



Secondary Suspension and Permanent Exclusion Policy

October 2024

Document Type	Statutory Policy -Published online
Last Revision Date	October 2024
Next Revision Date	October 2025
Owner	Assistant Head Teachers with responsibility for Behaviour
Author	Assistant Head Teachers with responsibility for Behaviour Assistant
Version	1.2
Status	Approved by Quality of Education Committee October 2024

Children First

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This policy applies to:

Iveshead School
John Ferneley College

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 exclusion process is applied fairly and consistently
- The suspension and exclusion process is understood by trustees, 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

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 students unlawfully by directing them off-site, or by not allowing students to attend school:

- Without following the statutory procedure
- Because they have special educational needs and/or disability (SEND) that the school feels unable to support
- Due to poor academic performance
- 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](#), 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](#)
- [Equality Act 2010](#)
- [Children and Families Act 2014](#)

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

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

Off-site direction - when a governing board of a maintained school requires a student 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 student is transferred to another school usually permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs

Headteacher - use of Headteacher within this policy includes delegated authority to the Assistant Headteacher except in consideration of any permanent decisions.

For the purposes of exclusions, a 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. The Decision to Suspend or Exclude

The Headteacher or their delegate as referenced above can suspend a student from school on disciplinary grounds. Only the Headteacher can permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour outside or inside of school. A permanent exclusion will only be used as a last resort.

We are committed to following all statutory suspension and exclusion procedures to ensure that every child receives an education in a safe and caring environment. When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher will apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.

A decision to permanently exclude a pupil will be taken only:

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

Before deciding whether to suspend or permanently exclude a pupil the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked.
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student 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

5. Roles and Responsibilities

5.1 Informing parents

If the Headteacher decides to suspend a student, the parents will be informed in person or by telephone, of the period of the suspension and the reason (s) for it, without delay.

If a student is at risk of permanent exclusion the Headteacher will inform the parents as early as possible, 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.

Parents will also be provided with the following information, in writing and in a timely fashion:

- The reason(s) for the suspension/exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension/exclusion to the exclusion review panel and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the exclusion review panel 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
- Parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the Headteacher will also notify parents without delay and by the end of the working day of the first day their child is suspended or permanently excluded that:

- For the first 5 school days of a suspension or 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 an 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
- Any information required by the pupil to identify the person they should report to on the first day

If the Headteacher does not have 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

If the Headteacher cancels the suspension or permanent exclusion, the Headteacher will notify the parents without delay, and provide a reason for the cancellation.

5.2 Informing the Trust board

The Headteacher will immediately notify the trust 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 pupil being suspended for more than 10 school days (or more than 10 lunchtimes) in a term
- Suspensions or Exclusions which would result in the pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled, including the reason for cancellation

5.3 Informing the Local Authority (LA)

The Headteacher 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 suspension or permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay

The Headteacher must notify the LA without delay of any cancelled suspensions or permanent exclusions, including the reason for cancelling.

5.4 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 Headteacher will inform the social worker as early as possible
- **Student who is a looked-after child (LAC)** is at risk of suspension or permanent 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 the behaviour.

If the Headteacher decides to suspend or permanently exclude a student with a social worker or 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 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 (where relevant)
- They have decided to cancel the suspension or permanent exclusion (where relevant)

5.5 Cancelling Suspensions and Permanent Exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the trust board. Where there is a cancellation:

- The parents, trust board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The trust board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay
- The student will be allowed back into school without delay

Any days spent out of school as a result of a suspension or permanent exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year

A permanent exclusion cannot be cancelled if the student has already been suspended for more than 45 school days in a school year or if they have by the time the cancellation takes effect

5.6 Providing Education During the First 5 Days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the student is not attending alternative provision, the school will take steps to ensure that accessible work is set for the student. This will either be work set online or a work pack which will be sent home with the student where possible.

5.7 The education of pupils from the sixth day of a suspension or permanent exclusions

For a suspension of more than five school days, the trust board must arrange suitable full-time education for any pupil of compulsory school age. This must begin no later than the sixth day of suspension

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion, this will be arranged with the local inclusion partnership.

5.8 The trust board

Responsibilities regarding exclusions are delegated to a specially convened Exclusion Review Panel of governance volunteers. This panel will be organised on a case-by-case basis. The exclusion review panel must consider the reinstatement of an excluded pupil (see section 6). Exclusion Review panels and IRPs can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied.

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

For a suspension of more than 5 school days, the trust board will oversee the arrangement of suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

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.

6. 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 suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- It would result in a pupil missing a public examination;

Where a student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the exclusion panel must consider any representations made by parents but does not have the power to decide to reinstate the student.

The requirements are different for suspensions where a pupil would be excluded for more than five days but not more than 16 school days in a term. In this case, if parents make representations, the exclusion panel must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the exclusion panel is not required to meet and cannot direct the reinstatement of the pupil.

Where an exclusion would result in a pupil missing a public examination, the exclusion review panel will consider the reinstatement of the pupil before the date of the examination. If this is

not practicable, the exclusion panel will consider the exclusion and decide whether or not to reinstate the pupil.

When establishing the facts in relation to a suspension or permanent exclusion the governing board must apply the civil standard of proof, i.e., 'on the balance of probabilities' (it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'

In reaching a decision, the exclusion panel will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable and procedurally fair
- Whether the headteacher followed their legal duties.
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the exclusion panel

In the light of its consideration, the exclusion panel can either:

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

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

The exclusion review panel will notify, in writing, the following stakeholders of its decision along with reasons for its decision, without delay:

- The parents, or the student if they are 18 or older
- The Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The local authority
- The student's home authority, if it differs from the school's

Where an exclusion is permanent, and the exclusion panel has decided not to reinstate the student, the notification of 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
- 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 a request to hold the meeting via the use of remote access can be made and how and to whom to make this request
- 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 permanent exclusion

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require Mowbray Education Trust to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert
- 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
- 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.

7. An independent review

If parents apply for an independent review, Mowbray Education Trust will arrange for an independent panel to review the decision of the exclusion panel 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 the exclusion panel of its decision not to reinstate a pupil 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. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents.

The academy trust must constitute the panel with three or five members representing the three categories below. A five-member panel must be constituted with two members from each of the categories of school trustees and headteacher. These must be:

- 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/trustee or volunteer
- Current or former School trustees who have served as a governor/trustee 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

At all times during the review process, there must be the required representation on the panel.

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

- Are a Member of Mowbray Education Trust, or a Trustee of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of Mowbray Education Trust, or the trust board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with Mowbray Education Trust, the school,

trust 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)

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

Taking into account the student's age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard for the SEN expert's view of how SEN may be relevant to the student's permanent exclusion.

Where a social worker is present, the panel must have regard to any representations made by the social worker of how the student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

Where a VSH is present, the panel must have regard to any representations made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher in the lead-up to the permanent exclusion, or are relevant to the student's permanent exclusion.

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 trust board does not subsequently decide to offer to reinstate the student within 10 school days
- Any information that the panel has directed the trust board to place on the student's educational record

8. 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 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 within 15 school days, the trust board will wait until that review has concluded before removing a pupil's name from the register.
- Whilst a permanently excluded student's name remains on a school's admission register, the student must be marked using appropriate attendance codes:
 - Where alternative provision has been made and the pupil attends it, an appropriate attendance code, such as D (Dual Registered - at another educational establishment) or Code B (off-site educational activity, if the provision is an approved educational activity that does not involve the pupil being registered at any other school), should be used.
 - Where students are not attending alternative provision, they should be marked absent using Code E
- Where a student's name is to be removed from the school's admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:
 - The student's full name and address
 - The full name and address of any parent with whom the student normally resides
 - At least one telephone number at which any parent with whom the student normally resides can be contacted in an emergency;
 - And the grounds upon which their name is being deleted from the admissions register (i.e. permanent exclusion);
 - If the student's parent or parents have told the school that the student is going to live with one or more of them at a new address, the return must also include the new address, the name of the parent(s) the pupil is going to live with, and the date when the pupil is going to start living there;
 - If the student's parents or parent or someone else with control over the student's attendance have told the school that the student is already going to another school or is going to go to another school, or the school itself has directed or is going to direct the student off-site to a other school, the return must also give the name of that school and the first date when the student first attended or is due to attend there

9. Returning from suspension

Following a suspension, a return from suspension meeting will be held involving the student, parents, Head of Year and other staff, where appropriate. This will take place either before or on the student's return to school. During the meeting, we will discuss what support can be put in place to ensure the student can reintegrate back into the school community.

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

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

- Welcoming the student back to school
- Mentoring by the Head of Year
- Use of report
- Regular reviews with the student and parents as part of a behaviour support plan
- Referrals to internal support
- Referrals to external support (student and parent)
- Time in a behaviour unit

10. Monitoring of exclusions and suspensions

In each secondary the lead member of staff for behaviour will monitor the number of suspensions every term and report back to the headteacher. The headteacher will report to the Quality of Education Committee each term. They will also liaise with the local authority to ensure suitable full-time education for excluded pupils.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEND policy
- Anti Bullying Policy
- Equality and Diversity Policy
- Accessibility Plan

12. Monitoring arrangements

This policy will be reviewed by Assistant Head Teachers with responsibility for Behaviour in each setting annually or in line with regulatory changes. At every review, the policy will be shared with the Quality of Education Committee for approval.

Log of Changes to Policy				
Version	Page	Change	Approver	Date
1.0	Whole document	Role and title changes where necessary Change of name to Secondary Exclusion Policy	SB	9.9.22
1.1	Whole document	Change of terminology from Fixed term exclusion to suspension Inclusion of facility to hold remote meetings for exclusion review panel	KR/SB	8.9.23
1.2	P1 P2	Role of policy owner updated Link to DfE guidance refreshed to updated version.	SB	Sept 24

Appendix 1: Independent review panel training

Mowbray Education 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/trust 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