



Policy for

Suspension and Permanent Exclusion

(In association with the behaviour for Learning Policy)

Date Issued	Date of Review	Owned By
Sep 2022	Sep 2023	SCRB and Ocean Academy

1. Aims

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Therefore, the government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For the vast majority of pupils, suspensions (the term used for fixed term exclusions) and permanent exclusions (PEX) may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

Ocean Academy aims to ensure that:

- The suspension and PEX process is applied fairly and consistently
- The suspensions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Self-discipline, and proper regard for authority is promoted and expected
- Good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils
- The standard of behaviour of pupils is respectful and exceptional
- Pupils complete any tasks reasonably assigned to them in connection with their education
- Pupils do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

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

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 \(Pupil Suspensions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

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](#)
- DFE advice for Headteachers and school staff [Behaviour in Schools](#)

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

3. The decision to permanently exclude or suspend pupils

Only the Principal, or Acting Principal, can suspend or permanently exclude a pupil from Ocean Academy. A permanent exclusion will be taken as a last resort.

Any decision of a Principal, 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 suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the Principal 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.’ This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.

A decision to suspend or PEX 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 a PEX or for a fixed period suspension, the Principal will:

Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension / PEX were provoked

Allow the pupil to give their version of events and allow appropriate adults to support them in doing this if needed

Consider if the pupil has special educational needs (SEND)

4. Definitions

Fixed term suspension is where a pupil is temporarily removed from the school, and is an essential behaviour management tool that should be set out within a school’s behaviour policy.

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated).

The 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.

5. Roles and responsibilities

5.1 The Principal

Informing parents

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

The reason(s) for the suspension / PEX

The length of a fixed-term suspension or, for a PEX, the fact that it is permanent

Information about parents’ right to make representations about the suspension or PEX to the Regional Board and how the pupil may be involved in this

Where there is a legal requirement for the Regional Board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

Offer up to date links to source impartial advice for parents where appropriate

The Principal will also notify parents by the end of the afternoon session on the day their child is excluded/suspended that for the first 5 school days, 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.

If alternative provision is being arranged, the following information will be included when notifying parents of an suspension:

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 a suspension/PEX, in which case the information can be provided with less than 48 hours' notice with parents' consent.

The Principal will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension/PEX. This can include utilising any online pathways such as Google Classroom or Oak National Academy.

In exceptional cases, a part-time timetable may be agreed, but it must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

Reintegration

Staff will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. Our reintegration strategy offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

Informing the Regional Board, Local Authority and Social Worker/Head of the Virtual School (VSH)

The Principal will immediately notify the Chair of the Regional board, Local Authority and Social Worker/Head of the Virtual School (if this is in place for the pupil) :

A permanent exclusion, including when a fixed-period suspension is made permanent (In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension)
Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Principal will also immediately inform the pupil's 'home authority' of the suspension and the reason(s) for it without delay.

For all other suspensions, the Principal will notify the Regional Board and LA once a term.

5.2 The Regional Board

Responsibilities regarding PEX are delegated to the Regional Board. The Regional Board has a duty to consider the reinstatement of an excluded pupil.

Within 14 days of receipt of a request, the Regional Board will provide the secretary of state with information about any suspensions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the Regional Board will arrange suitable full-time education for the pupil (see above). This provision will begin no later than the sixth day of the suspension.

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.

6. Considering the reinstatement of a pupil

The Regional Board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of this if:

The suspension is permanent (PEX)

It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term

It would result in a pupil missing a public examination

If requested to do so by parents, the Regional Board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the suspension if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

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

The Regional Board 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 Regional Board will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Principal followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

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 Regional Board will notify, in writing, the Principal, parents, the LA and the child's social worker or VSH of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Regional Board 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 suspension

That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Aspirations 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 suspension 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

7. An independent review

If parents apply for an independent review, the Aspirations Trust will arrange for an independent panel to review the decision of the governing board 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 Regional Board of its decision to not reinstate a pupil.

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 academy governors category and 2 members will come from the Principal 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

Academy 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 Principal during this time

Principals or individuals who have been a Principal within the last 5 years

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

Are the Principal of the excluding school, or have held this position in the last 5 years

Are an employee of the Aspirations Trust, or the governing board, of the excluding school (unless they are employed as a Principal at another school)

Have, or at any time have had, any connection with the Aspirations Trust, academy, governing board, parents or pupil, or the incident leading to the suspension, 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)

A clerk will be appointed to the panel. The independent panel will decide one of the following:

Uphold the Aspirations Trust Board decision

Recommend that the Aspirations Trust Board reconsiders reinstatement

Quash the governing board'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.

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 Aspirations Trust Board 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 Academy 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.

9. Monitoring arrangements

Jane Burry, the Associate Principal and the Executive Principal monitors the number of suspensions every term and reports back to the Regional Board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Regional Board every year.

10. Links with other policies/Advice

This suspensions /Exclusion policy is linked to our

- Behaviour for Learning policy
- Safeguarding Policy (inc KCSIE)
- SEND policy and information report
- Acceptable Use Policy
- Home / School Agreement
- Behaviour in Schools - DFE advice to Headteachers and School Staff

Appendix 1: Independent review panel training

The Aspirations 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 suspensions, 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 Principals, governing boards 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