



# SUSPENSION & PERMANENT EXCLUSIONS POLICY

Reference this policy is aligned to with The Key	<b>Sept 24</b>
Agreed with Support Staff Trade Unions	<b>n/a</b>
Adopted by the Governing Body	
Next Review Due	<b>Sept 26</b>
Agreed with Teacher Trade Unions and Professional Associations	<b>n/a</b>

## 1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)
- 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 student from the school 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 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 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 student referral units in England, including student movement.

It is based on the following legislation, which outline schools’ powers to exclude Students:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 Students
- Section 579 of the Education Act 1996, which defines ‘school day’

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

### 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’.

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

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 and responsibilities

### 4.1 The principal

#### The decision to suspend or exclude

Only the principal, or a member of SLT acting on behalf of the principal, can exclude a student from school. A permanent exclusion will be taken as a last resort.

A decision to permanently 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 exclude a student, 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 exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

#### Informing parents

The principal will provide the following information, in writing, to the parents of a suspended or excluded student:

- 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 board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, 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 school 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 an exclusion, 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 or permanent exclusion:

- 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

## Informing the governing board and local authority

The principal will notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the student missing a public examination

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

For all other suspensions, the principal will notify the governing board and LA once a term.

## 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
- **Student who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher 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 behaviour.

If the principal decides to suspend or permanently exclude a student with a social worker/ a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, 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 public exam

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion.

## 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 board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be 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 board once per term on the number of cancellations
- The student will be allowed back in school

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

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the principal will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as 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 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 student, including the use of online pathways.

## 4.2 The governing board

Within 14 days of receipt of a request, the governing board will provide the secretary of state with information about any suspensions or exclusions in the last 12 months.

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

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

### 4.3 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.

For students who are LAC or have social workers, the LA and the school 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 governing board will consider 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 school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the governing board will consider the reinstatement of a suspended student within 50 school days of receiving notice of the suspension if the student would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or permanent exclusion would result in a student missing a public examination, the governing board will consider the reinstatement of the student before the date of the examination. If this is not practicable, they will consider the exclusion and decide whether or not to reinstate the student.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the suspension or permanent 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 suspend or exclude.

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

The governing board will notify, in writing, the principal, parents, the student's social worker, the VSH (if the student is looked after), the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent exclusion
- 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 student's SEN are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the LA to appoint an 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 an 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 permanent 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.

## 6. An independent review

If parents apply for an independent review, the school will arrange for an independent panel to review the decision of the governing board 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 parents by the governing board of its decision to not reinstate a student.

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's category and 2 members will come from the principal category.

- 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
- 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 director of the Welland Park Academy
- Are the principal of the Welland Park Academy, or have held this position in the last 5 years.

- Are an employee of the Welland Park Academy or the governing board, 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 school, governing board, parents 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (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.

## 7. School registers

A student'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 student 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, the governing board will wait until that review has concluded before removing a 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.

## 8. Returning from a suspension

Following suspension, a re-integration meeting will be held involving the student and possibly the parents/carers, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a suspension:

- Agreeing a behaviour code of conduct
- Continuing to monitor the student through the school's behaviour system
- Internal isolation



## 9. Monitoring arrangements

The Assistant Principal monitor the number of suspensions and permanent exclusions every term and report back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by The **Behaviour & Safety Committee** every 2 years. At every review, the policy will be shared with the governing board.

## 10. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEN policy

## Appendix 1: Independent review panel training

Welland Park Academy 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 suspensions and permanent 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 principals, 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