



# Suspensions and Permanent Exclusions Policy

<b>Approved by:</b>	NMAT Board of Trustees	<b>Date:</b> July 2023
<b>Next review due by:</b>	July 2024	
<b>Responsible</b>	Executive Principal	

## 1. Aims

Our Trust aims to ensure that:

- The suspensions and permanent exclusion process is applied fairly and consistently.
- The suspensions and permanent exclusion process is understood by Trustees, Governors, staff, parents/carers and students.
- Students in school are safe and happy.
- Students do not become NEET (not in education, employment or training).

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department of Education : [Suspension and Permanent Exclusion from maintained schools, academies and student referral units in England, including student movement guidance 2023](#).

It is based on the following legislation, which outline schools' powers to exclude students:

[Section 52 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](#).

This policy complies with our [funding agreement](#) and [articles of association](#).

## 3. The decision to suspend or permanently exclude

Only the Head of School, or the Executive Principal, can suspend or permanently exclude a student from school on disciplinary grounds. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or be permanently excluded. 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 Academy's behaviour policy, and
- Where allowing the student to remain in the Academy would seriously harm the education of the student or others such as staff or students in the academy;

Before deciding whether to suspend a student, or permanently exclude a student, the Head of School will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion (suspension) were provoked;
- Allow the student to give their version of events;
- Consider if the student has special educational needs (SEN).
- Consult social worker and Virtual School Head where appropriate.

## **4. Cancelling exclusions**

The Head of School may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the Local Authority should be notified without delay and, if relevant, the social worker and Virtual School Head;
- Parents should be offered the opportunity to meet with the Head of School to discuss the circumstances that led to the exclusion being cancelled;

The academy will report to the Local Governing Body once per term on the number of exclusions which have been cancelled. This will include the circumstances and reasons for the cancellation.

The student will be allowed back into the academy.  
Any days spent out of the academy before cancellation will count towards a student's total number of days suspension in the academic year.

## **5. Off-rolling and unlawful exclusions**

The Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

...the practice of removing a student 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 student."

This could include sending a student home to "cool off" or exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that students have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the academy, and leaders have taken insufficient action to address this.

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

## **6. 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.

## **7. Factors to consider before making a decision to exclude**

The very best Alternative Provision (AP) can be important in managing behaviour and providing alternatives to exclusion. This could include outreach support for students in mainstream schools and offering short-term places to students who need a time limited intervention away from the academy. Where necessary, the academy will work with high quality AP providers to ensure a continuum of support is available for students for whom good behaviour cultures and policies are not working. The Head of School will also consider the following:

- a) an off-site direction (temporary measure that maintained schools and academies for similar purposes can use) or
- b) managed moves (permanent measure) as preventative measures to exclusion.

Managed moves are voluntary and agreed with all parties involved, including the parents/carers and the Head of School/Executive Principal (as delegated by Trustees). If a temporary move needs to occur to improve a student's behaviour, then off-site direction will be used. Managed moves should only occur when it is in the student's best interests.

## **8. Students with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)**

The Equality Act 2010 requires the academy to make reasonable adjustments for disabled students. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for students with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

The academy will engage proactively with parents in supporting the behaviour of student's with additional needs. Where the academy has concerns about the behaviour, or risk of suspension and permanent exclusion, of a student with SEN, a disability or an EHC plan it will, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a student's SEN or disability.

Where a student has an EHC plan, the academy will contact the local authority about any behavioural concerns at an early stage and consider requesting an early review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the academy will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for the academy to request an EHC assessment or a review of the student's current package of support.

## **9. Roles and Responsibilities**

### **The Head of School and/or the Executive Principal**

#### **Informing parents/carers**

Whenever the Head of School suspends or permanently excludes a student they must, without delay, notify parents/carers of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, after their decision, provide parents/carers with the following information in writing: The reason(s) for the suspension or permanent exclusion;

- The period of a suspension) or, for a permanent exclusion, the fact that it is permanent;
- parents'/carers 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; and where there is a legal requirement for the governing board to meet to consider the suspension or permanent exclusion, that

parents/carers or a student if they are 18 years old have a right to attend a meeting, be represented at that meeting (at their own expense) and bring a friend.

The Head of School will also notify parents/carers by the end of the afternoon session on the day their child is suspended or permanently excluded that they must ensure that the student is not present in a public place at any time during school hours. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.

If alternative provision is being arranged, the following information will be included:

- 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 student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents/carers' consent.

### **Informing social workers and Virtual School Heads about an exclusion**

Whenever the Head of School suspends or permanently excludes a student they must, without delay, after their decision, also notify the social worker, if the student has one, and the Virtual School Head if the student is a Looked After Child, of the period of the suspension or permanent exclusion and the reason(s) for it.

Both the social worker and/or Virtual School Head, must be informed when a Student Discipline Committee meeting is taking place, in order to share information. The social worker and/or the Virtual School Head can attend the meeting, should they wish to do so.

### **Informing the governing board and local authority**

The Head of School will without delay notify the governing board and the local authority of:

Any permanent exclusion, including where suspension is followed by a decision to permanently exclude the student;

Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for more than five school days (or more than ten lunchtimes) in a term;

Any suspension which would result in the student missing a public examination or national curriculum test.

For a permanent exclusion, if the student lives outside the Local Authority area in which the academy is located, the Head of School will also immediately inform the students' 'home authority' of the permanent exclusion and the reason(s) for it without delay.

For all other suspensions, the Head of School will notify the governing board once a term. The Executive Principal will update the Board of Trustees.

### **The governing board**

The governing board has a duty to consider the reinstatement of an excluded (suspended) student

Within 14 days of receipt of a request, the governing board will provide the Secretary of State with information about any exclusions (suspensions) in the last 12 months.

For a fixed-period exclusion (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 exclusion (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.

### **The Local Authority**

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

## **10. Considering the reinstatement of a student**

A Student Disciplinary Committee (PDC) will be formed and will consider the reinstatement of suspended or permanently excluded student within 15 school days of receiving the notice of the suspension or permanent exclusion if:

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

If requested to do so by parents/carers, a PDC 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 the academy for more than 5 school days, but less than 16, in a single term.

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

The PDC can either:

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

In reaching a decision, the PDC will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the Head of School or the Executive 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 permanently 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 PDC will notify, in writing, the Head of School, parents/carers and the Local Authority as well as any Social Worker or the Virtual School Head where applicable of its decision, along with reasons for its decision, without delay.

For a permanent exclusion, the PDC's decision will also include the following:

- The fact that it is permanent
- Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel, and:
  - details of the role of the SEN expert; and • that parents may, at their own expense, appoint someone to make written and/or oral representations to the panel.
  - The date by which an application for an independent review must be made; (i.e., 15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers
  - The name and address to whom an application for a review should be submitted, along with any written evidence;
  - 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/carers have a right to require the Academy Trust to appoint an SEN expert to attend the review panel;
  - Details of the role of the SEN expert
  - That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review.
  - That if parents/carers believe 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.
  - A PDC can be held remotely at the request of the parent/carers, or the student if they are aged 18 or above; or in the case of extraordinary or unforeseen circumstances.

## **11. An Independent Review**

If parents/carers apply for an independent review, the Trust 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/carers by the PDC 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 category and 2 members will come from the Head of School 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 Head of Schools during this time;

- Head of Schools/Head Teachers or individuals who have been a Head of School/Head Teacher within the last 5 years.

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

- Are a Trustee or governor of the Academy Trust or governing board of the excluding school;
- Are the Head of School of the excluding school, or have held this position in the last 5 years;
- Are an employee of the Academy Trust or the governing board, of the excluding school (unless they are employed as a Head of School at another school);
- Have, or at any time have had, any connection with the Academy Trust, school, governing board, parents/carers 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.

## **12. School Registers**

The governing board must ensure that a student's name is removed from the school admission register if:

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



The academy cannot backdate the deletion of the student's name to the date the exclusion began.

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.

### **13. Reintegration after a suspension or off-site direction**

The academy will support students to reintegrate successfully into academy life and full-time education following a suspension or period of off-site direction. This will include the development of a reintegration strategy that offers the student a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the student's return to school. During a reintegration meeting, the academy will communicate to the student that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting will include the student's parents. However, it is important to note that a student should not be prevented from returning if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents/carers, and other relevant parties. Review dates will be set at each meeting.

Where necessary, the academy will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools' team, to identify if the student has any SEND and/or health needs.

A part-time timetable will not be used to manage a student's behaviour and will only be in place for the shortest time necessary. Any pastoral support programme or other agreement will have a time limit by which point the student is expected to attend full-time, either at school or alternative provision. In agreeing to a part-time timetable, the academy agrees to a student being absent for part of the week or day and therefore will treat absence as authorised.

The academy will consider a range of measures to enable the student's successful reintegration which could include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the student follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the student and parents/carers to praise progress being made and raise and address any concerns at an early stage;
- Informing the student, parents/carers and staff of potential external support.

## **14. Monitoring arrangements**

The Head of School monitors the number of suspensions and permanent exclusions including the number of permanent exclusions that have been cancelled. These will be reported to the Local Governing Body once per term every term and also reported to the Executive Principal and Trustees.

The Local Governing Body should carefully consider the level of student moves and the characteristics of students who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort.

The Local Governing Body will review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in Alternative Provision and whether there are any patterns to the reasons or timing of moves.

### **The Local Governing Body will consider:**

- effectiveness and consistency in implementing the academy's behaviour policy
- the school register and absence codes
- instances where students receive repeat suspensions
- interventions in place to support students at risk of suspension or permanent exclusion
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure 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
- understanding the characteristics of excluded students, and why this is taking place
- whether the placements of students directed off-site into Alternative Provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it.

This policy will be kept under review in light of legal developments and best practice and approved by the Board of Trustees every year. The policy will also be shared with the Local Governing Body at every review.

## **15. Links with other policies**

This exclusions policy is linked to our:

- Nunthorpe Academy Behaviour Policy.
- NMAT SEND policy

## **Appendix 1: 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 Head of Schools, 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.