

Suspensions and Exclusions Policy

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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 school aims to:

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

A note on off-rolling

Our school is aware that 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.”

We will not suspend or exclude children unlawfully by directing them off site, or not allowing children 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 haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent 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 pupil referral units in England, including pupil movement](#).

It is 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](#)

This policy complies with our funding agreement and articles of association.

3. Definitions

Suspension – when a child is removed from the school for a fixed period.

Permanent exclusion – when a child is removed from the school permanently and taken off the school roll, this may also be known simply as 'exclusion'.

Off-site direction – when a governing body of an academy requires a child to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a child is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.



4. Roles and responsibilities

4.1 The Principal

Deciding whether to suspend or exclude

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

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

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

Before deciding whether to suspend or exclude a child, the Principal will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the suspension or exclusion were provoked
- Allow the child to give their version of events
- Consider whether the child has SEND
- Consider whether the child is especially vulnerable (e.g. the child 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 child, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

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

Informing parents

If a child is at risk of suspension or exclusion, the Principal will inform the parents as early as possible, in order to work together to consider what factors may be affecting the child's behaviour, and what further support can be put in place to improve the behaviour.

If the Principal decides to suspend or exclude a child, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.



The parents 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' right to make representations about the suspension or permanent exclusion to the governing body and how the child may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to hold a meeting to consider the reinstatement of a child, and that parents 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 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. This will include specifying on which days this duty applies
- Parents 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 child 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 parents' consent.



Informing the governing body

The Principal will, without delay, notify the governing body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a child
- Any suspension or permanent exclusion which would result in the child 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 child missing a National Curriculum test

The Principal will notify the governing body 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 LA 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 child lives outside the LA in which the school is located, the Principal will also, without delay, inform the child's 'home authority' of the exclusion and the reason(s) for it.

Informing the child's social worker and/or virtual school head (VSH)

If a:

- **Child with a social worker** is at risk of suspension or permanent exclusion, the Principal or the school's Designated Teacher will inform **the social worker** as soon as possible
- **Child who is a looked-after child (LAC)** is at risk of suspension or exclusion the Principal or the school's Designated Teacher will inform **the VSH** as soon as possible

This is in order to work together to consider what factors may be affecting the child'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 child with a social worker / a child who is looked after, they will inform the child's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the child
- 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 child's ability to sit a National Curriculum test

The social worker / VSH will be invited to any meeting of the governing body about the suspension or permanent exclusion. This is so they can provide advice on how the child'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 and risks and the child'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 governing body. Where there is a cancellation:

- The parents, governing body and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Principal to discuss the cancellation
- As referred to above, the Principal will report to the governing body once per term on the number of cancellations
- The child 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 child is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the child via Seesaw or in paper-based form if appropriate. If the child has a special educational need or disability, the Principal and/or the SENDCo will make sure that reasonable adjustments are made to the provision where necessary.

If the child is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the child.



4.2 The Local Academy Council

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the pupil discipline committee.

The pupil discipline committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded child (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing body 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 governing body will arrange suitable full-time education for the child. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data

The governing body will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing body will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where children receive repeat suspensions
- Interventions in place to support children 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 children, and why this is taking place
- Whether the placements of children directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that children are benefiting from it
- The cost implications of directing children off-site



4.3 The local authority (LA)

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

For children who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a child

The pupil discipline committee will consider and decide on the reinstatement of a suspended or permanently excluded child 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 child's total number of days out of school to more than 15 in a term; or
- It would result in a child missing a National Curriculum test

Where the child has been suspended, and the suspension does not bring the child's total number of days of suspension to more than 5 in a term, the pupil discipline committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Principal to reinstate the child.

Where the child has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the governing body, the pupil discipline committee will consider and decide on the reinstatement of a suspended child within 50 school days of receiving notice of the suspension. If the parents do not make representations, the governing body is not required to meet and it cannot direct the Principal to reinstate the child.

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

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

- Parents / carers
- The child, 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 child's social worker, if they have one
- The VSH, if the child is looked after

The governing body 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 pupil discipline committee can either:

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

In reaching a decision, the pupil discipline 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 child and their peers
- Any evidence that was presented to the governing body

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 child's educational record, and copies of relevant papers will be kept with this record.

The pupil discipline committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents / carer
- The Principal
- The child's social worker, if they have one
- The VSH, if the child is looked after
- The local authority
- The child's home authority, if it differs from the school's



Where an exclusion is permanent, and the pupil discipline committee has decided not to reinstate the child, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' 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 governing body's decision is given to parents)
- 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 child's SEND are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded child has recognised SEND, parents 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 parents for this appointment
- That parents must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents 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 parents apply for an independent review within the legal timeframe, the Academy Trust will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded child.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the pupil discipline committee of its decision to not reinstate the



child **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 headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

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

- Are a member or trustee 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 or the governing body, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the Academy Trust, the school, governing body, parents or child, 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

The panel must consider the interests and circumstances of the child, including the circumstances in which the child was permanently excluded, and have regard to the interests of other child and people working at the school.

Taking into account the child's age and understanding, the child or their parents will be made aware of their right to attend and participate in the review meeting and the child 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 child'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 child's experiences, needs, safeguarding risks and/or welfare may be relevant to the child's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker 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 child's permanent exclusion.

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

- Uphold the governing body's decision
- Recommend that the governing body reconsiders reinstatement
- Quash the governing body's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school 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 governing body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing body 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 governing body 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 the governing body 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 governing body does not subsequently decide to offer to reinstate the child within 10 school days
- Any information that the panel has directed the governing body to place on the child's educational record



7. School registers

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

- 15 school days have passed since the parents were notified the pupil discipline committee's decision to not reinstate the child and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made within 15 school days, the governing body will wait until that review has concluded before removing a child's name from the register.

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

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

Making a return to the LA

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

- The child's full name
- The full name and address of any parent with whom the child normally resides
- At least 1 telephone number at which any parent with whom the child 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 child will attend, including the name of that school and the first date when the child attended or is due to attend there, if the parents have told the school the child is moving to another school
- Details of the child's new address, including the new address, the name of the parent(s) the child is going to live there with, and the date when the child is going to start living there, if the parents have informed the school that the child 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 child's name.



8. Returning from a suspension

8.1 Reintegration strategy

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

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

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Asking parents/carers to consent to an Early Help Assessment (EHP)
- Maintaining regular contact during the suspension or off-site direction, including regular contact with a member of pastoral / wellbeing support staff
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the child and parents to praise progress and raise and address any concerns at an early stage
- Informing the child, parents and staff of potential external support

Part-time timetables should 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 child, parents, and other relevant parties.

8.2 Reintegration meetings

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

The child, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning children and their parents to attend their reintegration meeting, but children who do not attend will not be prevented from returning to the classroom.



9. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of alternative provision, off-site directions and managed moves
- Anonymous surveys of staff, children, governors and other stakeholders on their perceptions and experiences

The data will be analysed termly by the Principal. The Principal will report to the governing body.

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 school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of children are identified by this analysis, the school will review its policies in order to tackle it.

Pendle Education Trust will work with its academies to consider the data, and to analyse whether there are patterns across the trust, recognising that number in any one academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the Principal annually. At every review, the policy will be approved by the Local Academy Council.

