



Education

Suspensions and Permanent Exclusions Policy

Document title:	Suspensions and Permanent Exclusions Policy
Version number:	5.0
Policy Status	Approved
Date of Issue	September 2023
Date to be revised	September 2024

Revision Log (last 8 changes)

Date	Version No	Brief detail of change
Apr 15	1.0	Updated in line with DfE changes
Apr 16	2.0	Reviewed one year after previous review
Apr 17	3.0	Reviewed one year after previous review
Aug 17	4.0	Updated in line with revised DfE guidance effective Sep 2017
Aug 18	5.0	Reviewed one year after previous review and updated
Feb 20	6.0	Updated in line with DFE guidance.
July 2022	7.0	Updated in line with DFE guidance and legislative changes in behaviour and suspension and permanent exclusions and DFE Behaviour guidance July 2022.
June 2023	8.0	Updated in line with DFE guidance and legislative changes in behaviour and suspension and permanent exclusions and DFE Behaviour guidance May 2023
June 2024	9.0	Updated section 7.3 in line with DFE guidance.

Suspensions and Permanent Exclusions Policy

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities. (DfE May 2023)

1. Statement of intent

- 1.1. Leigh Academies Trust's suspensions and permanent exclusion policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that each academy will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- 1.2. 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 decision to suspend a pupil for a fixed period of time or to permanently exclude a pupil will therefore be taken:
 - In response to a serious or persistent breaches of an Academy's Behaviour and Discipline Policy; and
 - If allowing the pupil to remain in an Academy would seriously harm the education or welfare of the pupil or others in the Academy such as staff or pupils of the academy.
- 1.3. The Trust will always have regard to the Statutory Guidance on Suspensions and Exclusions (May 2023) when making decisions on suspensions and exclusions and will follow the Law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended). This policy has been written following the 2023 guidelines outlined in such documents.
- 1.4. The Leigh Academies Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.
- 1.5. Each academy within the Trust will apply suspensions and exclusions in accordance with this policy and the academy's behaviour policy. Each academy needs to ensure that the contents of both policies are relayed to all staff, parents and pupils.

2. Types of exclusion

Suspensions and permanent exclusions are different:

- 2.1 Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year. Principals should take steps to ensure that work is set and marked for pupils during the first five school days of a suspension.
- 2.2 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.
- 2.3 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 Principal's duty to notify parents, apply in all cases.
- 2.4 Permanent exclusions are where, subject to a decision of the governing board to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will 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.
- 2.5 For any permanent exclusion, Principals 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.
- 2.6 In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

3. Roles and responsibilities

The Principal

- 3.1 The decision to suspend a pupil for either a fixed period of time or to permanently exclude a pupil from an Academy will only be taken by the Principal or, in their absence, a senior member of staff to whom they have delegated the authority to suspend or permanently exclude.
- 3.2 The suspension or permanent exclusion of a pupil is a matter of judgement for the Principal, who will take into account the likely impact of the misconduct on the life of the Academy. This may include behaviour on the Academy premises, during Academy visits, during residential activities and travelling to and from the Academy that is in breach of the standards of behaviour expected by the Academy.
- 3.3 When establishing the facts in relation to a suspension or permanent exclusion decision the Principal 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 Principal should accept that something happened if it is more likely that it happened than that it did not happen. The Principal must take account of their legal duty of care when sending a pupil home following an exclusion.
- 3.4 The Principal should also take the pupil's views into account, considering these in light of their age and understanding unless it would not be appropriate to do so. 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. Whilst an exclusion may still be an appropriate sanction, the Principal should also take account of any contributing factors.

The Governors

- 3.5 The governing board is responsible for forming committees to review exclusions and in the case of suspensions when it is required to do so as and when requested by parents. In each case, the decision of the relevant committee formed by the governing board will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school. (Section 7)
- 3.6 The Clerk to Governors or Compliance Officer will contact governors as soon as possible and arrange a meeting of the Governing Body Committee to consider the exclusion within the statutory deadline applicable.

The Parents

- 3.7 Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have via the letter that is sent from the principal.
- 3.8 Governing board meetings can be held via the use of remote access (for example, live video link) if requested due to extraordinary events or unforeseen circumstances.

The Pupils

- 3.9 All pupils attending academies in the Leigh Academies Trust are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in academy life effectively and safely. Where those expectations are breached, the behaviour policy will apply.

4. Informing Parties about a Suspension or Permanent Exclusions

- 4.1 In all cases of suspension or permanent exclusion, the Principal must, without delay, notify parents of the period of the suspension or permanent exclusion the reason(s) for it. This should be done in person or by telephone in the first instance to give parents a chance to raise any questions or concerns. Parents should be advised of the arrangements made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to the academy.
- 4.2 In addition, the Principal, without delay, after their decision, must notify the local authority, the social worker, if a pupil has one, and the VSH if the pupil is a LAC.

5. Reintegration strategy meetings following suspension or off-site direction

- 5.1 A reintegration meeting with parents/carers will be held during or following the expiry of all fixed-term suspensions. The student should normally attend all or part of the meeting.
- 5.2 Upon return from fixed-term suspension, a reintegration strategy or Pastoral Support Plan (PSP) will be discussed, agreed and signed by the student, parents/carers and the academy. This will identify the issues leading to the suspension and outline a clear set of expectations for a smooth and successful reintegration. A range of additional strategies and resources to support the reintegration process may be identified. To facilitate this, a copy of the PSP Plan will be shared with any relevant members of Academy personnel.

- 5.3 In the event that a meeting with parents/carers cannot be arranged, the meeting will still be held with the student and an appropriate adult. The Academy will keep a record of any failure by parents/carers to attend and any reason given.

6. Alternatives to suspension and Permanent Exclusion

- 6.1 Before taking any decision to permanently exclude a pupil, the Principal will consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.
- 6.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the academy's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.
- 6.3 Trust Academies are all active participants with their local authorities and in some areas in Inclusion Forums and will access expertise and resources available through the local authority and Forums to minimise suspensions/permanent exclusions. A referral to the Forum will be made prior to any permanent exclusion being actioned.
- 6.4 Where the pupil has an EHC plan, the local authority can request, in writing, that the academy holds an early annual review meeting. This will be held as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks

7. Procedures for review and appeal of suspensions and permanent exclusions

- 7.1 The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of notification if:
- it is a permanent exclusion;
 - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term (2 x modules)
- 7.2 In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 7.3 If the suspension takes the pupil's total number of school days out of school above five but less than 16 for the term (2 x modules) the governing board must consider any representations made by parents and can decide whether to reinstate the pupil. In the case of parents making representation the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.
- 7.4 If the exclusion would result in the pupil missing a public examination or national curriculum test, governors must, if possible, consider the permanent exclusion before the date of the examination or test. If this is not possible, the exclusion may be considered by a smaller sub-committee. In such cases, parents still have the right to make representations to the governing body and must be made aware of this right.
- 7.5 During the review meeting, the Governing Body Committee will consider the interests and circumstances of the suspended or permanently excluded pupil, including the

circumstances in which the pupil was excluded, and have regard to the interests and safety of other pupils and people working at the Academy.

- 7.6 The Governing Body Committee, when establishing the facts in relation to the exclusion, should accept that something happened if it is more likely that it happened than that it did not happen (i.e. on the balance of probabilities). In light of their consideration, the Governing Body Committee can either:
- uphold the exclusion; or
 - direct reinstatement of the pupil immediately or on a particular date.
- 7.7 If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

8. Independent review panels (IRPs)

- 8.1 If parents/carers apply for an independent review panel within the legal time frame, Leigh Academies Trust will contact the Local Authority or other appropriate independent co-ordinator, who will arrange for a hearing to take place within 15 days of parental notification. This hearing will review the decision of the Governing Body not to reinstate a permanently-excluded pupil. Any requests for an IRP where a permanent exclusion has been upheld should be made to hearingpanels@latrust.org.uk within 15 school days.
- 8.2 Where an IRP either recommends reconsideration or quashes the initial decision of the governing board, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the academy and parents or may be a reconsideration with only the governing board members and the clerk present.

9. Drug-related suspensions and permanent exclusions

- 9.1. The decision to suspend or exclude for drug-related offences will only be taken after consideration of the Academy's behaviour policy.
- 9.2 In instances where pupils are found in the possession of illegal drugs covered by the Misuse of Drugs Act 1971, the Academy will make a decision based on the precise circumstances of the offence and the evidence available will be carefully considered before a decision is made to:
- permanently exclude; or
 - issue a fixed-term suspension.

In all instances the police and social services will be informed and any substances recovered, handed to the police. If a suspension is issued for a drugs related offence, a permanent exclusion will likely result in any further incident.

- 9.3 Any pupil attempting to supply illegal drugs covered by the Misuse of Drugs Act and /or drugs not being used in accordance with any officially-issued prescription will be permanently excluded from the Academy. The police and social services will be informed and any substance handed to the police.

10 Other considerations

- 10.1 The Academy will implement its Behaviour Policy with due regard to the implications arising from the Special Educational Needs and Disability Act 2001, the Race Relations

(Amendment) Act 2000, the Human Rights Act 1998 and any other relevant legislation e.g the Equality Act 2010.

- 10.2 The Academy will be sensitive to the needs of children in care when suspendable or /and excludable incidents occur. Professional advice will always be sought and Social Services will be informed at the earliest opportunity.
- 10.3 Leigh Academies Trust does not authorise the use of unlawful 'informal' or 'unofficial' exclusions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any suspension of a pupil must be formally recorded and executed in accordance with the guidance laid down in this Suspensions and Permanent Exclusions Policy.