

Kisimul

EDLN06 | Lincs School

Suspension and Exclusion

Policy and Procedure

Document Information

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Equality, Diversity & Inclusion Statement

No person or group should suffer oppression or lack of opportunity because of a protected characteristic. Kisimul Group opposes all forms of unlawful discrimination, and we are committed to encouraging equality, diversity, fairness and inclusion in the application of our policies so that everyone has equal access and feels welcome and at ease. To achieve this aim, the application and accessibility of our policies, and the decisions and outcomes arising from our policies, may be monitored to ensure their use is fair, equal and consistent irrespective of any characteristic as may be defined by the Equality Act 2010. This is to ensure that we are listening to people and appropriately understanding their needs, and are tailoring the way we interact and publish or act on our policies to ensure we are promoting equal access and opportunity at all times.

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1. Introduction

1.1 Legal Status

1.1.1 Kisimul has a duty under the *Education and Inspections Act 2006* to establish and maintain a behaviour policy for the school which promotes self-discipline, respect for others and proper regard for authority, and to make arrangements to ensure that functions are carried out with a view to safeguarding and promoting the welfare of children in accordance with the *Education Act 2011*.

1.1.2 Kisimul must also comply with *The Education (Independent School Standards) Regulations 2019*, and have regard to the DfE Statutory Guidance *Exclusion from maintained schools, academies and pupil referral units in England (2024)* and *Keeping Children Safe in Education (KCSiE) (updated annually)*.

1.1.3 Kisimul Schools and College acknowledge the obligations associated with the *Children Act 2004*, the *Human Rights Act 1998* and the *Equality Act 2010*.

2. Scope

This policy and all associated procedures apply to all staff (including agency staff, volunteers and students on placement) and children, and should be read in conjunction with other safeguarding and employment policies.

3. Definitions

Exclusion involves a learner not being allowed to attend school for a defined period of time. There are two kinds of exclusion:

3.1 Fixed Period Suspension

Where a child is temporarily removed from school and is not allowed to return for a specified number of days.

3.2 Permanent Exclusion

Means a child's name will be removed from the school register and they will not be allowed to return to that school at all.

4. Roles and Responsibilities

4.1 The Chief Executive Officer

Has overall responsibility for ensuring compliance with national and local standards that are reflected in the organisation's policies.

4.2 The Headteacher

Is responsible for successful implementation of **EDLN05 Lincs School Behaviour Policy**, and for liaising with the Group Executive Education Lead, the Managing Director and the Partnerships director where there is a possibility that this Policy may need to be used.

5. Policy

5.1 Admissions

See **EDLN03 Lincs School Admissions Policy and Procedure**.

5.1.1 Lincs School caters for learners with severe learning difficulties, who are autistic and have behaviours that challenge, or a combination of these. Following a young person/vulnerable adult's referral to us, relevant information is sought from several different sources, including parents or persons with parental responsibility, current education residential and provision, if appropriate. If the information indicates that a learner could be appropriately placed at Lincs

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School, then parents and other professionals involved with the learner are invited to the provision to assess its suitability.

5.1.2 Assuming a placement is offered to a learner, then it will be on the advice of external professionals and after the assessment carried out by representatives from Kisimul Group who feel confident that the learner's needs can be met. Despite the fact that the first term is considered to be part of the assessment period, it is very unlikely that the school will change its opinion at this time, though the staffing level and interventions may require adjustment.

5.2 Managing Changes in Learners' Needs or Behaviours

5.2.1 Sometimes, under very unusual circumstances, the needs of the learner change; either because of medical reasons or due to other factors beyond our control, and it may be necessary to request that a change of school is sought. We would always act in the best interest of the learner, would give notice in line with the signed contract, and would expect parents/persons with parental responsibility or the authority to do the same, should they wish to remove the learner.

5.2.2 Only in exceptional circumstances would we send children/young people home for fixed or variable periods of time because they exhibit challenging behaviour, indeed this is the prime reason for the learner being placed at Kisimul Group in the first place. This applies to learners accommodated under sections 17, 20 and 31.

5.2.3 If a learner is unable to access their education alongside peers, or if their behaviour pattern causes undue distress or disruption to others' learning, a multi-disciplinary meeting would be convened in the first instance with therapy, care and education professionals to determine key issues and possible underlying cause, and to develop forward plans and strategies. A reduced timetable or alternative curriculum may need to be considered. Where appropriate, this may also include education, therapy and care staff planning and delivering an education programme within the residential provision, or offsite. In such cases, a plan will be devised to re-integrate the learner back alongside their peers. The local authority will be kept informed of the educational support programme in place at all times, as well as any use of alternative providers or reduction of full-time school hours.

5.2.4 It is to be expected that Lincs School will be best able to manage learners who present with behaviour that challenges as a consequence of their special educational need or related conditions. Exclusion from Lincs School is therefore very rare, and only happens in extreme circumstances.

5.2.5 Behaviour policies and strategies, partnership with parents/carers, therapists, staff training and development in the management of complex and challenging behaviour will seek to avoid the need to exclude a learner. Where it is clear that there may be a possibility of a placement ending or becoming unfeasible due to changing needs or extreme behaviour patterns, then it should be discussed with placing authorities as soon as possible at a placement disruption meeting. This means that best interest decisions can be responsibly made, and cessation of any placement can be planned effectively rather than reactively.

5.2.6 A learner may only be excluded by the Headteacher after liaison with the Group Executive Education Lead, Managing Director and Partnerships Director. The Business Development team should be informed so that any funding implications can be addressed. Before a learner is excluded, all other alternative strategies should be considered, and due consideration given to the impact of the exclusion on the young person. However, the safety, education and welfare of all children/young people and staff are of paramount importance and it may therefore be that exclusion is the appropriate action.

6. Procedure

6.1 Decision to Exclude

6.1.1 A decision to exclude will only be taken in response to serious breaches of **EDLN05 Lincs School Behaviour Policy** or if allowing the learner to remain in school would seriously harm the education or welfare of the learner or staff in the school. As all of our learners have challenging profiles, this would need to present an exceptional circumstance for which remedial actions could not be taken.

6.1.2 A decision to exclude should not be taken reactively unless there is an immediate risk to the safety or welfare of the learner or that of other persons.

6.1.3 Exclusion will not be appropriate for minor incidents such as poor academic achievement, lateness or truancy. Learners should not be excluded for exhibiting behaviour related to their SEND, unless there is a serious risk to the safety and welfare of other learners and staff.

6.1.4 Before deciding the type of exclusion, a full investigation will take place with senior management of the setting, considering all facts and evidence from all parties concerned. It is expected that MDT processes would have been in place and there would be evidence of alternative support and intervention, including additional therapy input where necessary. This will

also consider the **EDLN10 Lincs School Equality, Diversity and Inclusion Policy**, checking whether the incident appears to be provoked by discriminatory practice and, if necessary, consultation with others, but not involving anyone who may later take part in the review of the decision. The learner should be enabled to participate to give their version of events where possible.

6.1.5 Exclusions can be either fixed, normally for a period of not more than 15 days to allow for a “cooling off” period or to allow for the provision of additional resources.

6.1.6 A fixed period exclusion shall not exceed a total of 45 school days in any academic year.

6.1.7 The school will provide work for the pupil/student to undertake and/or guidance with regard to activities and occupation of time during the period of a fixed term exclusion.

6.1.8 A meeting will be convened at the earliest opportunity with the placing authority.

6.1.9 The outcome of this meeting will be a strategy plan to be adopted for the learner return.

6.1.10 In the case of a learner who is looked after by the Local Authority, the Headteacher and Head of Care will convene an urgent review meeting to agree the next steps.

6.1.11 If a learner is to be temporarily excluded for more than 5 days in one term, the Headteacher must plan how to enable them to continue their education; how to use the time to address the problems, and in conjunction with the LA, what arrangements will best help the child/young person to re-integrate into the school at the end of the exclusion.

6.1.12 Permanent exclusion is an extreme measure, made after consultation with relevant stakeholders, when the school can no longer meet the learner’s needs, whatever the level of resources that might be made available.

6.1.13 The learner shall be returned to the care of the parent, or the placing Authority as appropriate.

6.1.14 The Headteacher will inform the Local Authority immediately of all permanent exclusions, and of all exclusions which result separately or in total of the young person missing more than five school days in any one term, or which deny the learner the chance to take an examination.

6.1.15 The Headteacher should notify the parent/carer immediately by telephone, followed by a letter within one working day. Exclusion should normally begin on the next day. The letter should explain:

- Why the decision was taken.
- Steps to enable the learner to continue their education.
- Their right to appeal, and how to make an appeal.

7. Appeals

7.1 Process

7.1.1 Applications for a review must be made within 15 working days of the notice given to the parents/carers/ placing authority of its decision not to reinstate a learner.

7.1.2 Directors will not be involved directly in the exclusion process unless and until receipt of a notification from placing authority and/or parent(s) wishing to make representation about an appeal against a decision made by the school to exclude. Directors will then set up an Exclusion Review Panel consisting of at least 2 Directors/Group Executive Education Lead.

7.1.3 The panel review meeting will be held between 7 and 21 days after receipt of the notification of appeal. Written invitations to attend will be sent to the parent(s) and purchasing authority including details of the date, time, venue enclosing any statements or evidence to be produced at the panel review meeting.

7.1.4 The Directors will notify the Headteacher, placing authority and parent(s) of the Exclusion Review Panel's decision, with reasons, within 5 days of the meeting. If it is not possible to give a final decision (for example, if further investigation is necessary), an interim response will be given within 5 days explaining the delay and timeframe for a final decision.

7.1.5 Decisions will be based on all relevant facts, including whether or not the exclusion process was in accordance with this policy and procedure and fairly implemented.

7.1.6 The needs and interests of all other learners and staff in the school will be considered, as well as those of the excluded learner.

7.1.7 The appeal hearing will consider whether or not there was consistency in terms both of other exclusions (if any) on similar grounds in similar situations, and in terms of sanctions imposed on learner involved in that case (if relevant).

7.1.8 The Chair will welcome and introduce all parties, explain in which order the parties will be heard, and explain that there will be an opportunity for questions to be raised after each party has spoken.

7.1.9 The conduct of the proceedings is based on fairness and informality.

7.1.10 The meetings will not be recorded unless there is a good reason for it and all parties agree, but minutes will be taken.

8. Linked Documents

8.1 Kisimul Policies

8.1.1 EDLN03 Lincs School Admissions Policy and Procedure

8.1.2 EDLN05 Lincs School Behaviour Policy and Procedure

8.1.3 EDLN10 Lincs School Equality, Diversity and Inclusion Policy

8.2 Legislation

8.2.1 Children Act 2004

8.2.2 Education and Inspections Act 2006

8.2.3 Education Act 2011

8.2.4 Equality Act 2010

8.2.5 Human Rights Act 1998

8.2.6 The Education (Independent School Standards) Regulations 2019

8.3 Statutory and Best Practice Guidance

8.3.1 Keeping Children Safe in Education (KCSiE) (updated annually)

8.3.2 Exclusion from maintained schools, academies and pupil referral units in England (2024)

The Change Log is a register of all authorised changes made to this document.

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