

# SUSPENSION & PERMANENT EXCLUSION POLICY

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# **SUSPENSION AND PERMANENT EXCLUSION POLICY**

## **1 Background**

- 1.1 The Sir John Brunner Foundation is a multi-academy trust created under the provisions of the Academies Act 2010. The Foundation is a company limited by guarantee incorporated in England and Wales with company number 11227336. It is an exempt charity and its Directors are also charity trustees.
- 1.2 This policy applies to all secondary (11-16) academies within The Sir John Brunner Foundation. Each academy within The Sir John Brunner Foundation will apply suspensions and permanent exclusions in accordance with this policy and ensure that its contents are shared with all relevant stakeholders.
- 1.3 High standards in behaviour within The Sir John Brunner Foundation is essential to ensure that all students benefit from the highest standards in education delivered in a safe, calm and purposeful learning environment so that they are able to fulfil their potential.
- 1.4 The Sir John Brunner Foundation recognises that for most students, the broad range of behaviour management strategies used are effective in supporting students to meet expectations for excellent behaviour. However, for some students, where these strategies have been exhausted, Suspensions and Permanent Exclusions may be used by Headteachers as a last resort.

## **2 Legislation and Statutory Guidance**

### **The principal legislation to which this policy relates is:**

- 2.1 The Education Act 2002, as amended by the Education Act 2011
- 2.2 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 2.3 The Education and Inspections Act 2006
- 2.4 The Education Act 1996
- 2.5 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 has been written in accordance with:**

- 2.6 The Department for Education, Suspension and Permanent Exclusions from maintained schools, academies and pupil referral units in England, including pupil movement, August 2024.

### **3 Definitions and Terminology**

- 3.1 'Suspension' is used to refer to an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this policy used the word 'exclusion' this included by suspension (fixed-period exclusions) and permanent exclusions.
- 3.2 'Permanent Exclusion' is when, subject to a decision of the Governing Board to reinstate the student to the academy, the student is prevented from attending the academy again.
- 3.3 The term 'must' refers to what Headteachers, Governing Boards/Academy Trusts/Local Authorities/Parents and others are required to do by law and must have regard to when carrying out their duties. The term 'should' refers to recommendations for good practice as mentioned in the Suspension and Permanent Exclusion Guidance and should be followed unless there is good reason not to.
- 3.4 The term 'Headteacher' also includes an Acting Headteacher by virtue of Section 579(1) of the Education Act 1996. An Acting Headteacher is someone appointed to carry out the functions of the Headteacher in the Headteacher's absence or pending the appointment of a Headteacher.

### **4 Roles and Responsibilities**

- 4.1 Only the Headteacher of an academy can suspend or permanently exclude a student on disciplinary grounds. 'Headteacher' includes an Acting Headteacher. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academy year) or permanently excluded.
- 4.2 A student's behaviour outside of the academy can be considered grounds for a suspension or permanent exclusion. Any decision of a Headteacher, 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 suspension and permanent exclusions and the academy's wider legal duties); reasonable; fair; and proportionate.
- 4.3 The academy has a statutory duty to make arrangements for safeguarding and promoting the welfare of their students. As part of this duty, any decision-making in relation to exclusions is required to have regard to the statutory guidance for Keeping Children Safe in Education.

- 4.4 When establishing the facts in relation to a suspension or permanent exclusion decision, the Headteacher must apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. The Headteacher must take account of their legal duty of care when sending a student home following an exclusion.
- 4.5 Headteachers should also take the student's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. Where relevant, the student should be given support to express their view, including, where appropriate, the use of an advocate (i.e. parents or social worker if the student has one). The Headteacher should consider any contributing factors after an incident of misbehaviour has occurred.
- 4.6 Governing Body roles and responsibilities are covered under Section 12 of this policy.

## **5 Suspensions**

- 5.1 Suspension, where a student is temporarily removed from the academy, is an essential behaviour management tool.
- 5.2 A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year).
- 5.3 A suspension does not have to be for a continuous period.
- 5.4 A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the academy's behaviour policy and to show a student that their current behaviour is putting them at risk of permanent exclusion.
- 5.5 Where suspensions are becoming a regular occurrence for a student, the Headteacher and academy should consider whether suspension alone is an effective sanction and whether additional strategies need to be put in place to address behaviour.
- 5.6 The Headteacher should take steps to ensure that the suspended student still receives their education and that work is set and marked for the first five days of a suspension.

- 5.7 The academy's legal duties to students with SEND remain in force, for example, to make reasonable adjustments in how they support student during this period.
- 5.8 A suspension may also be for parts of the school day, for example, lunchtime. Lunchtime detentions are counted as a half-day session.
- 5.9 The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of a suspension.

## **6 Permanent Exclusions**

- 6.1 A permanent exclusion is where the student is no longer allowed to attend the academy (unless the student is reinstated). The decision to permanently exclude a student should only be taken:
- In response to a serious breach or persistent breaches of the academy's behaviour policy; and
  - Where allowing the student to remain in the academy would seriously harm the education or welfare of the student or others such as staff or students at the academy.
- 6.2 For any permanent exclusions, the Headteacher should take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a student's social worker) should also be considered.

## **7 Reasons for Exclusions**

- 7.1 The Headteacher will use their professional judgement based on the individual circumstances of the case when considering whether to exclude a student. Exclusions may be issued in response to serious or persistent breaches of the academy's behaviour policy and where allowing the student to remain in the academy would seriously harm the welfare of the student or others such as staff or students. The reasons below are examples of the type of circumstances that may lead to a suspension or permanent exclusion. This list is not exhaustive and offers examples rather than a definitive list.

- Persistent disruptive behaviour
- Physical assault against a student
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a student
- Verbal abuse or threatening behaviour against an adult
- Use or threat of use, of an offensive weapon or prohibited item that has been prohibited by the academy's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

## **8 C cancelling Exclusions**

8.1 The Headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the Governing Board has not yet met to consider whether the student should be reinstated.

8.2 When an exclusion is cancelled:

- The Headteacher must notify the parents, the Governing Board, the Local Authority and the student's social worker and VSH, as applicable, without delay
- The notification must also provide the reason for the cancellation
- The Governing Board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement
- Parents should be offered the opportunity to meet the Headteacher to discuss the circumstances that led to the exclusion being cancelled, which should be arranged without delay
- The student must be allowed back into the academy without delay
- A permanent exclusion cannot be cancelled if the student has already been excluded for more than 45 school days in a school year, or if they will have been so by the time the cancellation takes effect

## **9 Off-Site Direction and Managed Moves**

9.1 Before taking any decision to permanently exclude a student, the Headteacher may consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative.

- 9.2 In the case of directing a student to attend alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the academy's behaviour management strategies to improve a student's behaviour where internal interventions and/or outreach support have been unsuccessful or deemed inappropriate. While parental consent is not needed, discussions would take place with parents regarding the decision.
- 9.3 For a managed move to take place, there needs to be agreement between the academy, parents and the new school that a managed move should occur. A managed move is a permanent move to a new school. Before a managed move is agreed, the student may be directed off-site to attend the new school for a period to ensure that the new school would be suitable for them. At the end of this off-site directed period, the relevant parties (including parents) will review the placement before a decision is taken about whether it becomes a permanent managed move.

## **10 Reintegration following Suspension or Off-Site Direction**

- 10.1 Where a student is suspended or is directed to be educated off-site, upon return, the student and parents will be invited to attend a reintegration meeting. The purpose of the meeting is to agree a reintegration plan that helps students to make a fresh start, help them understand the effect of their behaviour on themselves and others and support them to meet the high expectations for behaviour in the academy, making reasonable adjustments in line with legal duties in relation to SEND.

## **11 The Headteacher's Duty to Inform Relevant Parties of an Exclusion**

- 11.1 Whenever a Headteacher suspends or permanently excludes a student, they must, without delay, notify parents of the period of exclusion and reason(s) for it.
- 11.2 After making the decision, Headteachers must also provide parents with the following information in writing:
- 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 Governing Board (in line with statutory guidance)



- Parents' right to make a request to hold the meeting via use of remote access
- How any representation should be made and,
- Where there is a legal requirement for the Governing Board to consider the suspension or permanent exclusion, and their right to attend

11.3 The Headteacher will follow the statutory guidance which sets out clear processes by which other parties, including social workers and Virtual School Heads (where relevant), the Governing Board and the Local Authority are informed of an exclusion.

## **12 The Governing Board's Duty to Consider an Exclusion**

12.1 The Governing Board has a key responsibility in considering whether excluded students should be reinstated. This forms part of the wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties. Exercising its duty to consider an exclusion, The Governing Board will follow the statutory guidance, which outlines the process by which this must take place.

12.2 The Governing Board must make reasonable endeavours to arrange a meeting to consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:

- It is a permanent exclusion;
- It is a suspension which would bring the student's total number of school days out of the academy to more than 15 in a term;
- It would result in the student missing a public examination or national curriculum test.

12.3 The requirements are different for suspension where a student would be excluded for more than five but not more than 15 school days in a term. In this case, if the parents make representations, the Governing Board must consider and decide within 50 school days of receiving the notice whether the suspended student should be reinstated. In the absence of any representations from the parents, the Governing Board is not required to meet and cannot direct the reinstatement of the student.

## **13 The Sir John Brunner Foundation's Duty to Arrange an Independent Review Panel (IRP)**

- 13.1 IRPs contribute to a robust process of scrutiny to ensure that exclusions are lawful, reasonable, and procedurally fair. The Sir John Brunner Foundation will follow the statutory guidance in fulfilling its duty to arrange an IRP, for applications made within the legal time frame.

## **14 Links with Other Policies**

- 14.1 This policy should be considered in conjunction with each secondary academy's Student Behaviour Policy.