher.

Pupils

All pupils in the Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those

expectations are breached, the behaviour policy will apply. CCTV, witness evidence and pupil views

- The Trust uses Close Circuit Television (CCTV) within its premises. This is to provide a safe and secure environment for pupils, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any governors' pupil exclusion meeting. Please see the Trust's CCTV policy and privacy notices for more information.
- Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any governors' pupil discipline committee meeting. All statements will be signed and dated unless the Headteacher has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.
- The Headteacher should take the pupil's views into account, considering these in light of their age and understanding, unless it would not be appropriate to do so. The pupil will in these circumstances be informed about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Headteacher will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

Reintegration strategy meetings following suspension or off-site direction

Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents/carers will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil a fresh start
- help them understand the impact of their behaviour on themselves and others
- support them to meet the high expectations of behaviour in line with the school culture
- foster a renewed sense of belonging within the school community; and
- build engagement with learning so that further suspensions are not needed.

School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

The schools use various measures to support a pupil's successful reintegration which may include (please note that this is not an exhaustive list):

- Regular contact with a designated pastoral professional in-school
- use of a report card with personalised targets leading to personalised rewards
- ensuring the pupil receives academic support upon return to catch up on any lost progress
- planned pastoral interventions
- mentoring by a trusted adult or a local mentoring organisation
- regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage; and
- informing the pupil, parents and staff of potential external support.

Whilst reintegration meetings are highly encouraged by the Trust, pupils will not be prevented from being admitted to the school or being put in mainstream classes because a meeting has not taken place.

Suspensions before a permanent exclusion

In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Headteacher will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended.

Exceptional circumstances may include where further evidence has come to light or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

Directing off-site and managed moves

Before taking any decision to permanently exclude a pupil, the Headteacher will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions, and/or outreach have been unsuccessful or are deemed inappropriate.

While parental consent is not needed, discussions would take place with parents to feed in their views about the options. For a managed move to take place there needs to be agreement between the school, the parents, and the new school that a managed move should occur.

Before a managed move is agreed to, the pupil attends the new school for a trial period to ensure that the new school would be suitable for them. We will share relevant information with the new school and check that they have an integration strategy. At the end of this period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

Independent review panels (IRPs)

When required, the Trust arranges its own IRPs, and requests for an IRP where a permanent exclusion has been upheld by the governors should be made to Christopher Toye, Chair of Trustees, christopher.toye@angloportugueseschool.org within 15 school days of receiving the governors committee decision.

Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions.

Reconsideration by the Trustees

Where an IRP either recommends reconsideration or quashes the initial decision of the Trustees, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the school and parents or may be a reconsideration with only the committee members and the clerk present.

Complaints

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Headteacher in accordance with the Trust's complaints policy.

If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.

Equality impact

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

Monitoring arrangements The Trustees review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate.

The following are monitored by the Trustees to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
 - o any previous placements have been evaluated, including support for any applicable SEND;
 - o there is a process in place to monitor the pupil's attendance and behaviour at the provision
 - o the correct attendance code is being used
 - o the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
 - the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
 - whether the school register and absence codes have been recorded correctly
 - how the behaviour policy is applied and specifically its consistency
- the circumstances in which pupils receive repeat suspensions
- whether Personal Education Plans for looked after children have been reviewed on a termly basis This Policy will be reviewed annually by the Trust Board.

The council's exclusions guidance which must be read in conjunction with the Department for Education's statutory document, 'Exclusion from maintained schools, academies and pupil referral units in England, September 2017' has been updated. The guidance notes aim to offer some advice, but not legal advice, on processes and considerations for exclusions.

The Headteacher will contact Brian Bew - brian.bew@richmondandwandsworth.gov.uk at Wandsworth Local Authority (Anglo-Portuguese School of London) to seek further guidance or support with suspensions and exclusions.