



Diocese of Salisbury  
Academy Trust

*'Beyond expectations for all of God's children'*

## **SUSPENSION AND PERMANENT EXCLUSION POLICY**

Policy Date: January 2023

Review Date: January 2027

*This policy is to be adopted by each Academy*

## Background

This policy deals with the policy and practice which informs the school's use of suspension and exclusion.

It is written in accordance with the latest DFE statutory guidance which is amended from time to time.

<https://www.gov.uk/government/publications/behaviour-in-schools--2>

<https://www.gov.uk/government/publications/school-exclusion>

This policy is based on an acknowledgement that to suspend or exclude a child from school for any length of time is a significant step and that it is only used if there has been a breach of the schools behaviour policy or when the child is a threat to the safety and well-being of others in the school, or in the case of a permanent exclusion when every other avenue of the behaviour policy has been fully explored. Planning for the return to school and reintegration after a suspension, however short, must be thorough and carefully managed.

It is underpinned by the shared commitment of all members of the Trust community to achieve two important aims:

- i. The first is to ensure the safety and well-being of all members of the Trust community and to maintain an appropriate education environment in which all can learn and succeed;
- ii. The second is to realise the aim of reducing the need to use suspension and exclusion as a sanction.

The following are the key principles that underpin this policy and must be considered in all decision making:

- a) Permanent exclusion should only be used as a last resort, in response to a serious breach or persistent breaches of the Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school;
- b) The decision to exclude a pupil must be lawful, reasonable and fair;
- c) Particular consideration should be given to the fair treatment of pupils from groups who are vulnerable to suspension or exclusion;
- d) Disruptive behaviour can be an indication of unmet needs. Where a school has concerns about a pupil's behaviour it should try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension or exclusion. In this situation, schools should give consideration to a multi-agency assessment that goes beyond the pupil's educational needs;
- e) All children have a right to an education. Our schools will set and mark work for pupils during the first five school days of exclusion and alternative provision must be arranged from the sixth day.
- f) Where parents dispute the decision of an Academy Standards and Ethos Committee (ASEC – our tier of local governance) not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel. Where this is an allegation of discrimination (under the Equality Act 2010) in relation to a suspension or permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination)
- g) Excluded pupils should be enabled and encouraged to participate at all stages of the process, taking into account their age and understanding.

Under the Education and Inspections Act 2006, headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- a) promoting, among pupils, self-discipline, and proper regard for authority,
- b) encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- c) securing that the standard of behaviour of pupils is acceptable,
- d) securing that pupils complete any tasks reasonably assigned to them in connection with their education, and

e) otherwise regulating the conduct of pupils.

## 1. Introduction

- 1.1 The decision to suspend or exclude a pupil will be taken in the following circumstances:
- In response to a serious breach of the school's Behaviour Policy
  - If allowing the pupil to remain in the school would seriously harm the education or welfare of other persons or the pupil in the school.
- 1.2 Exclusion is an extreme sanction and is only administered by the Headteacher, who will consult with the CEO of the Trust, or with the next most senior colleague when unavailable. The decision to exclude is made by the Headteacher.
- 1.3 Suspension or permanent exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:
- Verbal abuse to staff, pupils or others
  - Physical abuse to / attack on staff, pupils or others
  - Indecent behaviour
  - Damage to property
  - Misuse of illegal drugs or other substances
  - Theft
  - Serious actual or threatened violence against another pupil or a member of staff
  - Sexual abuse or assault
  - Supplying an illegal drug
  - Carrying an offensive weapon
  - Arson
  - Unacceptable behaviour which has previously been reported and for which Academy sanctions and other interventions have not been successful in modifying the pupil's behaviour.
- 1.4 This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that suspension or permanent exclusion is an appropriate sanction.
- 1.5 The behaviour of pupils outside of the school can be considered as grounds for suspension or permanent exclusion.
- 1.6 At times the Headteacher will decide not to use the extreme sanction of suspension or permanent exclusion but will decide that a Pastoral Support Plan should be drawn up to try to avoid the sanction of a suspension or permanent exclusion in the future. This might be accompanied by an internal exclusion which could take place in the school or within a school in the local Hub.
- 1.7 Any decision of a school, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- 1.8 Headteachers must take account of their legal duty of care when sending a pupil home following a suspension or permanent exclusion.
- 1.9 When establishing the facts in relation to a permanent exclusion decision, the Headteacher must apply a civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than a criminal standard of 'beyond reasonable doubt'.

- 1.10 Under the Equality Act 2010 (“the Equality Act”) schools must not discriminate against, harass or victimise pupils because of their: sex, race, disability, religion or belief; sexual orientation; because of a pregnancy/maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies, criteria or practices which put them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
  - advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
  - foster good relations between people who share a relevant protected characteristic and people who do not share it.

The ‘relevant protected characteristics’ in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to permanently exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

Governors must also comply with their statutory duties in relation to pupils with Special Educational Need (SEN) when administering the suspension or permanent exclusion process, including using their ‘best endeavours’ to ensure the appropriate special educational provision is made for pupils with SEN and having regard to the Special Educational Need and Disability (SEND) Code of Practice.

- 1.11 ‘Informal’ or ‘unofficial’ suspensions, such as sending pupils home to ‘cool off’ are unlawful, and must not be used regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods of time, must be formally recorded.
- 1.12 In extremely rare cases, pre-emptive measures, as set out in a child’s Pastoral Support Plan or EHCP, may mean a child is able to have agreed periods off school site to support behaviour, learning and well-being and to prevent the need for suspensions e.g. reduced timetables. Any changes to full time provision need to be approved by the Education Welfare Officer or other relevant agencies. These are reviewed regularly with the aim for all children to be in full time education.

## **2. Suspension or Permanent Exclusion Procedure**

- 2.1 Most suspensions are of short duration (usually between one and three days). The DFE regulations allow the Headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- 2.2 The Headteacher will consult with the Chief Executive or another appointed officer, where there is a risk of or a need to suspend or permanently exclude such that all options can be explored. The decision to permanently exclude will always be discussed with the Chief Executive before being made but it is always the Headteachers role to suspend or permanently exclude.
- 2.3 The ASEC have established arrangements to review promptly all permanent exclusions from the school and all suspensions that would lead to a pupil being excluded for more than 15 days in a school term or missing a public examination. The ASEC have established arrangements to review suspensions

which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

- 2.4 Following suspension or permanent exclusion, parents must be contacted immediately where possible. If a pupil has a social worker, or if a pupil is looked-after, the Headteacher must, also without delay after their decision, notify the social worker and/or the Virtual School Headteacher, as applicable. A letter will be sent by post giving details of the suspension and the date the suspension ends. Parents/carers have a right to make representations to the Diocese of Salisbury Academy Trust and the school as directed in the letter. School staff will use the time a child is absent to reflect on their needs and the additional provision needed to support a successful return to school. A return to school meeting will be held following the expiry of the suspension and this will involve a member of the Leadership Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up or reviewed, which will include a further review date. During the course of a suspension where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents / carers.
- 2.5 The Headteacher must inform both the ASEC and the Trust (the CEO as representative of the Trust Board, which is the statutory Governing Body) and the Local Authority without delay, regardless of the length of the suspension, and in the case of permanent exclusion.
- 2.6 Records relating to suspensions and permanent exclusions will be stored confidentially.
- 2.7 For a suspension of more than five days, the ASEC, under the guidance of the Headteacher, must agree suitable full-time education, this could include the use of a school within the local Hub. This provision must begin no later than the sixth day of exclusion.
- 2.8 Headteachers may cancel an exclusion that has not been reviewed by the governors. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and the Virtual School Headteacher (for looked after children).

### **3. Duty of the Governing Body to Consider a Suspension or Permanent Exclusion**

- 3.1 For all DSAT schools, the duty to consider parental representations about an exclusion are delegated to the ASEC.
- 3.2 The ASEC should form a committee consisting of at least three members. Where this is to consider a permanent exclusion, the panel should include a DSAT Trust Board member and two ASEC members, wherever possible. This serves to provide a suitable external view and reflects the seriousness with which the Trust Board views such decisions. The panel may include ASEC members or governors from other schools where availability is limited. Trustees can also be included where necessary.
- 3.3 In responding to parental representations they must act in accordance with DFE statutory guidance at all times
- 3.4 Should a parent apply within the appropriate time frame for an independent review of an ASEC decision not to reinstate a permanently excluded pupil, then the Trust will arrange for an independent review panel to review the decision. This panel will be required to operate and act within the statutory framework for such a review.

- 3.5 Governors cannot direct reinstatement in the case of a suspension that does not bring the pupil's total to more than 5 in a term. They must consider any parental representation although they are not required to arrange a meeting with parents and there is no recourse to an independent review panel.
- 3.6 Guidance is also available for governors to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary as a last resort. [This can be accessed by clicking here.](#)

#### 4. Permanent Exclusion

- 4.1 The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:
- i. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or possession and/or use of an illegal drug, for example.
  - ii. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or 'one-off' offence. These might include:
    - Serious actual or threatened violence against another pupil or a member of staff
    - Sexual abuse or assault
    - Supplying an illegal drug
    - Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him").
    - Arson
    - Behaviour which poses a significant risk to the child's own safety.
- 4.2 The school will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline, well-being and reputation of the school community.

#### 5. Removing a Pupil's Name from the Academy Register

- 5.1 The Headteacher must remove a pupil's name from the Academy admissions register if:
- 15 school days have passed since the parents were notified of the decision to uphold a permanent exclusion and no application has been made for an independent review panel.
  - The parents have stated in writing that they will not be applying for an independent review panel.
- 5.2 Where an application for an independent review panel has been made within 15 school days, the Headteacher must wait until the review has been determined, or abandoned, before removing a pupil's name from the register.
- 5.3 Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

#### 6. General Factors the School Considers before Making a Decision to Suspend or Permanently Exclude

- 6.1 Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to suspend or permanently exclude a pupil, the Headteacher will:

- Explore a placement at another DSAT school or another local school to avoid exclusion – this would include possible alternative provision, and a ‘managed move’;
- Wherever possible, discuss the situation with the Chief Executive in a bid to explore options and appropriate actions;
- Ensure appropriate investigations have been carried out;
- Confirm that the permanent exclusion is not for non- disciplinary reasons
- Consider all the evidence available to support the allegations, taking into account the Behaviour Policy, Equal Opportunity and Race Equality Policies;
- Allow the pupil to give their version of events;
- Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).

6.2 If the Headteacher is satisfied that on the balance of probabilities the pupil did what they are alleged to have done, and finds that exclusion cannot reasonably be avoided by the relevant steps included above, then suspension or permanent exclusion will be the outcome.

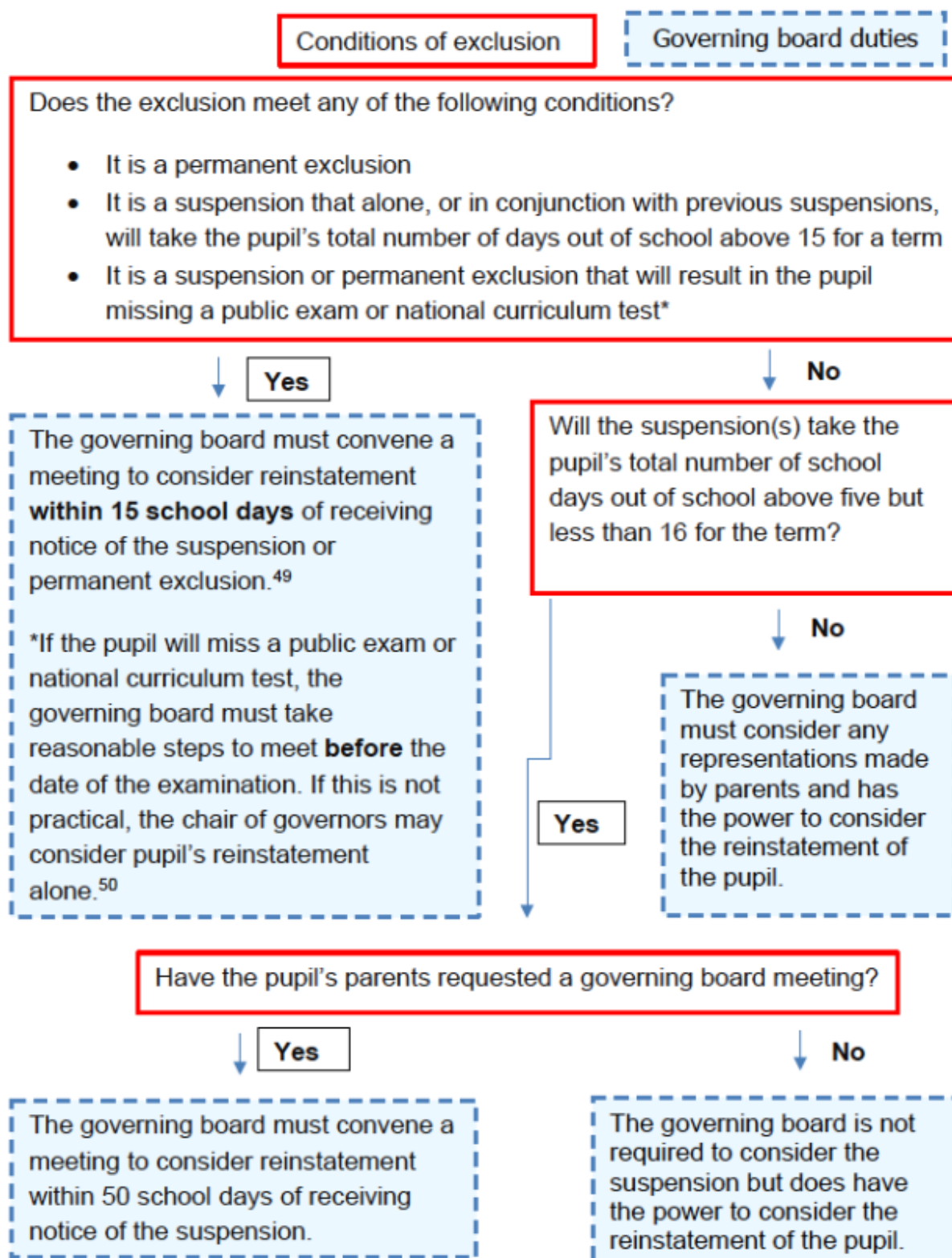
## **7. Monitoring and Evaluation**

7.1 School governors and the Trust Board will monitor against this policy and available data to ensure its successful implementation.

### **Linked policies:**

- Keeping Children Safe in Education (latest version)
- DSAT Behaviour Policy
- DSAT Preventing and Tackling Bullying Policy
- Individual school Behaviour Policy

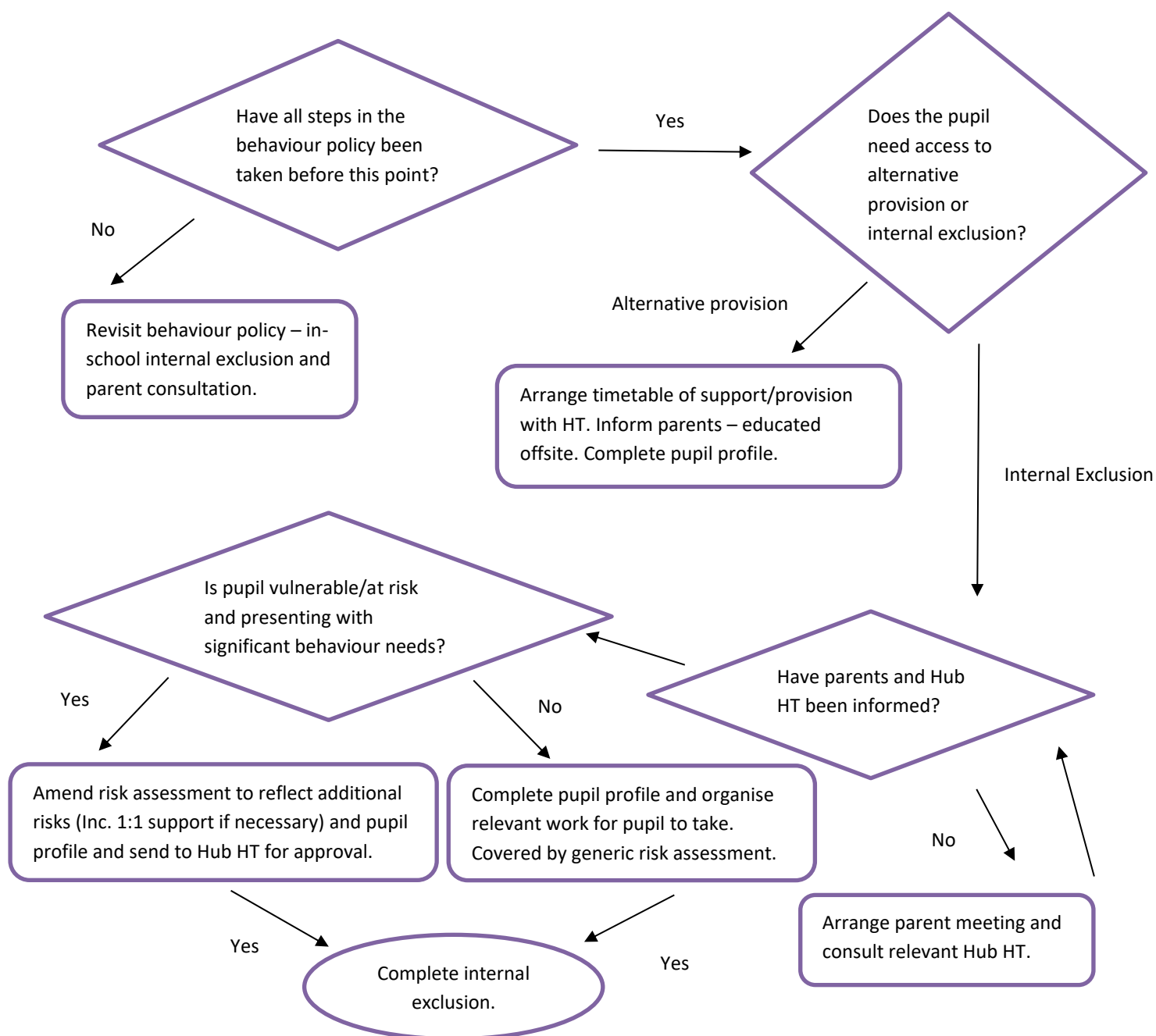
Appendix 1: Summary of Academy Standards and Ethos Committee duties to review a decision to exclude



The governing board (Academy Standards and Ethos Committee - ASEC) may delegate its functions to consider a suspension or permanent exclusion to a designated committee.



## Appendix 2: Decision for internal exclusion or provision within the local Hub



- It is the role of the excluding HT to inform receiving HT of any potential needs or triggers a pupil may have and to send them with appropriate learning material and set expectations of exclusion.
- It is the role of the receiving HT to inform support staff of any needs, behaviours or background of visiting pupil.
- Pupil should be registered and signed in upon arrival at Hub School.
- Any safeguarding concerns will be recorded as per the school's Child Protection Policy and communicated from DSL to DSL.
- All pupils will receive a reintegration meeting, led by a member of SLT, following a Hub Internal Exclusion.
- Any on-going support will be provided at the discretion of HTs to best support the needs of the pupil and school.
- Transport to and from Hub School should be provided by parents/carers, unless there are extenuating circumstances then the excluding school can provide support.
- Parents/carers will be given contact information for receiving Hub School in case of emergencies.
- The excluding HT/SLT is responsible for ensuring all paperwork related to internal exclusion is received by other Hub School pre-exclusion.