



QUANTOCK

EDUCATION TRUST

Suspension & Permanent Exclusions Policy

DATE: August 2022

POSTHOLDER RESPONSIBLE: CEO

DATE RATIFIED BY PEOPLE & PERFORMANCE COMMITTEE:

DUE FOR REVIEW: August 2023

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1. Aims

1.1. Quantock Education Trust 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
- Pupils do not become NEET (not in education, employment or training)
- All suspensions and permanent exclusions are carried out lawfully

1.2. A note on off-rolling

Our school 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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

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

2.2. It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

2.3. In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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](#)

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

3. The decision to exclude

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

3.2. A decision to suspend or permanently exclude a pupil can be made on disciplinary grounds in respect of behaviour inside or outside of school, and 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

3.3. Before deciding whether to exclude a pupil, either permanently or for a fixed period in a suspension, 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

4. Definition

- 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 LGC of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.
- 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.

5. Roles and responsibilities

5.1. The headteacher

Only the headteacher, or acting headteacher, can exclude or suspend a pupil from school. A permanent exclusion will be taken as a last resort.

- 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.

5.1.1. Informing parents

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the LGC and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the LGC to meet to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) 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 suspended or permanently excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision or the end of the suspension, 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

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

5.1.2. Informing the CEO, Local Governance Committee and Local Authority

The headteacher will immediately and without delay, notify the CEO, governing body and the local authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

- Any suspension or permanent exclusion which would result in the pupil missing a NC test or 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.

For all other suspensions, the headteacher will notify the LGC and LA once a term.

5.2. The Role of the Local Governance Committee:

Responsibilities regarding exclusions are delegated to each of our school Local Governing Committees (LGCs) consisting of at least 3 governors.

Chair of Governors	School
Tina Stoel-Walker	Haygrove School
Malcolm Broad	Sexey's School
Suzanne Traynor/Andrew Watson	Spaxton CofE Primary School
Teresa Miller	Stogursey CofE Primary School

The LGC has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6).

Responsibilities regarding suspensions and permanent exclusions are delegated to the school LGC.

The LGC has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6) in certain circumstances.

Within 14 days of receiving a request, the LGC will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the LGC will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The LGC does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

5.2.1 Monitoring and analysing suspensions and exclusions data

The LGC will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The LGC will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- 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 make sure 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

- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

5.3. The LA

- 5.3.1. For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion, or should attempt to organise full time provision for pupils who are Looked After (LAC) from the first day.

5.4 Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the LGC about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

5.5 Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the LGC. Where there is a cancellation:

- The parents, LGC and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the LGC once per term on the number of cancellations
- The pupil will be allowed back in school

5.6 Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

6. Considering the reinstatement of a pupil

6.1. The LGC will consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- 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
- It would result in a pupil missing a public examination or national curriculum test

6.2. If requested to do so by parents, the LGC will consider the reinstatement of suspended 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 16, in a single term.

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

6.4. Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension or permanent exclusion to more than 5 in a term, the LGC:

- Must consider any representations made by parents
- Must arrange the meeting to consider the representations within a reasonable amount of time
- Can consider reinstatement in the absence of representations from parents
- The following parties will be invited to a meeting of the LGC and allowed to make representations or share information:
 - Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
 - The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
 - The headteacher
 - The pupil's social worker, if they have one
 - The VSH, if the pupil is looked after

6.5. The LGC can either:

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

6.6 In reaching a decision, the LGC will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the LGC
- They will decide whether or not a fact is true 'on the balance of probabilities'.

6.6. 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.

6.7. The LGC will notify, in writing, the following stakeholders of its decision, along with its reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

6.8. Where an exclusion is permanent, the LGC's decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the LGC's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the [LA/academy trust] to appoint an SEN expert to advise the review panel
- 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 permanent exclusion has occurred as a result of unlawful 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. Also that any 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

7. An independent review

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

7.2. Applications for an independent review must be made within 15 school days of notice being given to the parents by the LGC of its decision to not reinstate a pupil.

7.3. 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

7.4. A person may not serve as a member of a review panel if they:

- Are a member or Trustee of the QET or LGC 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 QET or the LGC, 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 QET, the school, LGC, 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)

7.5. A clerk will be appointed to the panel.

7.6. The independent panel will decide one of the following:

- Uphold the LGC's decision
- Recommend that the LGC reconsiders reinstatement
- Quash the LGC's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)
-

7.7. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

8.1. 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

8.2. Where an application for an independent review has been made, the LGC will wait until that review has concluded before removing a pupil's name from the register.

8.3. 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.

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

8.5 Making a return to the LA

- Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:
- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house
- This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

9. Returning from a fixed-term exclusion

9.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

The points below are suggestions only and should be adapted to your school's specific circumstances.

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

9.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every term by the Behaviour Lead and Headteacher who will report back to the Governors

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

The QET will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any one school may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the CEO annually. At every review, the policy will be ratified by the People and Performance Committee.

11. Links with other policies

11.1. This exclusions policy is linked to our:

- [Behaviour & Ethos Policy](#)
- [SEND Trust Statement](#) and
- School SEND Policies
 - [Haygrove](#)
 - [Sexey's](#)
 - [Spaxton](#)
 - [Stogursey](#)

Appendix 1: Independent review panel training

The Quantock Education Trust must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, LGCs and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act