

# Suspension and Permanent Exclusion Policy

(applicable to all academies in the Trust except Connell Co-op College)

- Date approved by Trust Board - 19/10/2023
  - Applicable from - 1/11/2023
  - Next review date - October 2024
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## 1. Aims

Our Trust aims to ensure that:

- permanent exclusion is only ever a last resort
- the suspension and exclusion process is applied fairly and consistently
- the suspension and exclusion process is understood by governors, staff, parents and pupils
- pupils in school are safe and happy

- pupils do not become NEET (not in education, employment or training)
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## 2. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#) ('the statutory guidance').

- It is also based on the following:
- 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;
- the Education Act 1996; and
- 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

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

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## 3. The Decision to Suspend or Permanently Exclude

Only the Headteacher, or Head of School, can suspend or permanently exclude a pupil. A permanent exclusion will only be made as a last resort.

The behaviour of a pupil both inside and outside school can be considered grounds for a permanent exclusion or suspension.

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.

Our Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We 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 suspend or 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 suspend or permanently exclude a pupil, the Headteacher will:
- consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or permanent exclusion were provoked
- ensure an appropriate investigation has been conducted including, where appropriate and accessible, the use of the school’s CCTV facility or any video footage which can be viewed by the pupil, parent/carer, school staff as appropriate, the police, governors and any Independent Review Panel members, in line with the provisions of the UK General Data Protection regulation and with advice from the Trust’s Data Protection Officer.
- enable the pupil to give their version of events considering their age and ability to understand
- consider whether the pupil has special educational needs (SEN)

We will take care to ensure that a decision to exclude does not involve any kind of discrimination, as defined by the Equality Act 2010. We will not discriminate against pupils on the basis of protected characteristics, such as disability or race.

The academy will make reasonable adjustments for managing behaviour which is related to a pupil’s disability. Where exclusion needs to be considered, the academy will ensure that a pupil with a disability is able to present their case where the disability might hinder this.

We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil’s behaviour, we will try to identify whether there are any causal factors and try to intervene early in order to reduce the need for a subsequent suspension or exclusion.

The Headteacher may cancel an exclusion that has already begun (or one that has not yet begun) when the governing council has not yet met to review the exclusion. They will notify parents, the academy governing council (AGC) the local authority, and, if relevant, the social worker and Virtual School Head, of any such instances and will offer the parents a meeting to discuss the circumstances that led to the exclusion being cancelled.

A headteacher may direct a pupil off-site for education to improve their behaviour. This is designed as a short-term, time limited measure that may be employed as part of the academy's behaviour management strategy, and is not a suspension or permanent exclusion.

A headteacher may suggest a 'managed move' to another setting for a pupil, as a fresh start and a strategy to improve behaviour. This will be used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Where this occurs it will be with the consent of the parties involved, including the parents and the admission authority of the receiving school. The threat of permanent exclusion will not be used to influence parents to remove their child from the school.

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#### 4. Definition

For the purpose of suspensions and permanent exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

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#### 5. Roles and Responsibilities

##### 5.1 The Headteacher

Informing parents, social workers and Virtual School Heads

The Headteacher will immediately provide the following information, in writing, to the parents (and/or social worker or Virtual School Head, if applicable) of an excluded pupil:

- 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 AGC (in line with the requirements set out in [paragraphs 97 to 107](#)) and how the pupil may be involved in this;
- parents' right to make a request to hold the meeting via the use of remote access and how and to whom to make this request;
- how any representations should be made; and
- where there is a legal requirement for the AGC to consider the suspension or permanent exclusion, that parents, or a pupil if they are 18 years old, have a right to attend a meeting, to be represented at that 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.

Headteachers will take the pupil's views into account when taking the decision to exclude, unless it would be inappropriate to do so in the circumstances. Where this has happened, they will inform the pupil about how their views have been factored into the decision taken.

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 academy governing council and local authority (LA)

The headteacher will immediately notify the local authority of every suspension and permanent exclusion, regardless of its length.

In addition, the headteacher will notify the AGC of the following:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude the pupil.
- A suspension or permanent exclusions which would result in the pupil being suspended or permanently excluded for more than 5 school days (or more than 10 lunchtimes) in a term.
- A suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test

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.

For all other suspensions, the headteacher will notify the AGC once a term.

## 5.2 The Academy Governing Council

Responsibilities regarding exclusions will be undertaken by an exclusions panel comprising a minimum of 2 Co-operative Academies Trust governors. If a consensus decision is not reached the panel will be reconvened. The governors will not necessarily be drawn from the academy in which the exclusion has occurred. The Regional Director for the hub from which the exclusion was issued may attend the panel hearing if they wish.

The panel has a duty to consider the reinstatement of an excluded pupil (see section 6).

## 5.3 The 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. Where the exclusion relates to a looked after child, the academy will work with the local authority to arrange alternative provision from the first day following the exclusion.

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## 6. Considering the reinstatement of a pupil

The exclusions panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- It is a permanent exclusion
- It is a suspension which alone, or in conjunction with previous suspensions, would bring the pupil's total number of days out of school school days to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test.

If requested to do so by parents, the exclusions panel 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 or national curriculum test, the exclusions panel will take reasonable steps to consider the reinstatement of the pupil before the date of the examination or test. If this is not practicable, the chair of the Trust Board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The exclusions panel 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 exclusions panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. The panel will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt'.

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 exclusions panel will notify, in writing, the headteacher, parents the LA, and (if applicable) the social worker and Virtual School Head, of its decision, along with reasons for its decision, without delay.

Pupils under the age of 18 do not have an automatic right to attend the hearing. If parents indicate that they wish the pupil to attend, every effort will be made to encourage them to participate considering their age and ability to understand.

Where an exclusion is permanent, the exclusions panel's 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 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.
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## 7. An Independent Review (IRP)

If parents apply for an independent review, the Trust will arrange for an independent panel to review the decision of the exclusions panel not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the exclusions panel of its decision to not reinstate a pupil. Full details of how to apply are contained within the Trust website at <https://www.coopacademies.co.uk/governance> under the Governance FAQs, and are signposted in outcome letters to families. Paper copies are available on request.

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 governor 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 member or a trustee of the Co-operative Academies Trust, or a governor of any of the Trust's academies.
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Trust
- Have, or at any time have had, any connection with the Trust, academy, AGC, 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 (the contents of this training is stipulated in the statutory guidance).

A clerk will be appointed to the panel.

The independent panel can decide to:

- Uphold the governing council's decision not to reinstate

- Recommend that the governing council reconsiders reinstatement, or
- Quash the governing council's 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.

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## 8. 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 governing council 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.