



# Schools for Every Child

## Suspension and Exclusions Policy

*We are an education Trust that is committed to running dynamic, ever-improving schools. We work to make sure that every child feels they belong in their school where they feel safe and inspired by learning. For us, learning is an adventure. It is a privilege and a responsibility for all who work with us to ensure that the journey through school is exciting, challenging, caring and enriching, and that every child experiences joy, wonder, calm and success.*

Approval Level	CEO
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*“The purpose of governance is to provide confident, strategic leadership and to create robust accountability, oversight and assurance for educational and financial performance”. (DfE)*

### Approval History

Committee Approval	Status	Next Review Date
N/A	Review in progress Submitted for Ratification <b>Live Policy</b>	February 2025

This procedure works in conjunction with the following Trust policies and procedures that are all available on the Trust web site

- Equalities strategy
- Wellbeing strategy
- Capability management procedure
- Disciplinary procedure
- Grievance procedure
- Staff code of conduct
- Concerns and complaints policy

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## Legislation and Statutory Guidance

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. It is based on the following legislation, which outlines schools' powers to suspend or 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
- Sections 64-68 of the School Standards and Frameworks Act 1998

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)
- The Equality Act 2010
- Children and Families Act 2014
- Behaviour in School Guidance 2022

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’.
- 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.

## Suspensions and Permanent Exclusions Overview

Our school will act in accordance with all sections of the latest statutory guidance - Exclusion from maintained schools, academies and pupil referral units in England. The government guidance gives detailed information regarding our duties regarding suspensions and exclusions and should be adhered to and referred to at all stages of the process. Any decision to exclude should be taken in line with the statutory guidance.

At Trust, suspensions and permanent exclusions should always be considered as a last resort. Only the headteacher, or person deputising, has the power to suspend or permanently exclude a child from school. All suspensions or permanent exclusions are reportable to the local authority.

Staff will identify pupils whose behaviours place them at risk of suspension or exclusion and seek additional provision to meet their individual needs; this may include working in partnership with other agencies.

### Off-rolling and unlawful exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent).

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 or if allowing the pupil to remain in school would seriously harm the education or welfare of themselves or 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
- Review if prior fixed term suspension within the year have reached the maximum 45 days.

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.

## 1.1 Decisions to permanently exclude

Headteachers must follow statutory guidance

<https://www.gov.uk/government/publications/school-exclusion>

Trust reserves the right to permanently exclude a child for a one off incident of sufficient severity. However, a decision to exclude a pupil permanently should only be taken in response to a serious breach or persistent breaches of the school's behaviour policy.

In communication with parties about the exclusion, the school must be clear that the child has been excluded in line with these reasons and the decision has been taken on disciplinary grounds only. Incidents of this nature should always be fully investigated by the school and supporting evidence gathered to demonstrate that the decision is lawful, reasonable and fair. If, **on the balance of probabilities**, the pupil did what he or she is alleged to have done; the pupil may be suspended or excluded.

## 1.2 The headteacher's duty to inform parties about suspension and exclusion.

Whenever a headteacher excludes a pupil they must, without delay, notify parents of the period of exclusion and the reason(s) for it. This can be done, in the first instance by telephone or in person. They must also, without delay, provide parents with the following information in writing:

- the reason(s) for the exclusion;
- the period of a fixed-period exclusion or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about permanent exclusion to the governing board and how the pupil may be involved in this;
- how any representations can be made, and their right to attend

According to the statutory guidance, governors and the local authority must be informed without delay regarding a decision to suspend or to permanently exclude a pupil.

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. Whilst if a 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. The social worker/VSH should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Written notification of the information mentioned in the above paragraph can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can also be given electronically.

## 1.3 Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has not been reviewed by the governing body. Where there is a cancellation:

- the parents, governing board, LA; and where relevant social worker and VSH, will be notified without delay
- parents will be offered the opportunity to meet with the headteacher to discuss the cancellation

- the pupil will be allowed back in school

## **1.4 Duties to arrange education for excluded pupils**

### **Up to 5 days**

The school should take all reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable to the pupil outside of school.

### **More than 5 days**

For a suspension of more than five school days, the school must inform the LA and arrange that pupils of compulsory school age, receive provision from the sixth day. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspensions for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is as a result of one fixed-period or more than one suspension.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion.

Whilst there is a statutory duty to provide full-time education from the sixth day, there is an obvious benefit to starting this provision as soon as possible. In particular, in the case of a looked after child, the school and LA should work together to arrange alternative provision from the 1st day following the suspension.

## **1.5 Reviews and representations**

### **Reviewing a headteacher's decision: suspension up to 5 days per term**

Where the total number of days do not go above 5 in a school term, the governors do not have the power to reinstate the pupil. However, parents are able to make a representation to the governors if they wish to raise their concerns. Representations should be made in writing and addressed to the Chair of Governors who will be required to discuss the matter with the headteacher and report on the suspensions at the next governing body meeting. Parents should expect an acknowledgement letter that this process has been followed.

### **Reviewing a headteacher's decision: suspension above 5 days**

Requests for the governing body to review the suspension may be made in writing by parents. The governing body will convene a sub-committee of up to three governors to consider the suspension. This must happen within 50 days of receiving notification of the exclusion. Requests should be made in writing and addressed to the Chair of Governors.

### **Reviewing a headteacher's decision: suspension beyond 15 days per term or permanent exclusion**

Where a child has been permanently excluded a governance panel will be convened to review the exclusion. This committee must consist of at least 3 people. The committee will be inline with the Trust's Articles of Association. Where the child has SEND, a SENCO from another school will form part of the panel as an additional member. The governance panel meeting will be clerked.

The exclusion governance panel convenes to consider the exclusion within 15 school days of receiving notification of the exclusion if the exclusion is permanent or if it is a fixed term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term or it would result in a pupil missing a national curriculum test.

The following parties must be invited to a meeting of the governance panel and allowed to make representations: parents (and, where requested, a representative or friend) the pupil, the headteacher; and if relevant the VSH or child's social worker.

When preparing for consideration of exclusion, the panel must take steps to enable the excluded pupil to attend the meeting or consider how the pupil may feed in their views by other means. The committee can decide to uphold the exclusion or to reinstate the child. If the exclusion is upheld the parent has a right of appeal to an Independent Review Panel. The Trust must ensure they follow the statutory guidance.

Complete records of the meeting and evidence regarding the decision to permanently exclude should be retained by the school for six months following the meeting in case a claim is made to the First-Tier tribunal, in relation to disability, or County Court, for all other forms of discrimination.

### **1.6 Independent review panels (IRP)**

If applied for by parents within the legal time frame, the Trust will, at its own expense, arrange for an independent review panel hearing to review the decision of the governance panel not to reinstate a permanently excluded pupil.

The legal time frame for an application is within 15 school days of notice being given to the parents by the governing board of its decision not to reinstate a permanently excluded pupil. Any application made outside of the legal time frame will not be considered by the Trust.

### **1.7 The governing board's duty to reconsider reinstatement following a review**

Where the IRP directs or recommends that the committee reconsider whether a pupil should be reinstated, the governance panel must reconvene to do so within ten school days of being given notice of the panel's decision. Notice is deemed to have been given on the day of delivery if it is delivered directly or on the second working day after posting if it is sent by first class mail.

It is important that the committee conscientiously reconsiders whether the pupil should be reinstated, whether the panel has directed or merely recommended it to do so. Whilst the committee may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

### **1.8 Police involvement**

Police involvement and ongoing criminal proceedings will not be a reason for the headteacher to delay a decision to exclude. Headteachers must make a judgement based on the evidence available to them at the time.

### **1.9 School Registers**

A pupil's name will be removed from the school admission register if 15 school days have passed since the parents were notified of [the governing board's/name of committee of the governing board's] decision to not reinstate the pupil and no application has been made for an independent review panel, or the parents 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 a suspended pupil and they attend it, their attendance will be coded as education off-site or dual registration on the attendance register. Where suspended pupils are not attending alternative provision, an absent code will be assigned.

### **1.10 Reintegration strategy**

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

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

### **Reintegration Meetings**

The school will 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 communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

A Management Plan may be put in place to support the pupil. This is reviewed regularly with parents until it is no longer felt to be necessary or further measures are needed.

### **1.11 Monitoring**

Schools will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves

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

- By age group
- By time of day/week/term
- By protected characteristic

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 in order to tackle it. This information will be shared with governors and trustees on a termly basis

### **1.12 Managed Moves**

A managed move is used to initiate a process that leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. Managed moves should only occur when it is in the pupil's best interests.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support or any statutory assessments were done or explored before a managed move.

If a parent believes that they are being pressured into a managed move or are unhappy with a managed move, they can take up the issue through the school's formal complaints procedure



### **1.13 Off-Site Direction**

The schools reserve the right to direct any pupil off-site (including to another school within the trust) unilaterally to promote good order and improve the behaviour of pupils, this will be reviewed at least fortnightly by the LSB and the school remains responsible for the pupil and their education.

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