



## Suspension and Permanent Exclusion Policy

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## Aims

Our Academies aim to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in academy are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## 1. Legislation & Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline academy's' powers to exclude pupils:

- 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

In addition, the policy is based on:

- 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 '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](#)

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

## 2. The Decision to Exclude

Only the Principal or Senior Leader for Behaviour & Attitudes, can exclude a pupil from the academy. A permanent exclusion will be taken as a last resort.

Our Academies are 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 are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the academy's Values and Rewards Policy, and
- If allowing the pupil to remain in the academy would seriously harm the education or welfare of others Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Principal will:
  - Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
  - Allow the pupil to give their version of events
  - Consider if the pupil has special educational needs (SEN)

### 3. Definition

For the purposes of suspensions, school day is defined as any day on which there is a school session.

Therefore, INSET or staff training days do not count as a school day.

### 4. Roles & Responsibilities

#### 5.1 The Principal

##### Informing Parents

The Principal will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to Local Advisory Board and how the pupil may be involved in this
- Where there is a legal requirement for Local Advisory Board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. 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 when notifying parents of a suspension:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **Informing the Local Advisory Board and the Local Authority**

The Principal will immediately notify the Local Advisory Board (LAB) and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the academy is located, the Principal will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Principal will notify Local Advisory Board and LA once a term.

### **5.2 Local Advisory Board**

Responsibilities regarding exclusions is delegated to the exclusion committee.

The behaviour committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, Local Advisory Board will provide the secretary of state with information about any exclusions in the last 12 months.

For a fixed-period suspension of more than 5 school days, Local Advisory Board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **5.3 The LA**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

## 5. Fixed Term Suspension

### Deciding Whether to Exclude a Student

The prompt and accurate reporting of incidents is considered particularly important to the effectiveness of the Values and Rewards Policy. The Academy maintains accurate records of behaviour incidents. All staff are advised of the need for timeliness, accuracy and completeness in the recording of Behaviour incidents and has advised staff of the correct procedures for recording statements.

- Class Charts is used for logging of incidents and monitoring of trends as appropriate.
- During an investigation, students will be placed into Internal Isolation or an alternative environment to complete statements and/or until an outcome is finalised.

In general, the Principal's reasons for a fixed term suspension are as follows:

- Continued disruption to lessons;
- Continued disruption in Academy;
- Defiance of staff;
- Verbal abuse to students;
- Verbal abuse to others;
- Continuous Bullying;
- Verbal abuse to staff;
- Racial abuse to students;
- Racial abuse to staff;
- Racial abuse to others;
- Bullying – physical;
- Bullying – verbal;
- Physical abuse to others;
- Smoking (*Including all forms of e-cigarettes*)
  - on the site;
  - Vape or Flavoured e-liquid
  - Cigarettes
- Sexually inappropriate behaviour to students;
- Sexually inappropriate behaviour to staff;
- Sexually inappropriate behaviour to others;
- Possession and/or supply of drugs;
- Possession and/or supply of fireworks;
- Possession and/or supply of offensive weapon;
- Vandalism;
- Theft;
- Extortion;
- Threatening behaviour;
- Possession and/or supply of alcohol;
- Physical abuse to students;
- Physical abuse to staff;
- Repeated smoking (*Including all forms of e-cigarettes*)
  - e-cigarettes) in the building and on site.
- Misuse an article of faith such as the Kara or other items such as a Salai/Baqj, Chakar etc as a weapon
- Unfounded malicious allegations against staff/students;
- Other offences that threaten Academy staff or student safety;
- Other offences deemed necessary for sanction by the Principal or Senior Assistant Principal for Behaviour & Attitudes

### Re-Admission

After suspensions, the student will report to the relevant SLT/Pastoral Lead or Head of Year, who will re-admit them. Parents/carers should where possible be present for re-admission meetings.

It is the duty of the re-admitted student to ask their subject teachers for any relevant work missed and to complete it by the date requested by that teacher.

On their return, students:

- may spend some time in Student Support Centre to reflect on their inappropriate behaviour;
- may be placed on report to the relevant SLT/Pastoral Lead or Head of Year;
- may be placed on a specific Behaviour Contract for extremely serious offences or continued disruption.

### **Suspension/Exclusions and Looked After Children**

For Looked After Children, where the academy has concerns about a child's behaviour, the Virtual School Head, the social worker and carers will be informed at the earliest opportunity; we will work with them to put in place behaviour management strategies to ensure challenging behaviour is managed in the most effective way for that individual child.

Where a child is at risk of exclusion, this will include consideration whether an alternative placement may be required and assessing suitability of provision for SEN. Regard is given to the DfE's statutory guidance 'Exclusions from maintained schools, academies and student referral units in England' and, as far as possible, the Principal will avoid permanently excluding any Looked After Child. When a child leaves care, we recognise that their past experience may continue to impact on their behaviour. The Designated Teacher will ensure support is provided to improve behaviour and with the child's parents or guardian's consent may seek advice from the Virtual School Head.

### **Exclusions and Special Educational Needs**

There are certain factors that should be taken into consideration for children who display disruptive behaviour that is as a result of their Special Educational Need (SEN).

The academy will engage proactively with parents in supporting the behaviour of students with additional needs, with provisions such as:

- Early intervention to address underlying causes of disruptive behaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have.
- SENDCO considering the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour.
- The Principal and Local Advisory Boards taking account of their statutory duties in relation to SEN when administering the exclusion process. This includes having regard to the SEN Code of Practice.

Where the academy has concerns about the behaviour, or risk of exclusion, of a child with additional needs, a student with a statement of SEN or looked after child, it should be in partnership with others (including the Local Authority as necessary) consider what additional support or alternative placement may be required.

The decision to exclude a student must be lawful, reasonable and fair. Academies have a statutory duty under the Equality Act 2010 not to discriminate against students on the basis of protected characteristics, such as disability.

### **Returning from a Fixed Term Suspension**

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing to a behaviour plan
- Receiving mentoring
- Spending time in the Turn Around Centre

## **6. Permanent Exclusion**

The decision to exclude a student permanently is only taken:

- In response to serious breaches of the academy's Values & Rewards Policy
- If allowing the student to remain in the academy would seriously harm the education or welfare of the student or others in the academy

Permanent exclusion will be considered for:

- Persistent and defiant misbehaviour
- Persistent refusal to follow academy rules
- Persistent attitudes or behaviour which are inconsistent with the ethos of the academy
- Persistent/serious bullying
- Use/possession / distribution of alcohol, solvents and/or an illegal drug (including their paraphernalia or any substances disguised in an alternative form such as an edible marijuana cookie, cake or brownie etc) on academy premises or during a students' journey to and from the academy or whilst attending an academy trip/visit
- Unusual behaviour which may be consistent with being under the influence of alcohol or drugs
- Threatening behaviour/physical assault on an adult
- Sexual misconduct, including sexting
- Theft of others' property, belongings and academy equipment
- Deliberate vandalism
- Behaviour which puts themselves or others at risk of serious harm
- Misuse of social media to bully, intimidate or humiliate others
- Extreme defiance
- Extreme rudeness
- Possession/use and/or supply of weapons
- Malicious accusations against a member of staff
- Other serious misconduct toward a member of the academy community or which brings the academy into disrepute (single or repeated episodes), on or off the academy premises
- Gang affiliation

There will, however, be exceptional circumstances where, in the Principal's judgement, it is appropriate to permanently exclude a student for a first or 'one off' offence. These might include:



- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supply, consumption or possession of an illegal drug and/or alcohol
- Carrying an offensive weapon
- Misuse an article of faith such as the Kara or other items such as a Salai/Baqj, Chakar etc as a weapon
- Unfounded, malicious allegations against students, staff and stakeholders of the academy

Exclusion can also be used where one of the following is evident:

- Parental breach of contract with the academy
- Parents causing serious or repeated nuisance on the academy premises, acting aggressively towards staff (including via social media or electronic communication) or bringing the academy into disrepute
- Serious disagreement (on the part of the parents or the pupil) with, or
- contravention of, the academy's policies on social inclusion, diversity or equality

**The behaviour of a student outside of the academy can be considered grounds for an exclusion.**

Where a criminal offence has taken place, the academy will liaise with the Police to consider the appropriate course of action.

The decision to exclude a child permanently is a serious one and is only taken where the basic facts are established on the balance of probabilities. It is usually the final step in a process of dealing with disciplinary offences following a wide range of other strategies which have been tried without success. It is an acknowledgement by the academy that it has exhausted all available strategies for dealing with that student.

From and including the sixth day of the exclusion it is the Local Authority who are responsible for ensuring that suitable full-time education is provided for the student.

## 7. Considering The Reinstatement of A Pupil

The Exclusion Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the behaviour committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from the academy for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the behaviour committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the behaviour committee will consider the exclusion and decide whether or not to reinstate the pupil.

The behaviour committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the behaviour committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The behaviour committee will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the behaviour committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint a SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
  - That parents must make clear if they wish for a SEN 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 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

## 8. Independent Review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of Local Advisory Board not to reinstate a permanently excluded pupil.

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

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 academy LABs category and 2 members will come from the Principal/Headteacher category.

- A lay member to chair the panel who has not worked in any academy in a paid capacity, disregarding any experience as an academy governor or volunteer
- Academy 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 headteacher during this time
- Principals/Headteachers or individuals who have been a Principal/Headteacher within the last 5 years

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

- Are a member of the academy trust or governing board of the excluding academy
- Are the headteacher of the excluding academy, or have held this position in the last 5 years
- Are an employee of the academy trust or Local Advisory Board, of the excluding academy (unless they are employed as a headteacher at another academy)
- Have, or at any time have had, any connection with the academy trust, academy, governing board, parents or pupil, 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) A clerk will be appointed to the panel.
- The independent panel will decide one of the following:
- Uphold Local Advisory Board's decision
- Recommend that Local Advisory Board reconsiders reinstatement
- Quash Local Advisory Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

### **Independent Review Panel Training**

The academy trust must ensure 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 exclusions, 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 headteachers, governing boards 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

## 9. School Registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil 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, Local Advisory Board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

## 10. Monitoring & Review

The Senior Assistant Principal for Behaviour and Attitudes monitors the number of exclusions every term and reports back to the Principal. The Principal liaises with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Principal, Senior Assistant Principal for Behaviour and Attitudes and the Executive Policy Committee annually. At every review, the policy will be shared with the Local Advisory Board.

## 11. Links With Other Policies

This policy is linked to our;

- TKAT Values & Rewards Policy
- TKAT SEND Policy