

Suspension and Permanent Exclusion Policy

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Introduction

The Blackdown Education Partnership and each school within the Trust aims to ensure that:

- The suspension and exclusion process is applied fairly and consistently
- The suspension and exclusion process is understood by governors, trustees, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training).

This document deals with the policy and practice that informs the use of suspension and permanent exclusion in each of the schools within the Trust. It is underpinned by the ethos of the Trust and a shared commitment of all who are associated with the Trust to achieve two important aims:

- To ensure the safety and well-being of all members of each school community and maintain an appropriate educational environment in which all can learn and succeed;
- To realise the aim of reducing the need to use suspension and permanent exclusion as a sanction.

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 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/612322/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement_publishing.service.gov.uk.pdf)

It is based on the following legislation:

- Section 52 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 Framework Act 1998
- Part 7, Chapter 2 of The Education and Inspections Act 2006 which looks at parental responsibility for excluded pupils
- Section 579 of The Education Act 1996 which defines a '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 Decision to Suspend or Permanently Exclude

Suspension and exclusion are sanctions used by the Trust and its schools and the decision to suspend or exclude a student will be taken when a student has breached the school's Behaviour policy to the extent that a suspension or permanent exclusion is warranted.

Suspensions and permanent exclusions are only authorised by the Headteacher (or in the absence of the Headteacher, a named Deputy who is acting in that role). If none are available, then the decision to suspend/permanent exclude will be taken by the CEO or deferred until the opportunity for authorisation is available.

The Trust seeks to reduce the number of incidents leading to suspensions and permanent exclusions by promoting a positive atmosphere of mutual respect and discipline within each of its schools.

Students may be permanent excluded or suspended for one or more periods up to a maximum of 45 days in one academic year.

It may sometimes, in exceptional circumstances, be appropriate to issue a further suspension following an initial period of suspension or to issue a permanent exclusion. These will be treated as fresh decisions and are subject to the same decision-making and notification requirements as the original decision.

Schools within the Trust will follow the latest DfE statutory guidance regarding suspensions and permanent exclusions in order to make sure that students are treated fairly and not discriminated against.

Prior to any decision on whether to suspend or permanent exclude, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/permanent exclusion were provoked
- Allow students an opportunity to present their case which will, where possible, be recorded in writing before taking the decision to suspend/permanent exclude
- Whilst suspension/permanent exclusion may still be an appropriate sanction, the Headteacher will taken account of any contributing factors that are incident of poor behaviour has occurred, such as when a student has SEND or SEMH, suffered bereavement, or has been subject to bullying. How these contributing factors have been considered will be recorded as part of the suspension/permanent exclusion report held on the student's file.

Suspension or permanent exclusion may be used for any of the following, all of which constitute example of unacceptable conduct and are infringements of the schools' Behaviour policies:

- Verbal abuse or threatening behaviour towards adults or students
- Racist, sexist, or other discriminatory behaviour such as abuse against sexual orientation and gender assignment
- Physical abuse or violence towards adults or students
- Bullying, including cyber bullying and the misuse of social media against students and adults and the school's reputation
- Indecent behaviour
- Damage to property
- Misuse of substances
- Theft
- Sexual abuse or assault
- Possession and supply of illegal drugs
- Use or threat of use of an offensive weapon or prohibited item
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour
- Behaviour outside school which is likely to bring the school or Trust into disrepute.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that suspension or permanent exclusion are appropriate sanctions.

Where a student has received multiple suspensions or is approaching the legal limit of 45 school days in one academic year, the Headteacher must consider whether suspension is providing an effective sanction.

Returning from a Suspension

Following a suspension, a reintegration meeting will be held with the student, parents/carers and a member of the school's senior staff, and other staff where appropriate. On occasion, a member of the Local Governance Committee may also attend especially if the student concerned is at high risk of permanent exclusion. This meeting is essential before the student returns to school, as the purpose of the meeting is to seek to establish practical ways in which further suspensions can be avoided and behaviour modified to acceptable standards, in partnership with the student, parent/carer and school. Such measures may include:

- Agreeing a behaviour contract
- Putting a student on report
- Internal isolation
- Timetable modifications
- Other actions in line with the school's Behaviour policy and graduated response.

Notes of the reintegration meetings will be made. On rare occasions if a parent/carer is unable to attend the meeting in person, it may take place over the telephone, in which case notes will also be made and placed on record.

Definition

For the purposes of suspensions and exclusions, a school day is defined as any day on which there is a school session. Therefore, inset days do not count as school days.

A student can be suspended for one or more fixed periods, up to a maximum of 45 days in a single academic year.

During the first five days of a suspension or permanent exclusion, the school will set and mark work for the student to ensure students continue to receive their education. The Trust will arrange suitable full-time education (alternative provision) from the sixth day of suspension. For permanent exclusions, the Local Authority will arrange suitable full-time education for the student from the sixth school day after the permanent exclusion took place.

Informing Parents/Carers

The Headteacher will, without delay, notify parents/carers in writing of:

- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- the reasons for the suspension or permanent exclusion;
- the parent/carers' right to make representations about the suspension or permanent exclusion to governors and how the student may be involved with this;
- how any representations should be made;
- where there is a legal requirement for governors to consider the suspension or permanent exclusion, that parents/carers have the right to attend a meeting, to be represented at the meeting (at their own expense) and to bring a friend;
- the days on which there is a legal requirement for parents/carers to ensure that the suspended/excluded child is not present in a public place during school hours without good reason.

A student who has been suspended/permanently excluded will have the reason(s) for his/her sanction explained to him/her by a member of staff so that he/she understands the nature of their behaviour.

If alternative provision is being arranged, the following information will be provided to parents/carers without delay:

- the start date of any provision of full-time education that has been arranged for the student during the suspension or permanent exclusion;
- the start and finish times of any such provision;
- the address where the provision will take place;
- any information required by the student 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, it may be provided in a subsequent notice but it will be provided 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/permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing Social Workers and Virtual School Heads

A student's social worker and, if the student is a Looked After Child (LAC), the Virtual School Head, will be notified of the suspension or permanent exclusion and the reason(s) for it. Both the social worker and virtual school head will be informed when a governors' meeting is taking place, in order to share information. The social worker and/or the virtual school head can attend the meeting, should they wish to do so.

Informing Governors and the CEO

The Headteacher will, without delay, notify the CEO and Chair of Governors of:

- a permanent exclusion;
- any suspension which would result in the student being suspended for a total of more than 5 school days in a term;
- any suspension which would result in the student missing a public examination or national curriculum test.

For all other suspensions, the Headteacher will notify local governors once a term.

Informing the Local Authority

The Local Authority will be informed of all suspensions or permanent exclusions. For permanent exclusions, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' without delay.

Permanent Exclusion

The decision to permanently exclude a student is a serious one and will only be taken in the following circumstances:

- in response to a serious breach or persistent breaches of each school's Behaviour policy and;
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

There are two main types of situation in which permanent exclusion may be considered:

- a final, formal step in a concerted process for dealing with disciplinary offences, following the use of a wide range of other strategies which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as the last resort. Offences could include persistent and defiant behaviour, including bullying, or possession or use of an illegal drug on school premises.
- where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a student for a first or 'one off' offence. These could include:
 - serious actual or threatened violence against another student or member of staff
 - sexual abuse or assault
 - supplying an illegal drug
 - carrying an offensive weapon¹
 - arson
 - serious misbehaviour which threatens the good order of the school and/or places others at risk.

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school and potentially the safety of students and staff.

Governors' Responsibility to Consider a Suspension or Permanent Exclusion

Responsibilities regarding suspensions and exclusions are delegated to the Local Governing Committees (LGCs).

A panel comprising three governors from the Trust's LGCs and may include a Trustee. No staff governors or associate members will be involved. In exceptional circumstances, an experienced governor from another Trust may be used. The panel will meet to consider the reinstatement of a suspended or excluded student within 15 school days of receiving notice of the suspension or exclusion when:

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

Where a suspension or permanent exclusion would result in a student missing a public examination, the Governors will consider the reinstatement of the student before the date of the examination. If this is not

¹ Offensive weapons are defined in the Prevention of Crime Act 1953 as 'any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him'.

practicable, Governors will consider the suspension/permanent exclusion and decide whether or not to reinstate the student.

A panel comprising three governors from the Trust's LGCs will consider representations from parents/carers within 50 school days of receiving notification of the suspension/exclusion when a student would be suspended for more than five but less than 16 school days in a term.

The following parties will be invited to a meeting of the LGC:

- parents/carers (and, where requested, a representative or friend);
- the headteacher (and, if necessary, a colleague familiar with the case);
- the SENDCo, if appropriate;
- the student's social worker, if the student has one;
- the virtual school head if the student is LAC;
- taking into account the student's age and understanding, the student can attend and participate in the meeting and should be enabled to make a representation on their own behalf if they wish to do so.

Where possible, documentation from the school and parents/carers relating to the permanent exclusion will be circulated to all parties at least 5 school days before the meeting.

When a suspension does not bring the student's total number of days of suspension to more than five in a term, governors must meet to consider any representations made by parents/carers. There is no deadline for this meeting to be arranged.

Where governors are legally required to consider the reinstatement of a suspended or permanently excluded student, they will consider both the interests and circumstances of the suspended or permanently excluded student and that of other students, staff and the school community. When establishing the facts in relation to a suspension or permanent exclusion, governors will apply the civil standard of proof, ie 'on the balance of probabilities' (it is more likely than not that a fact is true), rather than the criminal standard of 'beyond reasonable doubt'. In reaching a decision, governors will consider whether the decision to suspend or permanently exclude was lawful, reasonable and procedurally fair.

Governors can either decline to reinstate the student or direct reinstatement of the student immediately, or on a particular date. If governors decline to reinstate a permanently excluded student, parents/carers can request an independent review. Details of how to request an independent review will be included in the letter notifying parents/carers of a decision not to reinstate a permanently excluded student.

Clear minutes will be taken of the governors' meeting which can be made available to all parties on request. The minutes will record how the decisions have been reached and the outcome recorded on the student's record.

The Panel will notify, in writing, the Headteacher, parents/carers and the LA of its decision, along with the reasons for the decision, without delay.

In the case of a permanent exclusion, the Panel's decision will also include the following:

- the fact that it is a permanent exclusion
- notice of the parents' right to ask for the decision to be reviewed by an independent review panel (IRP)
 - the date by which an application for an IRP must be made
 - the name and contact details to whom an application for a review should be made
 - that the application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion
 - that, regardless of whether the student has recognised SEND, parents/carers have a right to require the school to appoint an SEND expert to attend the review
 - details of the role of the SEND expert and that there would be no cost to parents/carers for this appointment
 - that parents/carers must make it clear if they wish for an SEND expert to be appointed in any application for a review
 - that parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the Panel and parents/carers may also bring a friend to the review
- that if parents/carers believe the exclusion has occurred as a result of 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. A 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.

If during the meeting it is necessary to suspend proceedings, the Panel Chair will arrange a resumption date without delay.

Independent Review

If parents/carers request an independent review, the Trust will arrange for an independent panel to review the governors' decision not to reinstate a permanently excluded student.

Applications for a review must be made within 15 school days of notice being given to the parents/carers of the governors' decision not to reinstate a permanently excluded student. An application made outside of this legal time frame will be rejected by the Trust.

A panel of three or five members will be constituted with representatives from each of the following categories:

- 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 five years, provided they have not been teachers or headteachers during that time;
- headteachers or individuals who have been a headteacher within the last five years.

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

- are a governor of the excluding school or a Trustee of the Trust

- are the Headteacher of the excluding school or have held this position in the last 5 years
- are an employee of the Trust
- have, or have had at any time, any connection with the Trust, LGC, school, parents, 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.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the governors' decision not to reinstate;
- recommend that the LGC reconsiders reinstatement;
- quash the governors' decision and direct that the LGC reconsiders reinstatement.

School Registers

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

- 15 school days have passed since the parents/carers were notified of the Panel's decision not to reinstate the student and no application has been made for an IRP, or
- The parents/carers have stated in writing that they will not be applying for an IRP.

Where an application for an IRP has been made, the school will wait until that review has concluded before removing the student's name from the register.

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.

Monitoring Arrangement

Each Headteacher monitors the number of suspensions/permanent exclusions each term and reports to their local governance committee. They also liaise with the Local Authority to ensure suitable full-time education for suspended/excluded students.

The CEO and Trustees review this policy every three years. At every review, the policy and its review will be shared with the local governing committees.

This policy should be operated in conjunction with other school/Trust policies such as:

- Behaviour
- Bullying
- SEND
- Sexual Violence and Harassment.