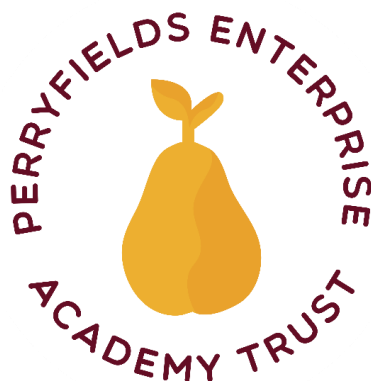


# Perryfields Enterprise Academy Trust

## Suspension and permanent exclusion policy



Perryfields Enterprise Academy Trust	
Adapted From:	The Key school Leaders: model policy
Reviewed:	October 2023
Approved By:	PEAT Board
Approved Date:	7th December 2023
Review:	Every 2 years
Next Review Date:	October 2025
Communicated to Staff	By: Email Date: 13th December 2023

SUMMARY OF CHANGES	
Section	Detail
Front Page	Policy renamed - Suspension and permanent exclusion policy
Contents Page	Inserted contents table and standardised presentation of whole document.
Aims	Additional bullet points: <ul style="list-style-type: none"> <li>• Prevent pupils from becoming NEET (not in education, employment or training)</li> <li>• Ensure all suspensions and permanent exclusions are carried out lawfully</li> </ul>
A note on off-rolling	New section
Legislation and statutory guidance	Update to reflect current guidance and documents.
Definitions	Additional wording re Suspension, Permanent exclusion, Off-site direction, Parent, Managed move.
Deciding whether to suspend or exclude	Amended title.  Updated section with additional wording re LAC pupils and those who need support to express their views.

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## Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

## A note on off-rolling

- 'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:
  - Remove a pupil from the school roll without a formal, permanent exclusion, or
  - Encourage a parent to remove their child from the school roll, or
  - Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

**Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.**

- Any suspension or exclusion will be made on disciplinary grounds, and will not be made:
  - Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
  - Due to a pupil's poor academic performance, or
  - Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

## 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 - from September 2023](#).

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](#), which sets out parental responsibility for excluded pupils
  - Section 579 of the [Education Act 1996](#), which defines 'school day'
  - The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
  - [The Equality Act 2010](#)
  - [Children and Families Act 2014](#)

- The [School Inspection Handbook](#), which defines ‘off-rolling’

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

### **Deciding whether to suspend or exclude**

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

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

A decision to exclude a pupil will be taken only:

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

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

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### **Definitions**

For the purposes of exclusions, 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.

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a pupil 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 pupil 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 pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

## **Roles and responsibilities**

### **The Headteacher**

#### **Informing parents**

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the Board of Directors and how the pupil may be involved in this
- Where there is a legal requirement for the Board of Directors 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

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of 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

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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

#### **Informing the Board of Directors and local authority**

The headteacher will immediately notify the Board of Directors and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a 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 Board of Directors**

The Board of Directors has a duty to consider the reinstatement of an excluded pupil.

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

## **The Local Authority (LA)**

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

## **Considering the reinstatement of a pupil**

The Board of Directors 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 fixed-term exclusion 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.

If requested to do so by parents, the Board of Directors will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Board of Directors will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Local Governing Body will consider the exclusion and decide whether or not to reinstate the pupil.

The Board of Directors can either:

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

In reaching a decision, the Board of Directors will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 exclude.

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

The Board of Directors will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Board of Directors' 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, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the academy trust to appoint an SEN expert to attend the review
  - Details of the role of the SEN expert and that there would be no cost to parents for this appointment

- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the 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

### **An independent review**

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the Board of Directors 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 Board of Directors of its decision to not reinstate a pupil.

- 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 governors category and 2 members will come from the headteacher 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years
- A person may not serve as a member of a review panel if they:
  - Are a director of the academy trust or Board of Directors 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 the academy trust, or the Board of Directors, of the excluding school (unless they are employed as a headteacher at another school)
  - Have, or at any time have had, any connection with the academy trust, school, Board of Directors, 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Board of Directors' decision
- Recommend that the Board of Directors reconsiders reinstatement
- Quash the Board of Directors' 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.

### **School registers**

A pupil'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, the Board of Directors will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

### **Returning from a fixed-term exclusion**

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, Headteacher/SLT, a member of senior staff and other staff, where appropriate.

### **Monitoring arrangements**

The headteacher monitors the number of exclusions every term and reports back to the Board of Directors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the headteacher every 2 years. At every review, the policy will be shared with the Board of Directors.