

Suspension & Permanent Exclusion Policy

(in conjunction with the Peninsula Multi Academy Trust)

Document owner	AHT Behaviour & Attitudes
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1. Aims

Our school aims to ensure that:

- All suspensions and permanent exclusions are carried out lawfully
- The suspension & exclusions process is applied fairly and consistently
- The suspension & exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

3. The decision to exclude

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a student 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 student.”

We are committed to following all statutory suspension and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

- A decision to suspend or exclude a student will be taken only:
- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others.
- Before deciding whether to suspend or permanently exclude a student the Headteacher will:
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the suspension or exclusion were provoked.
- Allow the student to give their version of events.
- Consider if the student has special educational needs (SEND).
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (CLA)).
- Consider whether all alternative solutions have been explored, such as off-site direction or a managed move.

4. Definition

For the purposes of suspensions and 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.

5. Roles and responsibilities

5.1 The Headteacher

Informing parents

The Headteacher will immediately provide the following information, in writing, to the parents or the excluded student (if they are 18 or over) of a suspended or excluded student:

- The reason(s) for the suspension/exclusion.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension/exclusion to the Governing Body and how the student may be involved in this.
- How any representations should be made.
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

Where the student is 18 or over, they will be involved in the process and correspondence will be addressed to them. However, where the student resides with parents/carers, communication will also be sent to them, inviting them to also participate in meetings.

The Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended/excluded that for the first five school days of a suspension/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.

Meetings must be held in person. However, the Headteacher will inform parents/carers (or the student themselves if they are over the age of 18) of their right to make a request for a remote meeting when notifying them of the exclusion. Additionally, meetings can also be remote in unforeseen or extraordinary circumstances.

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

When chairing a meeting remotely, the school will make sure certain conditions are met, confirming that all the participants have access to the technology.

If the Governing Body or arranging authority are not satisfied that a remote meeting can be held fairly and transparently, then they should consult with parents/carers to decide how a face-to-face meeting can be arranged. As well as this, if parties involved experience technical difficulties that prevent participants holding the meeting fairly or transparently, the school will arrange a face-to-face meeting without delay.

If alternative provision is being arranged, the following information will be included when notifying parents of a suspension/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 student 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 on the first day, it may be provided in a subsequent notice, but it will be provided at a

later date, 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 suspension/exclusion, in which case the information can be provided with less than 48 hours' notice, with parents' consent.

Informing the Governing Body and local authority

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

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student.
- Suspensions which would result in the student being suspended for more than five school days (or more than 10 lunchtimes) in a term.
- Suspensions which would result in the student missing a public examination.

The Headteacher will notify the Governing Body once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons 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 student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

Informing the student's social worker and/or virtual school head (VSH)

If a:

- Student with a social worker is at risk of suspension or permanent exclusion, the Headteacher or Designated Teacher will inform the social worker as early as possible.
- Student who is a looked-after child (CLA) is at risk of suspension or exclusion, the Headteacher or Designated Teacher will inform the VSH as early as possible.

This is in order to work together to consider what factors may be affecting the student'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 CLA student/a student with a social worker, the student's social worker/the VSH will be informed, without delay, that:

- They have decided to suspend or permanently exclude the student.
- The reason(s) for the decision.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- If relevant, the suspension or permanent exclusion affects the student's ability to sit public examinations.

The social worker/VSH will be invited to any meeting of the Governing Body about the suspension or permanent exclusion. However, even if the meeting is held in person, social workers and virtual school heads (VSHs) can join remotely. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure any safeguarding needs and risks and the student's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has not started yet or has already begun, but this will only be done where it has not yet been reviewed by the Governing

Body. However, a permanent exclusion cannot be cancelled if a student has already been suspended for more than 45 days in a school year.

Where there is a cancellation:

- The parents, Governing Body and LA will be notified without delay.
- Where relevant, any social worker and VSH will notified without delay.
- Parents or the excluded student (if they are 18 or over) will be offered the opportunity to meet with the Headteacher to discuss the cancellation.
- As referred to above, the Headteacher will report to the Governing Body once per term on the number of cancellations.
- The student will be allowed back in school. Upon their return, students will be offered the same support as those who have been suspended.

If the headteacher cancels a suspension or permanent exclusion, they will provide all parties with the reason for cancellation.

Note that any days out of school, before a cancelled suspension/exclusion, will count towards the maximum of 45 school days a student can be suspended in any school year.

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

During the first five days of a suspension, if the student is not attending alternative provision (AP), the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. If the student has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP 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 student, including the use of online pathways.

5.2 The Governing Body

Responsibilities regarding suspensions/exclusions are delegated to the Student Discipline Committee.

The Student Discipline Committee has a duty to consider the reinstatement of a suspended/excluded student (see section 6).

The Student Discipline Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

For any suspension of more than five school days, suitable full-time education will be arranged for the student. This provision will begin no later than the sixth day of the suspension.

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

In the case of a cancelled suspension/exclusion, the board's duty to consider reinstatement stops. Therefore, it does not need to meet.

5.3 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 (where the child is of compulsory school age).

For students who are CLA or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

6. Considering the reinstatement of a student

The Student Discipline Committee will consider the reinstatement of a suspended/excluded student 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 student's total number of school days of suspension to more than 15, including 15.5 days, in a term.

- It would result in a student missing a public examination.

Where the student has been suspended for more than five days, but less than 16 days, in a single term, and the parents or the excluded student (if they are 18 or over) make representations to the board, the Student Discipline Committee will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents or the excluded student (if they are 18 or over) do not make representations, the Governing Body is not required to meet and it cannot direct the Headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public examination, the Student Discipline Committee will consider the reinstatement of the student before the date of the examination where possible.

The Student Discipline Committee can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision, the Student Discipline Committee will consider whether the suspension/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.

The following parties will be invited to a meeting of the Governing Body and allowed to make representations or share information:

- Parents, if the student is under 18; where the student is 18 or over, it will be the student who will be involved in the process.
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend).
- The Headteacher.
- The student's social worker, if they have one.
- The VSH, if the student is CLA.

Minutes will be taken of the meeting, and a record of evidence, which will state clearly how decisions have been reached, will be kept. The outcome will also be recorded on the student's educational record.

The Student Discipline Committee will notify, in writing, the Headteacher, parents or the excluded student (if they are 18 or over) and the LA of its decision, along with reasons for its decision, without delay. They will also notify the student's social worker, if they have one as well as the VSH, if the student is CLA. If a student's home authority differs from the school's, they will be notified also.

Where an exclusion is permanent, the Student Discipline Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' or the excluded student's (if they are 18 or over) right to ask for the decision to be reviewed by an independent review panel, and:
 - o The date by which an application for an independent review must be made.
 - o The name and address to whom an application for a review should be submitted.
 - o That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion.
 - o That, regardless of whether the excluded student has recognised SEND, parents have a right to require the LA to appoint a SEND expert to attend the review.
 - o Details of the role of the SEND expert and that there would be no cost to parents for this appointment.
 - o That parents must make clear if they wish for a SEND expert to be appointed in any application for a review.
 - o That parents or the excluded student (if they are 18 or over) 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.

- o 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.

7. An independent review

If parents, or students (if they are 18 or over), apply for an independent review, the school will inform the LA that will then make the necessary arrangements in accordance with the DfE guidelines outlined in the [Suspension and Permanent Exclusion document \(parts 9 and 10\)](#).

The independent panel will decide one 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 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.

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

Where the panel directs or recommends the reinstatement of a pupil, The Governing Body will follow procedures set out in part 12 of the DfE Guidance regarding suspensions and permanent exclusions.

8. School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents or the excluded student (if they are 18 or over) were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents or the excluded student (if they are 18 or over) 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 Body will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension

Following a suspension, a re-admission meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate. Strategies will be put in place to help the student reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the student 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:

- Agreeing a behaviour plan. This may be in the form of:
 - o Regular contact in school with a designated pastoral professional or third-party organisation
 - o Regular reviews with the student and parents to praise progress being made and address any concerns at an early stage
- Putting a student on formal behaviour monitoring

- Internal Exclusion
- Alternative Provision

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties. If permitted, DfE guidance to be followed.

10. Monitoring arrangements

The Assistant Headteacher, Behaviour and Attitudes monitors the number of suspensions & exclusions every term and reports back to the Headteacher & governors. They also liaise with the local authority to ensure suitable full-time education for permanently excluded students.

This policy will be reviewed annually. At every review, the policy will be approved by the Headteacher and Governing Body.

11. Links with other policies

This policy is linked to our:

- Behaviour Policy
- SEND Policy
- Drugs Policy