

Document Title	Suspension and Permanent Exclusion Policy
Author/Owner (Name and Title)	Executive Director
Version Number	V3
Date Approved	14 th November 2022
Approved By	Chief Executive Officer

Policy Category (Please Indicate)	1	Trust/Academies to use without amendment
	2	Academy specific appendices
	3	Academy personalisation required (in highlighted fields)

Summary of Changes from Previous Version

Version	Date	Author	Note/Summary of Revisions
V2	September 2022	DJA/DHO	Complete re-write
V3	October 2022	DJA/DHO	Revisions to reflect Academy feedback

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1. 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 Academies aim to:

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

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

"The practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student."

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they have not met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent/carer to encourage them to remove their child from the school.

2. 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 student referral units in England, including student movement.](#)

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

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

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'

- The [Education \(Provision of Full-Time Education for Excluded Student\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Student\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our Funding Agreement and Articles of Association.

3. DEFINITIONS

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 Body of a school requires a student 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 student 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.

4. ROLES AND RESPONSIBILITIES

PRINCIPAL

Deciding whether to suspend or exclude

Only the Principal or acting Principal, 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 the school. The Principal will only use permanent exclusion as a last resort.

A decision to suspend or exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others.

Before deciding whether to suspend or exclude a student, the Principal 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 student to give their version of events

- Consider whether the student has special educational needs (SEND)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves.

The Principal will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The Principal will not reach their decision until they have heard from the student and will inform the student of how their views were taken into account when making the decision.

Informing Parents/Carers

If a student is at risk of suspension or exclusion the Principal will inform the parent/carers 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 Principal decides to suspend or exclude a student, the parents/carers will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents'/carers' right to make representations about the suspension or permanent exclusion to the Local Governance Committee and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Local Governance Committee to hold a meeting to consider the reinstatement of a student, and that parent/carers (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The Principal will also notify parent/carers 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 parent/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
- Parents/Carers 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, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the student needs in order to identify the person they should report to on the first day.

If the Principal does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parent/caress' consent.

Informing the Local Governance Committee (LGC)

The Principal will, without delay, notify the Local Governance Committee of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- 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 (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam.

The Principal will notify the Local Governance Committee once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The Principal 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 Academy is located, the Principal will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it.

Informing the student's Social Worker and/or Virtual School Head (VSH)

If a student:

- With a social worker is at risk of suspension or permanent exclusion, the Principal will inform the social worker as early as possible
- Who is a looked-after child (LAC) is at risk of suspension or exclusion, the Principal will inform the VSH as early as possible.

This is in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Principal decides to suspend or permanently exclude a student with a social worker or a student who is looked after, they will inform the student's social worker / the Virtual School Head, as appropriate, without delay, informing them that:

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

The social worker / Virtual School Head will be invited to any meeting of the Local Governance Committee about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs, risks and the student's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Principal may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Local Governance Committee. Where there is a cancellation:

- The parents/carers, Local Governance Committee and Local Authority will be notified without delay
- Where relevant, any social worker and Virtual School Head will notified without delay
- Parents/Carers will be offered the opportunity to meet with the Principal to discuss the cancellation
- As referred to above, the Principal will report to the Local Governance Committee once per term on the number of cancellations
- The student will be allowed back in school.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the student is not attending alternative provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as Google Classroom or Oak Academy may be used for this. If the student has a special educational need or disability, the Principal will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the Local Authority to arrange Alternative Provision from the first day following the suspension or permanent exclusion. Where this is not possible, the Academy will take reasonable steps to set and mark work for the student, including the use of online pathways.

THE LOCAL GOVERNANCE COMMITTEE (LGC)

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the Local Governance Committee from the MLT Trust Board. Exclusions are considered by a group of three or more Local Governance Committee members from across the Trust.

The Local Governance Committee members have a duty to consider parent/carer representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the Local Governance Committee will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Local Governance Committee will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

For secondary schools only:

The Local Governance Committee does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Local Governance Committee will challenge and evaluate the data on the Academy's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Local Governance Committee will consider:

- How effectively and consistently the Academy's behaviour policy is being implemented
- The Academy register and absence codes
- Instances where student receive repeat suspensions
- Interventions in place to support students at risk of suspension or permanent exclusion
- 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
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded students, and why this is taking place
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it

- The cost implications of directing a student off-site.

THE LOCAL AUTHORITY (LA)

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

For students who are Looked After Children or have social workers, the Local Authority and the Academy will work together to arrange suitable full-time education to begin from the first day of the exclusion.

5. CONSIDERING THE REINSTATEMENT OF A STUDENT

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

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

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

Where the student has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents/carers make representations, the Local Governance Committee will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parent/carers do not make representations, the Local Governance Committee is not required to meet and it cannot direct the Principal to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the Local Governance Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the Local Governance Committee will consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The following parties will be invited to a meeting of the Local Governance Committee and allowed to make representations or share information:

- Parent/Carers, or the student if they are 18 or over (and, where requested, a representative or friend)
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Principal

- The student's social worker, if they have one
- The Virtual School Head, if the student is looked after
- A representative of the Local Authority.

The Local Governance Committee 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 simply on the grounds that it was not made within these time limits.

The Local Governance Committee can either:

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

In reaching a decision, the Local Governance Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Principal followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the Local Governance Committee.

They will decide whether or not a fact is true 'on the balance of probabilities'. 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 student's educational record, and copies of relevant papers will be kept with this record.

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

- The parent/carers, or the student, if they are 18 or older
- The Principal
- The student's social worker, if they have one
- The Virtual School Head, if the student is looked after
- The local authority
- The student's home authority, if it differs from the Academies.

Where an exclusion is permanent and the Local Governance Committee decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parent/carers' right to ask for the decision to be reviewed by an independent review panel
- 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 Local Governance Committee's decision is given to parent/carers)
- The name and address to which an application for a review and any written evidence should be submitted

- 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 student's special educational needs (SEND) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEND, parent/carers have a right to require the Academy/Trust to appoint an SEND expert to advise the review panel
- Details of the role of the SEND expert and that there would be no cost to parent/carers for this appointment
- That parent/carers must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parent/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parent/carers may also bring a friend to the review
- That, if parent/carers believe that the permanent exclusion has occurred as a result 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.

6. INDEPENDENT REVIEW

If parent/carers apply for an independent review within the legal timeframe, the Academy/Trust will arrange for an independent panel to review the decision of the Local Governance Committee not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parent/carers by the Local Governance Committee of its decision to not reinstate the student **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.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the Principal category. At all times 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 Principals during this time
- Principals or individuals who have been a Principal within the last 5 years.

A person may not serve as a member of a review panel if they:

- Are a Local Governance Committee member, Trustee or Trust Member of the Academy Trust of the excluding school
- Are the Principal of the excluding school, or have held this position in the last 5 years
- Are an employee of the Academy/Trust, of the excluding school (unless they are employed as a Principal at another school)

- Have, or at any time have had, any connection with the Academy Trust, school, Local Governance Committee, parent/carers or student, 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 student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parent/carers will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.

Where a SEND expert is present, the panel must seek and have regard to the SEND expert's view of how SEND may be relevant to the student'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 student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

Where a Virtual School Head is present, the panel must have regard to any representation made by the Virtual School Head of how any of the child's background, education and safeguarding needs were considered by the Principal in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the decision
- Recommend that the Local Governance Committee reconsiders reinstatement
- Quash the decision and direct that the Local Governance Committee reconsider reinstatement (only if it judges that the decision was flawed).

New evidence may be presented, though the Academy 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 Local Governance Committee at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the committee 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 committee 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 they 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:

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

7. SCHOOL/ACADEMY REGISTERS

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

- 15 school days have passed since the parent/carers were notified of the Local Governance Committee's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parent/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 Local Governance Committee will wait until that review has concluded before removing a student's name from the register.

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

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

Making a return to the Local Authority (LA)

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

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

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

8. RETURNING FROM A SUSPENSION

REINTEGRATION STRATEGY

Following suspension, the Academy will put in place a strategy to help the student reintegrate successfully into school life and full-time education.

Where necessary, the Academy will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

Once a student has returned from a suspension, the following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the student and parent/carers to praise progress being made
- To raise and address any concerns at an early stage
- Informing the student, parent/carers and staff of potential external support
- 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.

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

REINTEGRATION MEETINGS

The Academy will explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the Academy will communicate to the student that they are getting a fresh start and that they are a valued member of the school community.

The student, parent/carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parent/carers in the event that they cannot or do not attend.

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

9. MONITORING ARRANGEMENTS

The Academy will collect data on the following:

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

- Anonymous surveys of staff, student, Local Governance Committee members and other stakeholders on their perceptions and experiences.

The data will be analysed every term by each Academy's Senior Leadership team. The Principal will report back to the Local Governance Committee.

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

- At school level
- By age group
- By time of day/week/term
- By protected characteristic.

The Academy 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 students are identified by this analysis, the Academy/Trust will review its policies in order to tackle it.

Maltby Learning 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 one Academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Trust Executive Team every 2 years. At every review, the policy will be approved by the CEO and shared with the Trustees and Local Governance Committees.

10. LINKS WITH OTHER POLICIES

This exclusion/suspension policy is linked to our:

- Behaviour policy
- SEND policy and information report.

APPENDIX 1: INDEPENDENT REVIEW PANEL TRAINING

The Academy/Trust must make sure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions on disciplinary grounds, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Principals, Local Governance Committee's and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act.