



# Suspension & Permanent Exclusion Policy

<b>Policy Reference No</b>	AC002
<b>Review Frequency</b>	Annual
<b>Reviewed</b>	Summer 2023
<b>Next Review Date</b>	Summer 2024

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# Change Log

Date	Changes to Policy
Autumn 2023	<p>Section 2: Internal Suspension (C5) clarify schools monitoring of this.            Section 2: Suspensions updated to clarify need to alert Trust Leadership Team to repeat suspensions or pupils at risk of Permanent Exclusion. Further clarity re the Exclusion Panel and proforma.            Clarification re notification to Governance.            Section XXX: Informing Trustees updated.            Section 6: Reintegration Meetings Proform changed wording from should to MUST be completed and shared with DPVI.            Section 9: Updated to clarify Board of Exclusions Committees duties following suspension/ Permanent Exclusion.            Section 10: Addition of Internal Suspensions to monitoring along with Suspensions and PX</p> <p>Annex updated:            Annex 1: Exclusion Panel Meeting Proforma            Annex 2: Reintegration Meeting Proform            Annex 3: Exclusion Review Meeting flow chart and Explanation.</p>
Summer 2023	<p>Section 7: further detail on rescinding Suspensions            Section 9: Updated with provision for Remote Access meetings.</p>
Summer 2022	<p>Section 1 and throughout: Change to reflect updates in DFE Suspensions Guidance            Section 3: Guidance on involving any excluded pupils so they are encouraged and enabled to be part of process.            Education for excluded pupils.            Section 4: Guidance on Manage moves &amp; Guidance to Off-site direction.            Section 5: Update to notifications to Parents, Social Worker and / or Virtual School Head when suspend or PX.            Section 5: Update to notifications to Local Authority when suspend or PX            Section 6: Update to procedures to reintegrate.            Section 7: Headteachers may cancel exclusion not yet reviewed.            Section 9: More detail on Trustees duties to review.            Section 10: Further detail on the monitoring and evaluation of Suspensions and Exclusions.            Section 11: Guidance on Role of SW and Virtual School in Review Meetings.</p>
Summer 2020	Minor grammatical changes only.

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This policy is compliant with the following legislation and statutory guidance:

- The Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education and Inspections Act 2006; and
- Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement 2022

## 1. Introduction

The Learning Academy Partnership (Southwest) (hereafter the Trust) is committed to valuing diversity and equality of opportunity. This Policy relates to all academies and schools which are a part of the Trust.

We aim to create and promote a safe and supportive environment in which pupils, parents and staff are treated fairly and with respect, and feel able to contribute to the best of their abilities and reach their full potential. We adhere to the Equality Act 2010 and fulfil our duty to make reasonable adjustments to policies and practices.

The Board of Trustees recognise that it is unlawful to take into account anyone’s gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age, or sexual orientation. Full consideration has been given to this during the formulation of the above policy as it is the Trustees’ aim that no-one at LAP should suffer discrimination, either directly or indirectly, or harassment on any of these grounds

At the Trust, we believe that children have the right to independence, choice and inclusion, and we work hard to provide opportunities for personal development and emotional health and wellbeing for all pupils. As such we have high expectations of behaviour, set out in our Positive Behaviour Policy. This policy works in tandem with this policy. However, rights also involve responsibilities, such as not harming other people’s rights. We believe children unable to control their actions or unable to appreciate danger have a right to be protected; as do other children and adults.

We aim to **include**, not exclude, and we seek approach all challenging behaviour in a supportive and proactive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate or ‘misbehaviour’, and we strive to never “give up” easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this. We provide a range of provisions designed to support pupil’s emotional, behavioural and social needs which are adapted and tailored to specific pupil’s needs in consultation with parents/carers.

For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

The Trust is responsible for communicating to pupils, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate behaviour .

These are:

- Positive Behaviour Policy;
- Anti-Bullying Policy;
- Thrive Approach, Safe Touch & Physical Intervention Policy
- SEN and Disabilities Inclusion Policy.

These policies are made available to all Parents/Carers.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

A pupil may be at risk of suspension from school for these types of behaviour which occur in school, outside of school or online.

- Physical assault against a pupil or adult
- Verbal abuse / threatening behaviour against a pupil or adult
- Bullying
- Persistent and repetitive disruption of lessons and other pupils' learning;
- Racial abuse
- Sexual violence or harassment
- Child on Child Abuse
- Drug and alcohol related abuse
- Damage or theft of school or personal belongings
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions

All exclusions, including internal suspensions will be reported to the Board of Trustees and the Local Hub Committee. We will report suspensions and permanent exclusions to the Local Authority without delay. We recognise that it is unlawful to exclude a pupil for a non-disciplinary reason.

## 2. Types of Suspension and Exclusion

### Internal Suspension (C5)

This is a decision taken by the Headteacher in line with the behaviour policy and the appropriate consequence stage. An internal suspension will include the removal of a child from their class and they will be supervised 1:1 and/or join another group or class. This will usually be no longer than a period of a day. All parents are informed of an internal suspension as soon as possible and these will be logged on to Cpoms. Schools will monitor and evaluate their use of internal suspensions and this will also be reviewed by the Ethos and Advisory Committee as well as reported through the Vulnerable Pupil Dashboard.

### Suspension (previously known as Fixed Term Exclusion) (C6)

- The decision to Suspend by the Headteacher will, wherever possible, be in agreement of the Trust Leadership Team.
- A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's

behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour. In this instance the Headteacher must alert the Director for Vulnerable Pupil or Education Directors without delay so that an Exclusion panel can take place (see Permanent Exclusion below for more detail on Exclusion Panel).

- A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy.
- A pupil may be suspended for one or more fixed periods 14 (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.
- Where a suspension is in place, the academy will set work for the period of time that that child is not in school.
- A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a Ethos & Advisory Committee meeting is triggered.

**The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion.** In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension. See info before re Permanent Exclusion

## Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). A permanent exclusion is a very serious decision that should only taken as a last resort.

The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

As per the scheme of delegation, Headteachers are NOT authorised to make a Permanent Exclusion without prior approval of Trust Lead or, if unavailable, Deputy Trust Lead. For any pupils who are vulnerable to Permanent Exclusion, the Head MUST work proactively to alert and Director for Vulnerable Pupils and Inclusion (DPVI) or the Directors of Education (DOE) without delay. This should take priority within their role.

In this instance, an **Exclusion Panel** is convened where the Headteacher sets out the behaviours placing the child at risk of Permanent Exclusion, as well as the preventative measures in place (including in class measures, wider measures involving specialists within school e.g. SENDCo, partnership working with family and / or wider agencies such as the Local Authority.) Wherever possible, the Headteacher will complete an 'Exclusion Panel Meeting' proforma (See Annex and share with the DPVI ahead of the meeting. The Exclusion Panel is a supportive mechanism to enable careful consideration of the needs of the pupils as well as that of the wider school community.

If the decision is taken to Permanent Exclude, the Headteacher will notify the Chair of EAC and the Trust Lead will inform the Chair of the Board of Trustees.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

## 3. Factors to consider before the decision to Suspend/Permanently Exclude

### Investigation and Pupil Voice

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The Trust Leadership team, when agreeing to a Suspension or Permanent Exclusion, must take account of their legal duty of care when sending a pupil home following an exclusion.

The decision to suspend or permanently exclude should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. Taking into account the pupils' age and developmental stage, they should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker (see section on pupils with Social Worker).

Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider other possible sanctions.

## Offsite Direction, Managed Moves, Alternative Provision

Heads, in consultation with consult the Director for Vulnerable Pupils and Inclusion, the Deputy Trust Lead or the CEO could consider the following measures as preventative measures to exclusion:

- 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.

In such cases, Heads should follow Part 4 of

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1181584/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_september\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf) as well as, wherever possible, work in partnership with the Local Authority.

Any use of AP should be based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay in AP.

## Removal from the academy due to illness

The Headteacher may send a pupil home, after consultation with that pupil's parents and a health professional as appropriate, if the pupil poses an immediate and serious risk to the health and safety of other pupils and staff, for example because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

## 4. Processes for Suspensions and Permanent Exclusions

Where a suspension or Permanent Exclusion is put in place, there will be a clear process followed, in line with DFE guidance [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension\\_and\\_Permanent\\_Exclusion\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf)

The DFE state:

"We are clear that we trust headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a Pupil."

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been

- prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

The Department for Education collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. Schools must provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms. Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

## Off rolling

The school takes due regard to DFE guidance with regards to 'off-rolling' and 'unlawful exclusions'.

- Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.
- Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed.

Failure to follow such processes may be 'off rolling'.

- A further example of off-rolling would be 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.

## Safeguarding (including Child on Child abuse (to be read in tandem with KCSIE, notably Annex 1)).

- If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a Ethos & Advisory Committee review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.
- Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to Keeping Children Safe in Education.
- Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

## 5. Duty to Inform Parties

### Informing Parents

When a decision has been made to suspend or permanently a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it. This should be done initially verbally (via telephone call and ideally face to face meeting) and then in writing.

This letter is in accordance with Part 5 of

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension\\_and\\_Permanent\\_Exclusion\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf)

Written notification of the information above (paragraph 63) can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

Where a suspended or permanently excluded pupil is of compulsory school age the headteacher must also notify the pupil's parents of the days on which they must ensure that the pupil 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. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

## Vulnerable Pupils

### Pupils with SEND, including EHCP

Working in tandem with the Positive Behaviour Policy, schools should be proactive in assessing need and support. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should 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 schools to request an EHC assessment or a review of the pupil's current package of support.

### Pupils with a social worker, including looked-after and previously looked-after.

The Trust recognises that, for children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm.

However, headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

- Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations. The Director for Vulnerable Pupils should also be informed so that they can be involved.
- Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.
- The PEP should be used to record the support in place or other measures.
- Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.
- **Whenever a headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it.** The information in paragraphs 65 to 68 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension\\_and\\_Permanent\\_Exclusion\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf) must be provided in writing to the local authority.

## Informing Trustees



In consultation with the Trust Leadership Team, the Headteacher would notify the EAC and the Trust Lead would notify the Trust Board if any of the following take place:

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

These notifications would take place, without delay.

(See Monitoring and Evaluation for more info regarding Trustees oversight).

## Informing the Local Authority

The local authority must be informed without delay of all school suspensions, regardless of the length of the exclusion or Permanent Exclusion. For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. Local Authorities have designated ways of informing them, as well as template letters for schools to use. Please refer to the local authority webpages for more information.

Devon

<https://www.devon.gov.uk/support-schools-settings/inclusion/education-inclusion-service/forms-3/>

Cornwall

<https://www.cornwall.gov.uk/schools-and-education/education-welfare-service/#EWS>

Torbay

Must email: [CSCentral@torbay.gov.uk](mailto:CSCentral@torbay.gov.uk) and contact D Hamer

[NEW Model Letters for Suspensions and Exclusions - Aug 2023 \(1\).docx](#)

## 6. Reintegration

We will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

### Reintegration Meeting

This will be led by a member of SLT, if not the Headteacher, upon the pupil's return to school. Where possible this meeting should include the pupil's parents.

During this meeting, the school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. The school will explain how they will:

- Provide the pupil with a fresh start
- helps them understand the impact of their behaviour on themselves and others; support them to understand how they can meet the high expectations of behaviour in line with the school culture
- fosters a renewed sense of belonging within the school community
- builds engagement with learning.

A 'Reintegration Meeting Proforma' (see Annex 2) must be made of the meeting and agreed actions by parties involved and logged on the pupil's behaviour log/ Cpoms etc. This will also be shared directly with the Director for Vulnerable Pupils as part of ongoing quality assurance.

**If the parents do not attend, support should be still provided so that the pupils is supported to reintegrate and the Reintegration Meeting Proforma should still be completed to capture the actions taken and still shared with the DPVI.**

Where necessary, schools should work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists, or the Local Authority, to identify if the pupil has any SEND and/or health needs.

See Positive Behaviour Policy for information on Part time timetables use.

## 7. Cancelling (rescinding) Exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Ethos & Advisory Committee (EAC) has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The Headteacher must notify the parents, the Ethos & Advisory Committee, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The EAC's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year (see paragraph 6)

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school day.

## 8. Duties to arrange education for excluded pupils

For a suspension of more than five school days, the Trustees (or local authority about a pupil suspended from a PRU) must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly called alternative provision and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty.

This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area.

Particular care should be taken with regards to pupils with SEND or LAC.

See Part 6 of

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089688/Suspension\\_and\\_Permanent\\_Exclusion\\_guidance\\_July\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089688/Suspension_and_Permanent_Exclusion_guidance_July_2022.pdf) for further detail.

## 9. Trustee's duty to consider an exclusion

Trust Boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties. At the Learning Academy Partnership, this is delegated to Board of Trustees Exclusion Committee and are called 'Exclusion Review Meetings' for the case of Permanent exclusions, suspensions over 16 days in a term or where a suspension would result in a child missing a national curriculum test.

There is very clear statutory framework around this duty which is summarised below and depends on the nature of the Suspension or Permanent Exclusion. This MUST be read in conjunction with Annex 3 of this policy (which is taken from DGE guidance page 38 onwards).

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1181584/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_september\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf)

Duration/ nature of Suspension/ Exclusion	Governance Duties
0-5 days in a term	The Committee (EAC) must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents
6 to 15 days in a term	If the parents make representations, the Committee (EAC) 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 Committee is not required to meet and cannot direct the reinstatement of the pupil.
<ul style="list-style-type: none"> <li>• 16+ days in a term</li> <li>• A permanent exclusion</li> <li>• Suspension would result in pupil missing a national curriculum test.</li> </ul>	The Board of Trustees Exclusion Committee must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion.

Remote Access for Exclusion Review Meetings.

Parents (if the pupil is under 18) or excluded pupils (if they are aged 18 years or older) can request a meeting to be held via the use of remote access but this should not be a default option. EACs or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification or the EAC's written notification to the parents that they can request an IRP. Holding meetings via remote access must only be done if EACs or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

Annex 3 sets this out in more detail.

The following parties must be invited to a Board of Trustees Exclusion Committee and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU); (Parents may request that the local authority and/or the home local authority attend a meeting of an academy's Board of Trustees Exclusion Committee as an observer; that representative may only make representations with the Board of Trustees Exclusion Committee consent.)
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

## 10. Monitoring and Evaluating the use of Suspensions and Exclusions

As already set out, the Trust Leadership Team will have oversight of school's implementation of the Positive Behaviour policy, including the use of suspensions and / or permanent exclusions.

In addition to this, the Board of Trustees, will continue to challenge and evaluate what their school's data is telling them about the schools in the Trust.

- The Director of Vulnerable Pupils will monitor behaviour and exclusions half termly to evaluate the effectiveness of provision and policy. From this, feedback, challenge and the sharing of best practice will take place at least half termly with Headteachers. Rapid support will be put in place where this is identified as a need.
- EAC and Trust Board will monitor behaviour incidents including: C4 (parents informed and record on Cpoms); C5 Internal Suspension; C6 Suspensions and Permanent Exclusions, termly as well those on roll but attending education offsite, managed moves and any taken off roll.
- The Trust Board will monitor, challenge and hold Executive Leaders to account on the effectiveness of provision in schools and the implementation of this policy.

Boards should carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusion, to ensure the sanction is only used when necessary, as a last resort. The Trust Board should 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 AP and whether there are any patterns to the reasons or timing of moves.

The Board will consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils 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 pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.
- In addition to this, whether there are patterns across academies within a MAT, recognising that numbers in any one academy are often too low to allow for meaningful statistical analysis.

See Positive Behaviour Policy for more detail.

## 11. Further Guidance and Duties

There are exacting details and requirements of schools following a suspension or permanent exclusion.

See

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1181584/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_september\\_23.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf)

for:

- Board of Trustees duty regarding removing a Permanently excluded pupils name from school register.
- Duty to arrange Independent Review Panel
- Role of Review Panel Members
- Duty to reconsider reinstatement
- LA role in overseeing financial readjustment
- Guidance on police involvement.

## Annex 1: Exclusion Panel Meeting Proforma

Learning Academy Partnership Suspension & Permanent Exclusion Panel Meeting with Director for Vulnerable Pupil and Inclusion and / or Trust Executive Team members.

To be completed where possible before the panel meeting and shared with those attending.

Date \_\_\_\_\_ School \_\_\_\_\_

Attendees:

Headteacher:

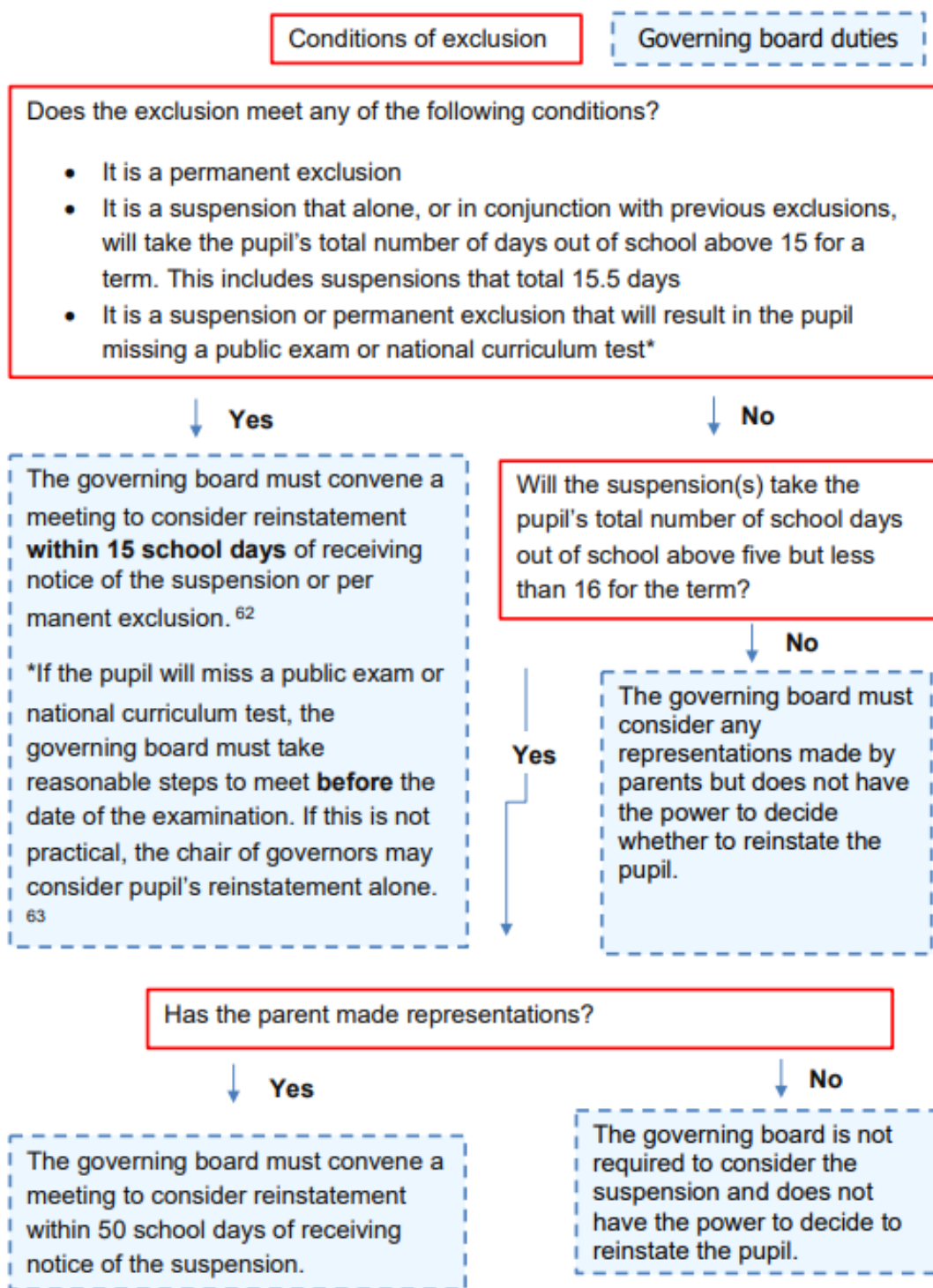
<b>Name of Vulnerable Pupil</b>	<b>Year Group</b>	<b>Identified additional needs/ PP</b>
<b>Behaviours causing concern</b>	<b>Regularity of behaviours</b>	<b>Thresholds on Positive Behaviour Policy/Local Authority Threshold</b>
<b>Strategies used</b>	<b>Referrals made</b>	<b>Impact</b>
<b>Possible options</b>		

## Annex 2: Reintegration Meeting Proforma

Pupil Name and Year Group	
Behaviour category for Suspension (as stated in parent letter)	
Date of suspension (include which days of week). Number of sessions in total.	
Actions by the school to support pupil reintegrating back into their class and school community.	
Actions and feedback from the pupil (as appropriate)	
Actions by the parent to support pupil reintegrating back into their class and school community.	
Parent name, date and signature	
Staff name, date and signature	

## Annex 3 Key Responsibilities at an Exclusions Review Meeting

### A summary of the governing board's duties to consider reinstatement<sup>61</sup>



<sup>61</sup> Parents on diagram refer to parent if the pupil is under 18 or the excluded pupil, aged 18 or over.

<sup>62</sup> The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

<sup>63</sup> The ability for a chair to review in the case of public exams refers only to maintained schools.

A summary of the governing board's duties to consider reinstatement

#### 1. Is it a permanent exclusion?



If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

**2. Is it a suspension that alone, or in conjunction with previous suspensions / exclusions, will take the pupil's total number of days out of school above 15 for a term?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension. This includes suspensions that exceed 15 school days by less than a whole day, e.g. one that totals 15.5 days.

If the answer is no, go to step 3.

**3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

If the answer is no, go to step 4.

**4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?**

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents<sup>65</sup> but does not have the power to decide whether to reinstate the pupil.

**5. Has the parent made representations?**

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

If the answer is no, the governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.