



## SUSPENSION AND PERMANENT EXCLUSION POLICY

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### Principles and Aims

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996;
- the Equality Act 2010: advice for schools; and
- 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 school is aware that good behaviour is essential to ensure that all pupils benefit from the opportunities provided by education. Under the Education and Inspections Act 2006, the school has internal measures, many of which are listed in the school's behaviour policy with a view to:

- promoting self discipline and proper regard for authority among pupils,
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- securing that the standard of behaviour of pupils is acceptable,
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and

- otherwise regulating the conduct of pupils.

For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage their behaviour. The school is aware of its responsibility for communicating to pupils, parents and staff its expectations of standards of conduct. Where a child is at risk of exclusion, the school will look at early intervention to address the underlying causes of the behaviour and the behaviour itself.

If approaches towards behaviour management have been exhausted, then suspensions (fixed-term exclusions) and permanent exclusions will sometimes be necessary as a last resort.

The school is aware some groups are overrepresented in national exclusion statistics. These include children with SEND, children eligible for free school meals, children from particular ethnic groups and looked after children. The school carefully logs and reviews data to consider the level of pupil moves and the characteristics of pupils who have been excluded to ensure the sanction is used only when necessary as a last resort. The school is committed to adhering to duties under the Equality Act 2010 and Children and Families Act 2014 taking due regard, when deciding whether to exclude a pupil, to the need to:

- eliminate discrimination, harassment, victimisation and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relationships between people who share a relevant protected characteristic and people who do not share it.

The Governing Board is also aware of its statutory obligations in relation to pupils with SEND when administering the exclusion process, including using their best endeavours to ensure the appropriate special educational provision is made for pupils with SEND and having regards to the SEND Code of Practice.

## **Behaviour Policy**

The School's Behaviour and Relationships Policy lists strategies the school employs to encourage good behaviour and also to respond to behaviour that does not meet the school's standards. Proactive strategies include the use of praise and rewards, clearly communicated rules and an ethos of kindness and respect supported by our values cornerstone. Reactive strategies include using a restorative approach, reflection time, the use of positive behaviour plans and internal exclusions.

## **Reasons for Exclusion**

The Head Teacher will make the decision to suspend or permanently exclude a pupil on disciplinary grounds. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. The Head Teacher will take the pupil's views into account, considering these in light of their age and understanding before deciding to exclude, unless it would not be appropriate to do so. Reasons for exclusions include:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy

- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment Abuse relating to disability
- Serious breach of the school's rules or policies
- Risk of harm to the education or welfare of the pupil or others in the school

### **Alternative Provision, Off-site Direction and Managed Moves**

Alternative provision (AP) can be important in managing behaviour and providing alternatives to exclusion. This could include outreach support and offering short term places to pupils who need a time-limited intervention away from their mainstream school.

Off-site direction, when a governing board requires a pupil to attend another education setting to improve their behaviour, can be arranged where interventions or targeted support have not been successful in improving a pupil's behaviour. Off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered.

A managed move is used to initiate a process which 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. Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

### **Communication**

When a decision is made to suspend or permanently exclude a pupil, the school, without delay, will notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. The school will also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion;
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this;
- parents' right to make a request to hold the meeting via the use of remote access and how and to whom to make this request ;
- how any representations should be made; and
- where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- details including that parents must ensure that the pupil is not present in a public place at any time during school hours during the first five days of a suspension or permanent exclusion; parents who fail to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

When notifying parents about a suspension or permanent exclusion, the school will draw attention to relevant sources of free and impartial information:

- The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:
  - the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
  - 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; and
  - 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 on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided 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 a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

The school is aware information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Whenever a Head Teacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the Virtual School Head if the pupil is a Looked After Child. The information will also be provided to the local authority without delay. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the school will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher must also inform the governing board once per term of any other suspensions of which they have not previously been notified.

The school will also make efforts to involve the pupil to enable and encourage them to participate at all stages of the suspension or permanent exclusion process, considering their age and ability to understand.

The Head Teacher will, without delay, notify the governing board of:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);

- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

When removing a pupil from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.

## **Suspensions**

Temporary or 'Fixed-term' Exclusions may be for a period of time from half a day to 5 days for persistent or cumulative problems up to a maximum of 45 school days in a single academic year.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

It is important that during a suspension, pupils still receive their education. The school will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Edshed, Tapestry, Seesaw, Google Classroom or Oak National Academy.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the Head Teacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The school is aware the law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension.

Fixed-Term Exclusions may be used in response to a single serious breach of school rules and policies or a disciplinary offence but will not be used for minor misbehaviour such as not completing work set.

The Head Teacher will investigate incidents of serious poor behaviour thoroughly and consider all evidence to support the allegation, taking account of the school's policies and the pupil's version of events. The Head Teacher will consult with other members of SLT before making a decision to use a fixed term exclusion.

If the decision is made to permanently exclude or suspend a pupil, the Head Teacher will:

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision and ask that the child be collected
- 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 on his/her return
- plan a meeting with parents and pupil on his/her return

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.

### **Permanent Exclusions**

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). A permanent exclusion is a very serious decision and the Head Teacher will consult with the Local Authority and the Chair of Governors before enforcing it.

The decision to exclude a pupil permanently will only be taken:  
in response to a serious breach or persistent breaches of the school's behaviour policy; and  
where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

As with a temporary exclusion, it will 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 or a criminal or disciplinary offence such as:

- Serious actual or threatened violence against another pupil or a member of staff
- Persistent disruption of learning over an extended period of time
- Possession or use of an illegal drug on school premises
- Carrying an offensive weapon
- Persistent bullying
- Racial, sexual or homophobic harassment

For any permanent exclusion, the school will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.

It is important to help minimise the disruption that suspension or permanent exclusion can cause to a pupil's education. Whilst the statutory duty on governing boards or local authorities is to arrange full-time education from the sixth day of a suspension or permanent exclusion, there is an obvious benefit to the pupil in starting this provision as soon as possible. In the case of a looked-after child or child with a social worker, the school and the local authority will work together to arrange alternative provision from the first day following the suspension or permanent exclusion.

Following a permanent exclusion, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area.

### **Behaviour Outside School**

Pupils' behaviour outside school on school business e.g. on school trips, at sports fixtures, is subject to the school's behaviour policy. Inappropriate behaviour in such circumstances will be dealt with as if it had taken place in school.

For behaviour outside the school, not on school business, the Head Teacher may exclude a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline

among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

### **Pupils with Special Educational Needs and Disabled Pupils**

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

We have a legal duty under the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disability Act 2001) not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. The Head Teacher 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.

'Reasonable steps' could include:

- differentiation in the school's behaviour policy
- developing strategies to prevent the pupil's behaviour
- requesting external help with the pupil
- staff training

Where reasonable adjustments to policies and practices have been made to accommodate a pupil's needs and to avoid the necessity for exclusion as far as possible, exclusion may be justified if there is a material and substantial reason for it. A specific incident affecting order and discipline in the school may be such a reason.

Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing board review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education. The school has a statutory duty to make arrangements for safeguarding and to promote the welfare of their pupils.

As part of this duty, schools are required to have regard to guidance issued by the Secretary of State for Education and must have regard to Keeping Children Safe in Education. Ultimately, any decisions are for the school to make on a case by case basis, with the DSL taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

### **Reintegration after a Suspension or Off-Site Direction**

The school will support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction . A reintegration strategy, designed by either the Deputy Headteacher (pastoral) on the SENDCO will be employed that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others, teaches them to how meet the high expectations of behaviour in line with the school culture, fosters a renewed sense of belonging within the school community and builds engagement with learning. The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school.

During a reintegration meeting, the school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents.

Where necessary, the school will work with relevant staff and multi-agency organisations including teachers and support staff, social workers and educational psychologists. A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time education, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must treat absence as authorised.

### **Attendance Records**

When a pupil is excluded temporarily, they should be marked as absent using Code E. The school would provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms. Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

### **Cancelling Exclusions**

The Head Teacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled, the Head Teacher will notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification will provide the reason for the cancellation. When this happens, the governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement and parents will be offered the opportunity to meet the Head Teacher to discuss the circumstances that led to the exclusion being cancelled.

The pupil will be allowed back into 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.

### **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). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance. Suspending a pupil for a short period of time, such as half a day, is permissible but the formal suspension process must still be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion. Any exclusion of a pupil, even for short periods, must be formally recorded. The school is aware it would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as, academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting. If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents. A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find



another school place. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure.

### **Removal from The School for Medical Reasons**

The Head Teacher 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. Parents will be asked to keep children at home for a period of 48 hours after an episode of diarrhoea or vomiting.

### **Procedure for Review**

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

The Governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Head Teacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;
- it would result in the pupil missing a public examination or national curriculum test.

The decision to exclude a pupil from the School may be subject to review by the Governing Board at the parents' request. The decision to suspend a pupil for fewer than six school days may not be subject to review unless the suspension would prevent the pupil taking an examination. If parents wish to ask for a review of the decision to exclude a pupil from the School, they must make the request within seven days of being notified of the decision. The matter will be referred to the Governors. A Governor will acknowledge the request and schedule a hearing to take place as soon as practicable and normally within five days but no more than 15 school days. The governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

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

- parents (and, where requested, a representative or friend);
- the Head Teacher;
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

Records relating to the decision to exclude and the parents' perspectives will be copied to all parties at least five days prior to the meeting. In no circumstances however shall the school or its staff be required to divulge to parents or others any confidential information on or the identities of pupils or others who have given information which has led to the exclusion or which the Head has acquired during an investigation.

In the light of its consideration, the governing board can either:

- decline to reinstate the pupil; or
- direct reinstatement of the pupil immediately or on a particular date.

This decision will be made within ten days of the meeting. The Governors will write to the parents and the Head Teacher informing them of the decision and the reasons for it. If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review. Once 15 school days have passed since the parents were notified of the Governing Board's decision to not reinstate the pupil and no application has been made for an Independent Review Panel (IRP), the correct removal of pupils from the school admission register is critical to ensuring that permanent exclusions are carried out lawfully and that pupil movements can be effectively monitored. Where an application for an IRP has been made within 15 school days, the school will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register. When an IRP directs or recommends that the governing board reconsider whether a pupil should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision.

Governors should refer to 'Guidance on considering the reinstatement of a suspended or permanently excluded pupil' contained within The Suspension and Permanent Exclusion Guidance July 2022.

A Guide for parents on school behaviour and exclusion (May 2023) is available from the DfE. Parents can also complain to the DfE if they are unhappy with the school's exclusion process.

**See also:** Behaviour Policy, Code of Conduct, Complaints Policy, Safeguarding Policy

<b>This policy will be reviewed annually and/or when required</b>		
Reviewed: June 2021	By	Miles Chester, Executive Head Thomas's Academy
Reviewed: August 2023	By	Suzanne Kelly, Head Teacher Thomas's Academy