



Suspension and Permanent Exclusion Policy February 2024

1. Aim

This policy sets out the school's approach to managing suspensions and permanent exclusion, and should be read alongside the Behaviour for Learning Policy.

The aim of this policy is to ensure that the process for suspensions and permanent exclusions process is understood by governors, staff, parents and students, and is applied fairly, consistently and lawfully.

2. Legislation and statutory guidance

This policy is based on the Department for Education's statutory guidance [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) effective from in September 2023. The guidance sets out detailed responsibilities and actions for the Headteacher and the Governing Board, and should be read alongside this policy.

This policy is also based on the following legislation, which outlines schools' powers to 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](#)

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 \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

This policy also complies with the school's funding agreement and articles of association as an Academy Trust.

3. Definitions

The following definitions are used with regard to suspension and exclusion:

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| Suspension: | when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion' |
| Permanent Exclusion: | when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'. |
| Off-site direction | when the governing board requires a student to attend another education setting temporarily, to improve their behaviour |

Managed move:	when a student is transferred to another school permanently by consent of all parties, including parents and the admission authority for the new school.
Parent:	any person who has parental responsibility and any person who has care of the child

References in this policy to the Headteacher should be understood as being references to the Deputy Headteacher in the absence of the Headteacher.

4. Use of suspension and permanent exclusion

Suspension may be used as a sanction for serious breaches of the school's expectations of behaviour. The Headteacher can suspend a student for a set number of school days, to a maximum of 45 in any year. The school must make arrangements to provide suspended students with full-time education from the sixth day of the suspension.

Permanent exclusion will be considered only in response to a serious breach or breaches of the school's expectations and where the headteacher's judgement is that allowing the student to remain in school is likely to seriously harm the education or welfare of the student or of other students in the school.

Permanent exclusion will therefore be considered:

- For a major first offence, such as (but not limited to) serious actual or threatened violence, sexual abuse or assault, supplying banned substances or carrying an offensive weapon, where allowing a student to remain in school would be likely to harm the education of other students, or to the welfare of other students, staff or of the student themselves.
- Following persistent breaches of the school's behaviour policy and where other strategies including suspensions have not been successful in resolving the student's disciplinary problems; and where allowing a pupil to remain in school would be likely to harm the education of other students, or to the welfare of other students, staff or of the student themselves.
- When the behaviour of students outside school is such that it can be considered as grounds for permanent exclusion.

For incidents connected with drug misuse, the Department for Education advises that in many cases suspension will be the appropriate course but leaves it to schools to decide whether or not to exclude permanently. Schools are advised to ensure that the needs of the individuals involved, as well as their peers, are taken into account. The school's attitude towards the association of the school with the misuse of drugs by students is clearly stated in the school's Alcohol and Drugs policy.

The school is aware that the practice of off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil 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 pupil."

Accordingly, we will not suspend or exclude a student unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure or formally recording the event.

5. Roles and responsibilities

a) The Headteacher

Only the Headteacher can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school; however, the headteacher will only use permanent exclusion as a last resort.

The Headteacher will take responsibility for all decisions to suspend or permanently exclude and will act in accordance with the statutory DfE guidance.

In particular, the Headteacher will follow the specific requirements in the guidance with regard to making a decision to exclude, and informing parents, the Governing Board and the local authority.

Before deciding whether to suspend or exclude a student, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities
- Allow the student to give their version of events
- Consider whether the student has special educational needs and/or disabilities (SEND), or is especially vulnerable (eg has a social worker, or is a looked-after child)
- Consider whether all alternative solutions have been explored

In the absence of the Headteacher, the responsibility for suspension and readmission, or the permanent exclusion of students passes to one of the Deputy Headteachers, who will ensure that the Headteacher is informed soon as possible.

b) The Governing Board

The responsibilities of the Governing Board are set out in the statutory DfE guidance.

The Governing Board may review suspensions or permanent exclusions and will consider any representations made by the parents of the student, or by the student themselves if aged 18 or over.

The Governing Board has no power to increase the severity of suspensions. It can, however, uphold a suspension or permanent exclusion or direct the student's reinstatement, either immediately or by a particular date.

However, in the case of suspension that does not bring the pupil's total number of days of suspension to more than five days in a term, the Governing Board cannot direct reinstatement and is not required to arrange a meeting with parents.

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 headteacher 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

Responsibility for the consideration of a suspension or permanent exclusion, and the possible reinstatement of an excluded student is delegated to a hearing panel of the Governing Board, consisting of at least 3 governors. The procedure for such a hearing is set out in A

6. Informing parents

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

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

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

- Information about the parents'/student's right to make representations about the suspension or permanent exclusion to the Governing Board, and how any representations should be made
- That where there is a legal requirement for the Governing Board to hold a meeting to consider the reinstatement of a student, parents/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That meetings be held remotely by request, and how and to whom they should make this request.

Where the student is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that 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 are legally required to ensure that their child is not present in a public place during school hours without a good reason, and that they may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, and the address at which the provision will take place
- Any further information the student needs

Where the student is not attending alternative provision during the first 5 days of a suspension, the headteacher will take steps to ensure that achievable and accessible work is set for the student.

7. Informing the Governing Board

The headteacher will, without delay, notify the Governing Board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude
- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days in a term
- Any suspension or permanent exclusion which would result in the student missing a public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

8. Informing the local authority

The headteacher will notify the local authority 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 local authority in which the school is located, the headteacher will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

9. Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or not yet begun, but only where it has not yet been reviewed by the Governing Board. Where there is a cancellation:

- The parents, Governing Board and LA will be notified without delay

- The notification must provide the reason for the cancellation
- The Governing Board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The student will be allowed back in 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 student 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.

10. Independent review

If parents apply for an independent review in the timeframe outlined in the statutory guidance, the school will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded student. A panel of 3 members will be constituted in line with the statutory guidance. The School may commission an external specialist organisation to run the independent review.

Following its review, the independent panel may:

- Uphold the Governing Board's decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the Governing Board's decision and direct that they reconsider reinstatement, if it judges that the decision was flawed

11. Returning from a suspension

Following a fixed-term exclusion, a reintegration meeting will be held involving the student, parents, a member of the Senior Leadership Team and other staff where appropriate.

The purpose of this meeting is to formally readmit the student to the school, to consider any wider concerns, for example in relation to attendance or academic progress, and to discuss any support which may be required to help the student's reintegration or to sustain improved behaviour.

12. Remote access to meetings

Parents can request that a Governing Board meeting, or independent review panel be held remotely. If the parent do not 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 should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

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

The school's normal expectation is that reintegration meetings following a suspension are held face to face, but remote access meetings may be held in exceptional circumstances.

13. School registers

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

- a) 15 school days have passed since the parents/student (if they are 18 or older) were notified of the governing board's decision to not reinstate the student and no application has been made for an independent review panel, or
- b) The parents/student 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 student's name from the register.

14. Monitoring and evaluation of the policy

The Governing Board will monitor the implementation and impact of this policy on a regular basis through the Staff, Students and Community Committee. The Committee will be informed of the number and reasons for exclusions on a termly basis. Summary exclusions data will be presented within the headteacher's report at each governing board meeting..

This policy will be reviewed every two years or sooner if there is a change to the statutory guidance.

Policy approval

This policy has been reviewed and approved in line with the LGS Policy framework agreed by the Governing Board in July 2023

Approved by Governing Board:

Feb 2024

Review date:

Jan 2026

Appendix 1

Governors' discipline/appeals hearing panel

The Governing Board will normally delegate its functions in respect of suspensions and permanent exclusions to a hearings panel which consists of at least three governors .

All governors who serve on a panel must have received appropriate training to help them discharge their duties. A clerk/governance professional to the discipline committee is also appointed, and the role is clearly outlined in the September 2023 DfE guidance document.

Governors should not serve on the panel if they have personal knowledge of the student(s) involved in the suspension or permanent exclusion, or of the incident that led to that suspension or permanent exclusion that could affect their impartiality.

Convening a governors' panel

a) Suspensions of 5–15 days

In the case of a suspension of more than five but not more than 15 school days, if the parents of a suspended student make representations, the governing board must consider and decide within 50 school days after receiving notice of the suspension whether the student should be reinstated.

In the absence of any representation from the parents, the committee is not required to meet and cannot direct the reinstatement of the student.

b) Longer suspension and permanent exclusions

For a suspension of more than 15 days, or where the total of suspensions is more than 15 days that term, the Governing Board should convene a hearing panel between the 5th and the 16th school day after the date of receipt of a notice to consider the suspension.

In the case of a permanent exclusion, the Governing Board should convene a hearing panel within 15 school days of the exclusion being imposed. The governing board need not postpone a meeting if a police investigation of a potential crime associated with the reason for the permanent exclusion is underway.

The parents and the headteacher will be invited to the panel meeting at a time and a place convenient to all the participants, within the statutory time limit. Parents have the right to request that the meeting should be held via the use of remote access; this can only happen if the panel is satisfied that all participants have access to the necessary technology so that the meeting can be conducted fairly and transparently. The parent and the school may each be accompanied by a friend or advisor. The committee will ask for any written statements, including witness statements, in advance of the meeting.

Conduct of the meeting

The meeting will be conducted as follows:

- The clerk to the panel will circulate in advance of the meeting any written statements and a list of those who will be present at the meeting to all parties, including the student if it is known that they will be present.
- No party to the review will be alone either in person or remotely with the panel before, during or after the meeting.
- The clerk will introduce all those present, and will explain the reason for the meeting and the powers held by the panel either to uphold a suspension or permanent exclusion or re-instate the student.
- The school representative, usually the headteacher, will present the school's case and can be questioned by all the other parties.

- The parents will be asked to give their reasons for appealing, and may be supported by a friend/advisor who helps present the parents' case.
- The other parties may question the parent and/or comment on what the family has said.
- The school sums up its case.
- The parents or their representative sum up their case.
- All the parties except the committee and the clerk professional leave.

The panel will apply the civil 'balance of probabilities' standard of proof to the allegation of misconduct by the student. The more serious the allegation, the more convincing the substantiating evidence needs to be. This is not the same as requiring the criminal standard of 'beyond all reasonable doubt' to be applied.

Panel decision – suspension

The clerk may help the panel in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letter afterwards.

In the case of suspension, it is possible that the suspension may already have expired and the student is back in school before the panel had met. In that case the panel will decide whether or not, based on the evidence submitted, they would have reinstated the student during the suspension. The outcome should be added to the student's record for future reference.

If the suspension is still operative, the panel can either uphold the suspension, which will have to run its course, or direct the student's reinstatement either immediately or on a named date.

The clerk will inform the parents, the headteacher of the panel's decision in writing within one school day of the hearing, giving the reasons. They may not attach any conditions to any direction they have given the headteacher to reinstate the student.

Panel decision – permanent exclusion

The clerk may help the panel in making its decision by reference to notes taken, by reminding them of statutory procedures where relevant and by wording the decision letter afterwards. The panel will follow DfE guidance which sets out the following reasons why it would normally be inappropriate to reinstate a student:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying illegal drugs
- Persistent and malicious disruptive behaviour, including open defiance or refusal to conform to the school's behaviour policy
- Where allowing the student to return to school is likely to harm the education of other students, or to the welfare of other students, staff or the student themselves.

When the panel decides to uphold a permanent exclusion, a letter to the parents will state:

- Their reason for the decision.
- The right of the family to refer the case to an independent review panel, the name and address of the person to whom any request for a review should be sent, and the date by which any such request should be lodged.
- That any request for a review must set out the grounds on which the request is made.
- That any claims on the grounds of disability discrimination can also be set out, and that if a case for discrimination is made, this would be referred to a first-tier tribunal or a county court.

If the committee decides to overturn the permanent exclusion, as with suspensions, the decision as to whether there is to be an immediate reinstatement or a later date for this to occur will be conveyed to all parties.