



## Exclusion and Suspension Policy

Author	S Case	Source	The Key Model Policy
Approved By	ESPC	Status	Statutory
Last Review	July 2024	Next Review	July 2025

### Details of Policy Updates

Date	Details
January 2023	Change the term 'fixed-term exclusion' to suspension throughout
	Addition of reference to deliberately targeted comments including reference to protected characteristics

## Aims

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

Our school aims to:

- o Ensure that the exclusions process is applied fairly and consistently
- o Help governors, staff, parents/carers and pupils understand the exclusions process
- o Ensure that pupils in school are safe and happy
- o Prevent pupils from becoming NEET (not in education, employment or training)
- o Ensure all suspensions and permanent exclusions are carried out lawfully

## A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- o Remove a pupil from the school roll without a formal, permanent exclusion, or
- o Encourage a parent/carer to remove their child from the school roll, or
- o Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- o Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- o Due to a pupil's poor academic performance, or
- o Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

## Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): 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:

- o Section 51a of the Education Act 2002, as amended by the Education Act 2011
- o The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- o Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- o Section 579 of the Education Act 1996, which defines 'school day'
- o 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
- o The Equality Act 2010
- o Children and Families Act 2014
- o The School Inspection Handbook, which defines 'off-rolling'

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

## **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 board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent/carer – 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/carers and the admission authority for the new school, should consent before a managed move occurs.

Term – In this policy, a term refers to the three main academic terms, Autumn, Spring or Summer.

## **Roles and responsibilities**

### **The headteacher**

#### **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 a pupil will be taken only:

- o In accordance with the school's behaviour policy
- o To provide a clear signal of what is unacceptable behaviour
- o To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- o In response to serious or persistent breaches of the school's behaviour policy, **and**
- o 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:

- o Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- o Allow the pupil to give their version of events
- o Consider whether the pupil has special educational needs (SEN)
- o Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- o Consider whether all alternative solutions have been explored, such as:
  - o For suspensions, detentions or other sanctions provided for in the behaviour policy

### **Informing parents/carers**

If a pupil is at risk of suspension or exclusion, the headteacher will inform the parents/carers as early as possible, 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 exclude a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents/carers will also be provided with the following information in writing, without delay:

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

- o Information about the parents/carers right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this
- o How any representations should be made
- o Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- o That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- o For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- o Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers without delay, and provide a reason for the cancellation.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- o Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- o Any suspension or permanent exclusion that 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
- o Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam
- o 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:

- o The reason(s) for the suspension or permanent exclusion
- o 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:

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

This is 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:

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

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances 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 is considered.

### **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 board. Where there is a cancellation:

- o The parents/carers, governing board and LA will be notified without delay
- o Where relevant, any social worker and VSH will be notified without delay
- o The notification must provide the reason for the cancellation
- o The governing board's duty to hold a meeting and consider reinstatement ceases
- o Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- o The pupil will be allowed back in school without delay

Any days spent out of school because 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 (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom and 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.

### **The governing board**

#### **Monitoring and analysing suspensions and exclusions data**

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board will consider:

- o How effectively and consistently the school's behaviour policy is being implemented
- o The school register and absence codes
- o Instances where pupils receive repeat suspensions
- o Interventions in place to support pupils at risk of suspension or permanent exclusion
- o Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary

- o Timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- o The characteristics of suspended and permanently excluded pupils, and why this is taking place
- o Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- o The cost implications of directing pupils off-site

### **The local authority (LA)**

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

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

### **Considering the reinstatement of a pupil**

The LGB will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- o The exclusion is permanent
- o It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term; or
- o It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the LGB must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers, and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, the LGB will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the board is not required to meet, and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the LGB will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable.

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

- o Parents/carers (and, where requested, a representative or friend)
- o The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- o The headteacher
- o The pupil's social worker, if they have one
- o The VSH, if the pupil is looked after

Governing board meetings can be held remotely at the request of parents/carers.

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid because it was not made within these time limits.

The LGB can either:

- o Decline to reinstate the pupil, or
- o Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, The LGB will consider:

- o Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- o Whether the headteacher followed their legal duties
- o The welfare and safeguarding of the pupil and their peers
- o Any evidence that was presented to the governing board

They will decide whether a fact is true 'on the balance of probabilities.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The LGB will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- o The parents/carers
- o The headteacher
- o The pupil's social worker, if they have one
- o The VSH, if the pupil is looked after
- o The local authority
- o The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the LGB has decided not to reinstate the pupil, the notification of decision will also include the following:

- o The fact that it is a permanent exclusion
- o Notice of parents/carers right to ask for the decision to be reviewed by an independent review panel
- o The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- o The name and address to which an application for a review and any written evidence should be submitted
- o That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are relevant to the permanent exclusion
- o That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the academy trust to appoint an SEN expert to advise the review panel
- o Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- o That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- o That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- o That, if parents/carers believe that the permanent exclusion has occurred because of unlawful 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. Also, that any 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

### **Independent review**

If parents/carers apply for an independent review within the legal timeframe, the academy trust will, at their own expense, arrange for an independent panel to review the decision of the governing board 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/carers by the LGB 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/carers.

A panel of 3 or 5 members will be made with representatives from each category 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. 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 director of the academy trust 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 academy trust, or the governing board, 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 academy trust, school, governing board, parents/carers 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 for the interests of other pupils and people working at the school.

Considering the pupil's age and understanding, the pupil or their parents/carers 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 an 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 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:

- o Uphold the governing board's decision
- o Recommend that the governing board reconsiders reinstatement
- o Quash the governing board'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 board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board 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 board 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 board 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:

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

### **School registers**

A pupil's name will be removed from the school admission register if:

- o 15 school days have passed since the parents/carers were notified of the LGB decision to not reinstate the pupil and no application has been made for an independent review panel, or
- o 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 has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

### **Making a return to the LA**

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- o The pupil's full name
- o The full name and address of any parent/carer with whom the pupil normally resides
- o At least 1 telephone number at which any parent/carer with whom the pupil normally resides can be contacted in an emergency
- o The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- o Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school
- o Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house

This return must be made as soon as the ground for removal is met and no later than the removal of the pupil's name.

### **Returning from a suspension**

#### **Reintegration strategy**

Following a suspension, a reintegration meeting will be held to discuss the student's return to school, identify any support needed, and ensure a smooth transition back into the learning environment. These meetings are important to help students understand the consequences of their actions and most importantly, work with school to develop strategies to prevent future unsafe incident occurring.

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

The points below are suggestions only and should be adapted to your school's specific circumstances.

- o Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- o Mentoring by a trusted adult or relevant support staff
- o Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- o Informing the pupil, parents/carers and staff of potential external support

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

## **8.2 Reintegration meetings**

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting, the school will inform the pupils that they are getting a fresh start and are valued members of the school community.

The pupil, parents/carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents/ carers if they cannot or do not attend.

The school expects all returning pupils and their parents/carers to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

### **Remote access to meetings**

Parents/carers can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the academy trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- o All the participants have access to the technology that will allow them to hear, speak, see and be seen
- o All the participants will be able participate fully
- o The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, if they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- o Compromise the ability of participants to contribute effectively, or
- o Prevent the meeting from running fairly and transparently

### **Monitoring arrangements**

The school will collect data on the following:

- o Attendance, permanent exclusions and suspensions
- o Anonymous surveys of staff pupils, and other stakeholders on their perceptions and experiences

The data will be analysed every two weeks by the engagement lead. The engagement lead will report back to the senior leadership team and the headteacher will report to the LGB three times per year.

The data will be analysed from a variety of perspectives including:

- o At school level
- o By age group
- o By time of day/week/term

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies to tackle it.

The multi-academy trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the behaviour and attitudes lead annually. At every review, the policy will be approved by the trust board.

### **Links with other policies**

This policy is linked to our:

- o Behaviour policy

- SEND policy
- SEN information report