

# Suspensions and exclusions of pupils policy

March 2024

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# **1 Policy statement**

## **1.1 Mission, vision, and values**

We are fully committed to ensuring that all pupils access their full entitlement to a high-quality education, enabling them to thrive and succeed. To achieve this, all children have the right to learn in safe, orderly, and positive environments where their needs are met.

We have the highest concern for the safety and wellbeing of the pupils and staff in our academies, and we work hard to ensure that our ethos and environment supports pupil learning and success. Underpinning this policy is our commitment to empowerment, respect and care for all pupils and staff.

Measured and well considered use of suspension is an option open to our academies to establish longer term positive behaviour and the use of permanent exclusion, as a last resort, to get the correct support and provision for the child.

## **1.2 Purpose and intent**

We articulate this policy outlining our use of suspensions and permanent exclusions in accordance with the [Department for Education \(DfE\) guidance – May 2023](#).

On occasion it is necessary to suspend a pupil either on a short term or exclude on a permanent basis in order to:

- maintain good order, manage site safety, uphold our values, and instil the highest standards of behaviour within our academies
- meet the immediate, shorter term and longer-term needs of the suspended child
- ensure that the suspended child receives the most appropriate support and interventions leading to the right future pathway

The policy is supported by, and should be used in conjunction with, the Trust [Behaviour Policy](#) and local academy appendices.

In addition to the DfE guidance (above), this policy should also be read alongside the following documents.

Safeguarding and Child Protection / Keeping Children Safe in Education / Attendance policy / SEND policy/ Alternative Provision policy.

### **1.3 Roles and responsibilities**

In meeting their statutory duties, trustees are responsible for ensuring that all pupils access their full entitlement to a high-quality education and, under the Equality Act 2010 and Children and Families Act 2014, that academies do not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. They are also responsible for ensuring that academies follow proper process with regard to exclusions for children with SEND, ensuring appropriate provision is in place.

Responsibility is delegated to the Local Academy Committees to ensure that these statutory duties are met in the academy. Local governors should ensure that the decisions made by Principals are in line with all legislation and guidance in the best interests of the child and other children in the academy, giving particular consideration to pupils under social care, those who are Looked After (or have been Looked After), or have Special Educational Needs and Disabilities.

The Trust Board and local governors have a duty to monitor suspensions and exclusions over time to ensure that the right climate is established in our academies, enabling all children to learn with appropriate application of this policy.

### **1.4 Benefits**

All pupils are able to learn and thrive in calm, well ordered, safe, supportive environments.

## **Policy**

## **2 Use of suspensions and exclusions**

Our principals have the right to suspend or permanently exclude a pupil where there has been a serious breach or breaches of the behaviour policy and where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others such as staff or pupils in the academy. Examples might include, but not be exclusive to, physical or verbal assault of adults or children, sexual misconduct or threatening behaviour, substance misuse, carrying a weapon, arson, bullying, online misconduct, or the persistent disruption of learning / academy life.

We recognise that excluding a child from their educational provision on site is a decision not taken lightly and careful consideration is given to each case, and in line with the principles of administrative law i.e. That it is lawful, reasonable, fair, and proportionate.

Where suspension or exclusion is considered, the principal takes the views of the pupil into account, along with their age, level of understanding, individual needs, and any contributing factors. We also carefully consider any safeguarding risk that might be relevant, consulting with social care or the Virtual Schools Head (VSH) where appropriate. Exclusion is not considered a solution in itself and forms part of a provision of support for the child.

Any direction for a pupil not to attend school, even for a brief period, is a suspension / exclusion and formal processes are followed. Behaviour outside of school may be considered but we never suspend through an inability to meet the needs of child (for example due to SEND or disability).

In line with our values, we aim to make all possible adjustments to meet the needs of all pupils. However, we also recognise that some children may need a different provision. In all cases we make decisions in the best interests of the child and work in partnership with other agencies to ensure that children are supported in the right way.

If the suspension / exclusion results in the child missing exams or national curriculum tests, this should be carefully considered through consultation with governors.

In all cases of a decision to permanently suspend, the respective principal will consult with other staff which may include the Executive Principal and Strategic Development Leaders for Safeguarding and SEND to ensure transparency, proportionality and fairness in the decision-making process and follow up actions.

In all cases, the safeguarding duty of care extends to those children subject to a suspension and / or permanent exclusion. We adhere to the principle outlined in para 24 of the guidance; 'schools have a statutory duty to make arrangements for safeguarding and to promote the welfare of their pupils'.

## **2.1 Suspension (fixed period exclusion)**

In all cases where a suspension or permanent exclusion decision is necessary it is the expectation in our Trust that the academy principal will make this decision and notify parents in writing. There may be rare occasions where this requires delegation to an 'executive principal', 'acting principal' or 'vice-principal' in the absence of the principal for whatever reason.

Our principals exercise their right to issue a suspension, which falls short of permanent exclusion, in accordance with section 3 'the Headteacher's power to suspend', up to a maximum of 45 days in each academic year.

Suspensions may be for part of the school day (e.g., lunchtime) but the legal requirement stipulates the duty to inform parents and this counts as a suspension of half a session (0.5).

We will continue to provide education including marking and feedback during the period of suspension and parents will be made clear of expectations for completion of work in the notification. Remote learning resources may be used, as appropriate, with necessary support to parents to enable children to access their learning. We continue to meet the needs of pupils with SEND through adjustments to the curriculum or through additional support for pupils / parents with EAL.

Parents are responsible for the daytime supervision of children during the first 5 days of suspension. Should a single suspension last longer than this we will make arrangements for alternative education from the sixth day. The academy will determine where this takes place. It is not necessary to provide education for suspended pupils in their final year of compulsory education who have completed all their public examinations.

Where a suspension takes the child to above 5 and up to 15 days in a single full term, the parent has the right to request a governor panel to consider the suspension(s). The governing body in this circumstance must consider within 50 school days whether to uphold or rescind the suspension.

Where a suspension takes the child above and including 15.5 days of suspension in a full term, the governing body must meet to consider the suspension(s) within 15 school days of receiving the notice.

In *very* exceptional circumstances, a permanent exclusion *may* follow on from a suspension if the circumstances warrant it. This will be in cases where further additional evidence becomes known during the academy's investigation. In such cases, parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so.

## **2.2 Lunchtime suspension**

This is a suspension and is not to be used as a long-term solution to a behaviour problem. All formal processes are followed, and each lunchtime counts as half a day when calculating total number of days.

The academy may decide to suspend a pupil from the academy premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils and

breaches the behaviour policy. When considering this suspension, principals will take into account the benefits, the needs of the child, and any safeguarding risk that this may be present.

Academies will not invoke a lunchtime suspension for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour. Pupils who are entitled to free academy meals will still be given this provision over their period of lunchtime suspension.

## 2.3 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the academy only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, situations in which the decision to permanently exclude on the first offence is justified.

It may be necessary for the academy to involve the police if the offence warrants it. All permanent exclusions will be reviewed by a panel. **The panel may be made up of representatives from the Local Academy Committee, Trustees and/or governors from another academy within the Trust, to ensure that the principal's decision was lawful, reasonable, and fair.** The principal can withdraw an exclusion that has not yet been reviewed by the panel. It is important that governors monitor where exclusions are withdrawn.

In all cases, the local authority must be informed of the permanent exclusion and the academy subsequently follows the Trust protocol in preparing documentation and notification to parents.

## 2.4 Off-rolling

We ensure that removal from roll is done in accordance with legislation. As such the following are adhered to in order to ensure that off-rolling does not happen:

- **managed moves:** we only transfer pupils to another school with the agreement of the parents and the receiving school - *if it is in the best interests of the child.*
- **alternative provision:** we do not move pupils into alternative provision to prevent them from being counted in the January census.
- **home schooling:** we do not coerce parents to educate at home as the only alternative to permanent exclusion.
- **permanently excluding pupils with special educational needs (SEN) who have highest needs:** we never keep the place funding we receive for pupils with SEN even if

they leave in the middle of the year, providing incentive to off-roll those of our pupils whose needs are greatest.

- **unlawful exclusions:** we never suspend or exclude a pupil for reasons *other than behaviour or using a process that isn't in line with [statutory guidelines](#)*.

### 3 Roles and responsibilities

#### All staff must:

- create positive and orderly environments within classrooms and across the academy.
- provide effective support for pupils with a focus on early intervention, implementing the behaviour policy consistently and fairly at all times.
- work in partnership with colleagues and other professionals to meet the needs of pupils.
- provide learning materials and feedback during a suspension, making appropriate adaptations where necessary for individuals.

#### Principals (supported by their Executive Principal) will:

- adhere to the guidance as set out in parts 1-5 of '[Suspensions and Permanent Exclusion Guidance](#)'
- develop and maintain positive cultures where appropriate support is provided to children based on their needs, enabling them to access their learning
- issue suspensions and exclusions in line with this policy **as set out in Appendix A of this policy**, following all statutory requirements and in line with Behaviour Policy, always acting in the best interests of the child. As indicated previously, the executive principal or vice-principal may make this decision in the absence of the principal
- consider all relevant information, taking the needs and views of the pupil, and safeguarding issues, into account when making a decision. Principals must ensure that the safety and welfare of the child is given the highest priority at all times
- if a pupil has a social worker, or if a pupil is looked-after, without delay, and no later than three days after their decision, notify the social worker and/or Virtual School Head (VSH), as applicable
- notify the local authority, without delay of suspensions and exclusions **regardless of the length of a suspension**
- communicate the contents of this policy, alongside the Trust Behaviour Policy and local appendix to parents and pupils, ensuring that all stakeholders are clear of expectations both in and beyond the academy
- inform parents of their right to make a request for a remote meeting when notifying them of an exclusion



- establish effective partnerships with partners and other agencies with a focus on early help and intervention to provide support and minimise suspensions / exclusions
- provide well-planned and supportive reintegration in line with guidance, involving parents, children, and other professionals

#### **Trustees, Governing Boards and clerks will:**

- follow all protocols around their duty to consider an exclusion, as outlined in [parts 6-8](#)
- when pupils have been suspended for any more than 15 days, including 15.5 days, in a term, consider reinstatement within **15 school days**
- consider the reinstatement of a pupil, ensuring the clerk is present to make a record of the discussion, which should state clearly how decisions have been reached (paragraph 122)
- ensure, through delegation to the principal, that children who have been suspended receive a suitable education that facilitates their successful reintegration into education or meets their long-term needs
- allow access to remote meetings when requested by parents or in the event of unforeseen or extraordinary circumstances (such as flood, fire, or outbreak of infectious disease)
- conduct the meeting in person, where these extraordinary circumstances do not apply, and parents/carers do not request a remote meeting
- when applicable, enable social workers, virtual school heads (VSH) and other relevant professionals to join the meeting remotely even if the meeting is held in person
- adhere to the guidance on remote meetings in part 11 and annex A at all times (when applicable)
- in the event of the above, confirm that all the participants have access to the technology which will allow them to:
  - hear
  - speak
  - see
  - be seen
  - participate fully
  - hold a fair and transparent meeting
- with the support of the Clerk to Trustees, appoint a chair of each panel, ensuring that the person has suitable experience and training to fulfil the role.

#### **Trust Strategic Development Leaders - Safeguarding and SEND will:**

- maintain an up-to-date knowledge of all national statutory requirements in exclusions, ensuring that all settings are fully compliant across the Trust

- provide support and guidance to executive and senior leaders to ensure policy is implemented successfully into practice
- through strategic groups, share and build on best practice to create the best possible learning environments for our children and young people
- monitor suspensions and exclusions across the Trust, ensuring that best support is provided to our most vulnerable pupils and that decisions are made in the best interests of children

#### **Pupils will:**

- follow the academy behaviour policy, seeking support where necessary
- show respect and courtesy towards all members of the academy and local community and expect this for themselves in return
- in response to a suspension and upon return to the academy, receive and engage with additional behavioural and learning support according to their individual need

#### **Parents should:**

- uphold the academy expectations for behaviour, always supporting positive conduct
- support children with behavioural challenges
- engage with the academy at all stages of the suspension / exclusion process including attendance at a reintegration meeting convened by the principal
- communicate concerns with the academy as soon as possible
- have the right to request a remote panel meeting, although an in-person meeting remains the default position
- be aware of, and read, the [new guidance on behaviour and exclusions](#) for parents released in May 2023

## **4 Alternative strategies**

We will always use suspensions and exclusions as a last resort and recognise the importance of developing wider strategies for support. Such strategies may include some, or all of those listed below. This is not an exhaustive list:

## **Mediation**

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

## **Restorative justice**

This strategy is dependent on the cooperation of all parties involved in an incident or situation and will usually be used where one person has done something to upset or harm another. Our aim is for the offender to redress the harm that they have done, learn from their mistakes and to provide closure for those who have been harmed.

## **Internal exclusion**

If a pupil needs to be removed from a lesson that is in progress, or in a social situation, because they are displaying disruptive behaviour, it may be necessary to place that pupil elsewhere in the academy. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the academy site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

## **Off-site direction**

Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction may be used to arrange time limited placements at an alternative provision or another mainstream school. During the off-site direction to another school, pupils must be dual registered.

## **Managed move**

It *may* be in the best interest of a pupil to have a chance of a fresh start by moving to another academy. This will only occur in consent with parents, the Local Authority, the principal, and the Executive principal. Managed moves may be arranged on behalf of the principal by a designated member of staff.

Parents will not be put under any pressure to agree to a managed move, especially in fear of a permanent exclusion, and the academy will do everything it can to ensure that the transition is as smooth as possible.

## **5 Looked-after children and working with the local authority.**

We understand that looked-after children and young people may be more susceptible to having behavioural problems due to additional pressures they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every means of keeping them in academy. Before any decision to suspend or permanently suspend is made, the academy will (as appropriate):

- consult the LA (Local Authority) about alternative options to support a looked-after pupil
- consult the LA about what alternative provision will be available if the pupil is suspended
- involve the pupil's social worker as early as possible to help the academy avoid suspension or exclusion
- work with the foster carer to improve the pupil's behaviour.

## **6 Pupils with Special Educational Needs or a Disability (SEND)**

Our SEND provision and commitment to inclusion is outlined in our [Special educational needs and disability policy](#) and the SEND information found on the respective academy website. Our academies work hard to include pupils who have behavioural difficulties or difficulties with elements of social interaction as part of their SEND. Our academies will try every practical alternative to exclusion - including the established graduated response, reasonable adjustments, and inclusion strategies - but there *may* be *some* cases where it cannot be avoided.

If a permanent exclusion is made, the principal will use the time between the initial decision and the panel's review to see whether a change of circumstances might enable the academy to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the pupil's best interest that their SEND statement/Educational Health Care Plan (EHCP) be changed to name a different academy, in which case the academy will work with the LA and the pupil's parents or carers to make the transition as smooth as possible.

You can find more information on reasonable adjustments in our Trust [Accessibility policy](#) and our [Equity, diversity and inclusion policy](#)

## **7 Notification of the Local Academy Committee decision**

In accordance with section [7 of the statutory guidance](#)

The outcome of the Local Academy Committee meeting will follow the DfE guidance outlined in Appendix B:

## 8 Removing a permanently excluded pupil from the academy roll

In accordance with [Part 8 of the statutory guidance](#):

The Local Academy Committee must ensure that a pupil's name is removed from the admissions register if:

- 15 school days have passed since the parents were notified of the governing board'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.

**Note: Where an application for an independent review panel has been made within 15 school days, the academy must wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel has recommended or directed it to carry out, before removing a pupil's name from the register.**

## 9 Independent Review Panels

We recognise that part of the exclusion process may involve referral to an Independent Review Panel (IRP).

We accept that IRPs contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. Diverse Academies Trust will organise such reviews when requested in accordance with The [guidance - part 9](#)

We will conduct IRP's in accordance with the [guidance – part 10](#).

We will record proceedings of an IRP in accordance with the [guidance – part 10](#).

We acknowledge that our Governing Boards / Local Academy Committees must review their decision to suspend if directed by the IRP, in accordance with [guidance - part 11](#).

## 10 Confidentiality and GDPR

Our academies will deal with all cases of exclusion and the surrounding circumstances confidentially. In accordance with [GDPR and the Trust expectations](#), information will be shared only with those who need to know.

### Review

This policy will be reviewed in the Spring term 2026 or when statutory guidance is renewed.

Policy lead	Patrick Knight
Policy renewal date	June 26
Policy approving body	Standards and Outcomes Committee
Date of approval	12 March 24
Adopted on	12 March 24

## Appendix A Exclusion procedures

### A.1 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to suspend or permanently suspend is made.

**When** the decision to formally suspend is made, the principal (or in absentia other designated persons) will:

- inform parents / carers that an investigation is taking or has taken place
- ensure that the academy has undertaken a fair investigation
- consider all the evidence available
- reserve the right to internally isolate / remove the pupil from mainstream lessons until the evidence and investigation has been completed
- ensure that the pupil has access to learning whilst the investigation takes place
- encourage the pupil to give his or her version of events

and may, when appropriate:

- consider the academy's behaviour protocols and all other relevant policies including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the Local Academy Committee who may later have a role in reviewing the decision)
- keep a written record of discussions, interviews, and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible

## **A.2 Recording and notifying the decision to suspend**

All suspensions / exclusions will be in accordance with the statutory guidance part five: *'The headteacher's (principal's) duty to inform parties about a suspension / exclusion'*.

The principal (or in absentia another designated senior member of staff) will contact the parents or carers of the pupil immediately once the decision has been made to suspend / suspend. This notification must include:

- the reason(s) for the suspension or permanent exclusion
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the academy governing board (in line with the requirements set out in paragraphs 95 to 105 of the guidance) and how the pupil may be involved in this
- how any representations should be made
- when there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents have, or a pupil if they are 18 years old has, a right to attend a meeting

The suspension / exclusion will be reported to the respective local authority.

## **A.3 Reviewing suspensions and exclusions**

The Department for Education (DfE) has made the rules around cancelling suspensions/exclusions clearer in the revised guidance.

Principals can now cancel or rescind exclusions that have **not started yet**, whereas previously they could only cancel suspensions/exclusions that had already begun, provided the governing board have not already met to consider whether the pupil should be reinstated.

The Local Academy Committee will review all suspensions that take a child to 15.5 days or above in any one full term, and all permanent exclusions adhering to section 7 of the [guidance](#).

In addition to parents and carers, the pupil concerned will be encouraged to attend if they are able to fully understand the proceedings. We believe that pupils should be encouraged to take part in the review process and get an opportunity to be listened to. This may increase the chance of a positive behaviour pattern emerging in the future.

Parents who want to challenge or undertake a review of the exclusion may contact the respective Local Academy Committee.

Contact details of individual Local Academy Committees are available on the respective academy website.

## **Appendix B      Local Academy Committee procedures**

### **B.1   Upholding the exclusion**

If the Local Academy Committee finds that the exclusion decision was lawful, reasonable, and fair, they will uphold the decision to exclude. In this case, a letter will be sent to the parent or carer of the pupil outlining:

- the decision
- the reason for the decision
- the parent's right to request an independent review panel
- the name and contact details of the person to whom to send the request
- the date by which the request and the reasons for it should be given
- that the notice of appeal must set out the reasons for the request
- the right to a SEND expert to attend the independent review panel
- the right to have a representative at the independent review panel at the parents' own expense
- that any allegation of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
- that a claim to the county court can be made for other forms of discrimination.



## **B.2 Reinstating the pupil**

If the Local Academy Committee decides that the decision to suspend was not lawful, reasonable, or fair considering the evidence and the duties of the principal, the Local Academy Committee must reinstate the pupil immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil receives appropriate education whilst remaining on the academy roll. This will include a reintegration interview with the principal and parent or carer on academy grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the pupil's academic records along with any relevant papers.

In adherence to the statutory guidance, parents will be notified of the outcome of the Local Academy Committee review meeting in writing.