



## Suspensions and Permanent Exclusions Policy

<b>Member of Staff Responsible</b>	Chief Executive Officer
<b>Relevant guidance/advice/legal reference</b>	Exclusion from maintained school, academies and pupil referral units in England Changes to the school suspension and permanent exclusion process during the coronavirus (COVID-19) outbreak (this guidance applies to exclusions/suspension until 24 March 2022)
<b>Approval</b>	The 3-18 Education Trust Board
<b>Adviser</b>	Consultation through headteachers and Vice-Chair of Board
<b>Date of Policy</b>	January 2022
<b>Review Cycle</b>	3 years
<b>Date of Next Review</b>	March 2022 (due to the pandemic addendum), then November 2024.
<b>Website</b>	Yes

### Legislation and 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 schools' 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](#)

The following is taken from The 3-18 Education Trust's Behaviour policy:

"It is our aim that every member of the Trust's community – pupils, staff, parents, governors, the wider community - feels valued and respected, and is treated fairly. We are a caring community, whose values are built on mutual trust and respect for all. We therefore expect all members of our community to set an example to others in order to establish, by way of routine and instinct, the highest standards of behaviour."

There are two main types of exclusion: suspension (formerly known as fixed term exclusions) and permanent.

In most cases, suspension (whether internal or external) and permanent exclusion will be the last resort after a range of measures have been tried to improve a pupil's behaviour. This is because we want all our pupils to access the curriculum through their lessons. We will explore the modification of behaviour from a range of other options including:

- engaging at an early stage with parents/carers
- placing a pupil on report for a fixed period of time, with regular reviews
- Planning Meetings to determine actions to modify behaviour as appropriate
- the engagement of outside agencies as appropriate
- interventions/assessment by the SENDCo in appropriate cases
- restorative justice, which enables the offender to redress the harm done to a victim in appropriate cases
- counselling
- providing support through the Early Help forum
- mediation through a trained mediator

We follow statutory guidelines, and the final decision to suspend/permanently exclude can be made only by the Headteachers of each school, although this may be delegated to a Deputy, or passed to the Chief Executive Officer of the Trust if the Headteacher is absent.

When deciding to suspend or permanently exclude a pupil, the Senior Leadership Team will ensure there has been a thorough investigation and that a written record is kept.

## **Suspensions**

The length of suspension will be decided by the Headteacher with reference to:

The following incidents or offences will normally lead to a suspension, although extenuating circumstances may alter the sanction applied to an individual pupil and this list is not exhaustive:

- persistent disruption / defiance
- continual refusal to comply with the school rules and sanctions
- deliberate damage or vandalism
- theft
- swearing directly at a member of staff
- physical violence towards a pupil or member of staff
- persistent bullying or bullying behaviour (See Behaviour Policy)
- bringing the school into disrepute
- bringing an offensive weapon onto the school premises
- possession of illegal substances on the school site
- inappropriate use of social media
- sexual abuse
- sexual harassment
- racism (including graffiti)

The following factors will be considered before the decision to suspend (and the length of the suspension):

- ensuring that the pupil is invited to give their version of events (if circumstances allow, this will be a written statement)
- pupil status eg PP, LAC, SEND
- ensuring that a thorough investigation has been carried out
- consideration of all the evidence available to support the allegations, taking account of the schools' behaviour and equal opportunities policies
- consideration of whether the incident is provoked, e.g. by bullying/bullying behaviour or by racial or sexual harassment (provocation will not necessarily mean an exclusion/suspension will not be given)
- gathering written statements from all involved where appropriate and possible
- the age of the pupil
- the disciplinary record
- the nature of the offence
- exam obligations

The standard of proof to be applied is on the balance of probabilities, i.e. if it is more probable than not that the pupil did what he or she is alleged to have done, the headteacher may suspend/exclude the pupil.

Where a pupil is suspended the school will:

- inform parents/carers immediately
- confirm the decision, details and expectations in writing within 1 working day
- notify parents/carers of their responsibility to ensure that their child is not present in a public place in school hours during the first five days of any suspension (parents/carers may be given a fixed penalty notice or prosecuted if they fail to do so)
- undertake to set and monitor work for that pupil for the first five days of the exclusion
- provide full time education (off site or in a shared provision) from the sixth day of any period of suspension of six days or longer
- advise any sanctions that may be imposed for non-attendance of the provision for the sixth day onwards
- consider how the time out of school might be used to address the pupil's problems
- consider what support will best help with the pupil's reintegration into the school at the end of the suspension

After a suspension pupils must attend a re-admission meeting which should take place immediately prior to the pupil returning. This is the main part of the re-integration process and must be attended by parent/carer(s) and the pupil, and is managed by school staff. The terms of re-admission are discussed, agreed and confirmed by signatures at this meeting and provision for continued support for the pupil arranged at this time.

The purpose of the re-admission interview is to assist the reintegration of the pupil and promote the improvement of his or her behaviour. It provides an opportunity to:

- emphasise the importance of parents/carers working with the school to take joint responsibility for their child's behaviour
- discuss how behaviour problems can be addressed
- explore wider issues and any circumstances that may be affecting the child's behaviour
- reach agreement on how the child's education should continue, how best they can be reintegrated and what measures could be put in place to prevent further misbehaviour

- create a useful forum to consider with parents/carers the possibility of a parenting contract
- hear from the pupil of their reflection on the reasons behind suspension and for the headteacher (or an appropriate senior member of staff) to judge if such reflection warrants their return. The suspension may be extended if it is felt that the pupil has neither reflected nor learnt from their actions and the resulting suspension.

The parents/carers of a pupil who is suspended for a single or cumulative period of 6-15 days in any one term can request a meeting with Local Governors to review the suspensions. Local Governors will meet within 15 school days of the suspension and will decide whether or not to uphold the suspension. If a pupil is suspended for more than 15 days in a term Local Governors will always meet within 15 school days to review the suspension.

### **Permanent Exclusions**

Repeated offences could ultimately lead to permanent exclusion. Permanent exclusion will usually be considered as a 'last resort' action, applied only when all other methods and strategies have failed. However, permanent exclusion could follow after certain single incidents, which are deemed to be extremely serious.

These might include (although this is not an exhaustive list):

- serious actual or threatened violence against a member of staff
- serious actual or threatened violence against another pupil
- theft from school, a pupil or a member of staff
- continual refusal to comply with the school rules and sanctions
- sexual abuse or assault
- possession or supplying (including the intent to supply) an illegal substance
- carrying an offensive weapon (with possible intent to cause harm)
- through social media or other means, slanderous offensive behaviour/language towards any member of the internal or wider school community

Schools now have a power to screen and search pupils for weapons. We will consider whether or not to inform the police where a criminal offence may have taken place. Contacting the Young Offending Team and/or social workers will also be considered.

We will not exclude for:

- truanting or non-attendance
- uniform or appearance
- poor academic progress
- behaviour of parents/carers
- refusal to sign a home school agreement

If a pupil is permanently excluded the school will:

- notify parents of their responsibility to ensure that their child is not present in a public place in school hours during their first five days of any permanent exclusion.
- undertake to set and mark work for that pupil for the first five days of the exclusion.
- advise parents or carers that, during the first week of the exclusion, that the Local Authority will arrange to assess the pupil's needs and how to meet them; arrange a meeting with them to discuss options; and that from the sixth school day ensure that suitable full time education is provided.
- arrange a meeting of Local Governors to review the exclusion and decide whether to uphold it, inviting the Local Authority to be in attendance.

Pupils who are permanently excluded will remain on the school roll during the period allowed for appeals or removed sooner if the Local Authority confirms there will be no appeal.

### **The Role of Local Governors**

Responsibilities regarding exclusions is delegated to the Local Governing Body's Pupil Discipline Committee. A clerk who is experienced in pupil suspension/permanent exclusions will be appointed by the Local Governing Body.

The Pupil Discipline Committee has a duty to consider reinstatement of a suspended/permanently excluded pupil as follows:

For suspensions of five days or less:

- The Pupil Discipline Committee will consider any representation from parents/carers within 50 days after receiving notice of the suspension but does not have to meet with the parents/carers.
- The Pupil Discipline Committee have no power to re-instate or overturn a decision (but can place findings in the pupil's record).

For suspensions of 6 – 15 days in any one term (single event or cumulative):

- The Pupil Discipline Committee will consider any representation if parents/carers request a meeting within 15 days after receiving notice of the suspension
- The Committee can uphold a suspension or reinstate the pupil (earlier or immediately)

For suspensions exceeding 15 days in any one term and in all permanent exclusion cases:

- The Pupil Discipline Committee must meet within 15 days after receiving notice of the suspension/permanent exclusion.

Where a suspension/permanent exclusion would result in a pupil missing a public examination or national curriculum test:

- The Pupil Discipline Committee, so far as is reasonably practicable, will consider the suspension/permanent exclusion before the date of the examination or test. If it is not practicable to consider the decision before the examination or test, the Chair of the Local Governing Body, may consider the exclusion alone and decide whether or not to reinstate the pupil. In such cases, parents still have the right to make representations.
- Whilst there is no automatic right for an excluded pupil to take an examination or test on the excluding school's premises, the Pupil Discipline Committee should consider whether it would be appropriate to exercise its discretion to allow an excluded pupil onto the premises for the sole purpose of taking the examination or test.

References to days are 'school days.'

### **Pupil Discipline Committee Meeting with Parents/Carers and Pupil (See Clerk to the LGB for the document on Pupil Discipline Committee Guidance).**

The following parties will be invited to the meeting and are allowed to make representations:

- Parents (and, where requested, a representative or friend) and the pupil.
- The Headteacher.
- A representative of the local authority.

The Pupil Discipline Committee must make reasonable endeavours to arrange the meeting for a date and time that is convenient to all parties, but within the time limits set out above.

However, any decision will not be invalid simply on the grounds that it was not made within these time limits.

Where possible, any written evidence and information, including a list of those who will be present, will be circulated to all parties at least five school days in advance of the meeting.

Reasonable adjustments will be made to support the attendance and contribution of parties at the meeting.

The suspended/permanently excluded pupil will be encouraged to attend the meeting and speak on their own behalf, taking into account the pupil's age and understanding. If attending the exclusion meeting is not possible, other means will be considered to allow the suspended/permanently excluded pupil to make representations.

### **Considering the Suspension/Permanent Exclusion of a Pupil**

The Pupil Discipline 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 Pupil Discipline Committee will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. The committee 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 Pupil Discipline Committee will notify, in writing, the Headteacher, parents/carers and the Local Authority of its decision, along with reasons for its decision, without delay.

### **An Independent Review of the Pupil Discipline Committee's Decision not to Reinstate a Pupil**

The parents/carers have 15 school days from notice being given to them of the Pupil Discipline Committee decision to request the school to arrange for an independent review panel hearing to review the decision not to reinstate the permanently excluded pupil.

The independent panel will decide one of the following:

- Uphold the Pupil Discipline Committee decision.
- Recommend that the Pupil Discipline Committee reconsiders reinstatement.
- Quash the Pupil Discipline Committee decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed).

## **COVID-19 Addendum**

### **Temporary arrangements applying to suspensions and permanent exclusions occurring between 25 September 2021 and 24 March 2022 (inclusive of these dates).**

Should there be any public health restrictions to limit the spread of COVID-19 that might make it difficult for Pupil Discipline Committee meetings to be held in person within the normal statutory timescales the Committee, the use of remote access technology (for example, videoconferencing or telephone conferencing software) should be considered.

When applying temporary arrangements, a permanent exclusion should be taken as having 'occurred' on the first day of the permanent exclusion. Any permanent exclusion covered by these arrangements will continue to be subject to them until the procedures for scrutiny of the permanent exclusion have been exhausted.

Noting the normal statutory timescales to hold a Pupil Discipline Committee meeting still apply, if the deadline is missed because of COVID-19, the meeting must be held as soon as it becomes reasonably practicable to meet either in person or remotely (respecting the conditions for such a meeting).

#### **Determining if it is reasonably practicable to meet in person.**

When determining if it is reasonably practicable to meet in person, the Pupil Discipline Committee will assess:

- the facts of the case
- the circumstances in which a meeting in person could be expected to take place
- the needs of the intended participants, as far as this is possible (Those who have no intention of taking part in the meeting should not be treated as 'participants' for the purposes of the conditions)
- the Department of Education's Schools COVID-19 operational guidance must also be considered.

#### **Determining if a remote meeting can be held.**

If it is not reasonably practicable to meet in person, within the usual timescales due to COVID-19, a remote meeting can be considered if the Pupil Discipline Committee is satisfied that the following conditions are met:

- all the participants agree to the use of remote access
- all the participants have access to the technology which will allow them to hear and speak throughout the meeting, and to see and be seen, if a live video link is used
- all the participants will be able to put across their point of view or fulfil their function
- the meeting can be held fairly and transparently via remote access

#### **Satisfying the conditions for a remote meeting.**

The Pupil Discipline Committee must ensure the technology that is proposed to be used is explained to all participants and that the participants, particularly the pupil and his/her family/carers, know that they do not have to agree to a remote meeting.

Where a parent/carer or pupil has given their agreement for a remote meeting the other participants should accommodate that preference except in exceptional circumstances.

The Pupil Discipline Committee must:

- comply with relevant equalities legislation
- recognise that some participants may find it difficult to participate in a remote meeting, for example if they have a disability or if English is not their first language

Therefore, the Pupil Discipline Committee should take reasonable steps to facilitate a parent, or pupil's access to the technology required. For example, running a 'test meeting' to trial if technology that is going to be used is suitable.

If a committee member or other participant requires support to access or use remote access technology, this must be facilitated to ensure the meeting can be held promptly.

The Pupil Discipline Committee must assess whether a remote meeting can be held fairly and transparently with reference to the facts of each case. It cannot be decided by following a general policy.

If the Pupil Discipline Committee is not satisfied that a remote meeting can be held fairly and transparently, it should consider using reasonable adjustments to overcome this. The Pupil Discipline Committee should consult with parents/carers and the pupil to take account of their wishes.

### **Holding a remote meeting**

If a remote meeting is held, the chair must make every effort to check the participants understand the proceedings and can engage with them. This is to ensure the meeting is conducted fairly.

If, once the meeting starts, the meeting cannot proceed fairly, for example because a participant cannot access the meeting, the Pupil Discipline Committee should adjourn the meeting.

Holding a remote meeting does not alter other procedural requirements that may apply. For example, parents/carers may be joined by a friend or representative as normal.

Though the Pupil Discipline Committee must consider written representations if they are made, the law does not allow for solely paper-based 'meetings', conducted in writing.

As long as the conditions for a remote meeting are met, it is possible for some participants to be present in person and for others to join the meeting remotely. All the participants must have access to technology which will allow them to hear and be heard by others throughout (and to see and be seen throughout, if a live video link is used).

To help meetings run smoothly and ensure they are accessible for participants, the Pupil Discipline Committee must:

- provide clear instructions about how to join the meeting virtually, and distribute the relevant papers in a timely manner ahead of the meeting
- indicate a named person who participants can contact with any questions they may have beforehand
- consider holding a pre-meeting with attendees to check that the available technology is suitable, and all participants understand how to access the meeting
- ensure the chair is prepared to explain the agenda at the start and to provide clear guidance on how the meeting will be run, for example:
  - how participants should indicate they wish to speak
  - how any 'chat' functions should be used
  - whether there will be any breaks in proceedings
  - how participants can access advocacy services during the meeting