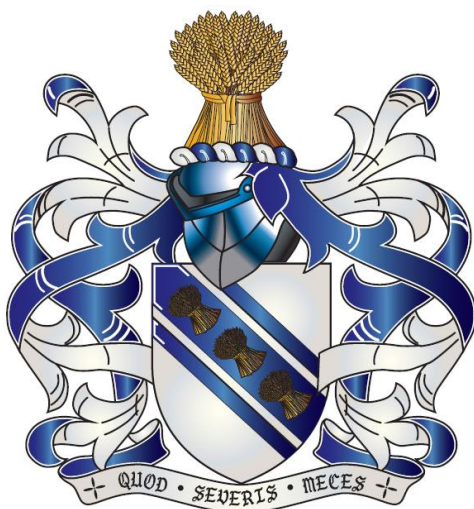


The Bliss Charity School



*The Bliss Charity School aims to provide a caring, secure and enriching experience;
each child is encouraged to develop strong personal, academic, physical and creative skills for lifelong learning.*

Suspension and Permanent Exclusion Policy (2023-2024)

The Bliss Charity School is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities.

The policy sets out guidelines and circumstances under which a pupil may be temporarily suspended (fixed-term exclusion) or permanently excluded from The Bliss Charity School and applies to all, including those who may be below or above compulsory school age. The policy is available on the school website. In this policy the term 'Headteacher' also includes any person formally appointed as Acting Headteacher or a senior leader when the Headteacher is off site.

Guidance and Legislation

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a 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 sets out 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines ‘off-rolling’.

Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a Governing Body of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

A Note on Off-Rolling

Our school 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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to ‘cool off’.
- 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 have not met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

We will follow the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), and formally record the event.

Deciding whether to suspend or exclude

Only the Headteacher, or Acting Headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A decision to suspend or 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 suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider whether the pupil has special educational needs (SEN).
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker or is a looked-after child (LAC)).
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

Partnership with Parents

Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success.

At The Bliss Charity School, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

- The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:
 - Behaviour Policy;
 - Anti-Bullying Policy;
 - Home-School Agreement.

Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper

need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never “give up” on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use behaviour data and information to assess patterns of challenging behaviour in pupils. Where patterns emerge we will systematically intervene, drawing up an action plan with the child, parent and teacher. The Headteacher has overall responsibility for sharing data with class teachers and analysing the data. It is class teachers, parents’ and the child’s responsibility to ensure the action plan is followed.

No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

Reasons for exclusion:

- Serious breach of the school’s rules or policies;
- Serious risk of harm to the education or welfare of the pupil or others in the school.

This can either be one very serious incident or the repetition of serious incidents. Any exclusion will be at the decision of the Headteacher, usually in consultation with other members of the senior leadership team (particularly if they were involved in investigating the incident).

Types of Exclusion

Internal Exclusion

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom.

An internal exclusion is a discretionary measure, where a pupil’s behaviour is escalating and more serious measures need to be taken but there are not yet grounds for an external / fixed-term exclusion. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a fixed term exclusion is necessary (e.g. behaviour chart to address specific behaviours causing a problem etc.)

Suspension - Temporary / Fixed-Term Exclusion

A suspension (temporary/fixed term exclusion) is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child’s education, whilst being mindful of the seriousness of the breach of behaviour policy.

Permanent Exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious decision and the Headteacher will consult with senior leaders and Chair of the Governing Body as soon as possible in such a case.

Reasons for Exclusion

A decision to exclude a pupil, either internally, for a fixed period or permanently is seen as a last resort by the school. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some serious situations, exclusion may be necessary, if all other strategies have been exhausted. The decision to exclude will usually follow a range of

strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of a weapon on school premises;
- Persistent bullying;
- Persistent prejudice-based harassment or hatred-based acts.

Exclusion may be the result of persistently poor behaviour or a serious single incident.

Persistent or Cumulative Problems

Internal exclusion and suspension (temporary/fixed-term exclusion) may be used in response to a persistent poor behaviour which breaches school rules and policies.

In the most serious cases where the problem persists and there is no improvement, a permanent exclusion may be necessary.

These would be imposed only when the school had already offered and implemented a range of support and management strategies. These could be joint action plans with parents, child and school, behaviour intervention, target setting, home/school communication book etc.

The length of an exclusion will depend upon a number of factors, such as the severity of the incident, and the likely impact on the child's learning and ability to succeed on returning to school. Such decisions will be made in the best interests of the child, whilst also mindful of the need to maintain order and reinforce the rules and expectations of the school in a clear and consistent way.

Single Incident

Internal and temporary/fixed-term exclusion may be used in response to a very serious breach of school rules and policies. In the most serious cases where the problem persists and there is no improvement, a permanent exclusion may be necessary.

In such cases the Headteacher or a designated senior leader will investigate the incident and consider all evidence to support the allegation, taking account of the school's behaviour policies. The pupil will be encouraged to give his/her version of events and the Headteacher or senior leader will check whether the incident may have been provoked, for example by bullying or racial harassment.

The Governing Body will be informed of all exclusions on a termly basis; additional consultation may also take place about key incidents with the Chair of Governors.

Lunchtime Exclusion

An exclusion can be for parts of the school day. For example, pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases, the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Local Governing Body meeting is triggered.

The Decision to Suspend or Exclude

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

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

- In response to a serious breach, or persistent breaches, of the school's behaviour policy; and

- Where a pupil's behaviour means that allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

If the Headteacher decides to exclude a pupil she will:

- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the pupil if the pupil is in the state of mind to listen to the decision;
- Contact the parents, explain the decision and ask that the child be collected;
- Following this discussion, subsequently we will send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion;
- The length of the exclusion and any terms or conditions agreed for the pupil's return;
- In cases of more than a day's exclusion, ensure that appropriate work is set and that arrangements are in place for it to be marked;
- Plan how to address the pupil's needs and integration back into their class on his/her return;
- Plan a meeting with parents and pupil on his/her return to be conducted by a suitable senior member of staff.

Safeguarding

An exclusion will not be enforced if doing so may put the safety of the pupil at risk. In cases where parents will not comply by, for example, refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the school may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from school, or, in more severe circumstances the school may contact Social Services and/or the Police to safely take the pupil off site.

Re-integration

After a suspension/fixed term exclusion, the pupil and parent will be requested to attend a reintegration meeting with a senior member of staff. At this meeting, the behaviour leading to the exclusion will be discussed and targets will be set for improvement. Support around behaviour will be also be discussed. The meeting will be recorded on the school re-integration form and a copy retained by the parent, child and school.

Work Set

When a pupil is excluded for more than one day, work will be set by the school within a reasonable time-scale and this should be returned to the school when the exclusion is over. If a child is excluded at the end of a school day, then it may not be possible to arrange for work to be set until the following morning.

A pupil can be excluded for up to 10 continuous days on a fixed term basis. On the 6th continuous day, the school is responsible for providing education for the pupil, which could be at another local school, a pupil referral unit or by providing home education.

Behaviour Outside School

Pupils' behaviour outside school e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; additionally, this includes any serious breach of policy which could 'bring the school into disrepute'.

Pupils with Special Educational Needs and Disabilities

The school must take account of any special educational needs when considering whether or not to exclude a pupil.

The Headteacher should ensure that reasonable steps have been taken by the school to respond to a pupil's disability so the pupil is not treated less favourably for reasons related to the disability.

Managed Move

In cases where the Headteacher and parents agree that the progress of the pupil has been unsatisfactory and the pupil is unwilling or unable to profit from the educational opportunities offered, or if a parents failure to engage in strategies implemented by the school are resulting in a continuing pattern of poor behaviour or lack of improvement in behaviour, the Headteacher may consult with the Local Authority and propose a managed move to another school. This is not exclusion and, in such cases, the Headteacher may assist the parents in placing the pupil in another school.

Removal from The Bliss Charity School for Other Reasons

The Headteacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time. A pupil cannot be 'sent home' for other reasons, including poor behaviour.

Action Following any Exclusion

Informing Parents

The Headteacher will provide the following information to parents of an excluded pupil without delay (usually by phone initially and then followed up in a letter):

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to contact the Governing Body.
- Where applicable, if there is a legal requirement for the Governing Body 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 suspended or permanently excluded:

- That for the first five 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 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.

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.

Informing the Governing Body

The Headteacher will, without delay, notify the Governing Body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam.
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

Informing the Local Authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion;
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Informing the pupil's Social Worker and/or Virtual School Head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the Headteacher will inform **the social worker** as early as possible.
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the Virtual School Head (VSH)** as early as possible.

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil.
- The reason(s) for the decision.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant).
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant).

The social worker/Virtual School Head (VSH) will be invited to any meeting of the Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the Governing Body.

Where there is a cancellation:

- The parents, Governing Body and LA will be notified without delay.
- Where relevant, any social worker and Virtual School Head (VSH) will be notified without delay.
- The notification must provide the reason for the cancellation.
- The Governing Body's duty to hold a meeting and consider reinstatement ceases.
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay.
- The pupil will be allowed back in school without delay.

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending Alternative Provision (AP), the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Microsoft TEAMS or Oak Academy may be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange Alternative Provision from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

Equal Opportunities

The Governing Body recognise that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. When full consideration has been given to this during the formulation of this policy as it is the governors' aim that no-one at The Bliss Charity School should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

Reintegration Meeting

After every period of suspension (fixed term exclusion), the parent and child will be offered a reintegration meeting with a senior member of school's staff.

At this meeting, targets will be agreed for improving behaviour and a written agreement produced for all parties to sign.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

- Maintaining contact during off-site direction and welcoming the child back to school.
- Regular reviews with the pupil and parents to raise progress being made and address concerns.
- Inform parents/carers of the potential of external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Independent Review

If parents apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the Governing Body 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 the Governing Body, of its decision to not reinstate the pupil **or**, if after this time,

within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents.

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 category and 2 members will come from the Headteacher category. At all times during the review process there must be the required representation on the panel.

- 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.
- Current or former 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 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 Body, 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 Body, 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).

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a Virtual School Head (VSH) is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the Governing Body's decision.
- Recommend that the Governing Body reconsiders reinstatement.
- Quash the Governing Body's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Governing Body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Governing Body and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Governing Body to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Governing Body reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it.
- Where relevant, details of any financial readjustment or payment to be made if the Governing Body does not subsequently decide to offer to reinstate the pupil within 10 school days.
- Any information that the panel has directed the Governing Body to place on the pupil's educational record.

Procedure for Appeal

If parents wish to appeal the decision to exclude, the matter will be referred to the Governing Body and handled using the school's and West Northamptonshire's appeal procedure.

Appendix 1: independent review panel training

The LA must make sure 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 suspensions and permanent exclusions on disciplinary grounds, 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 Body's 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.