



AGAPE MULTI ACADEMY TRUST

A collaboration of schools which enhances the educational experiences and outcomes for children, maximising the benefits of working together, whilst maintaining the individual culture and ethos of each individual school

Exclusion and Suspension Policy

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1. Aims

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

Our Trust aims to ensure that:

- The exclusions process is applied fairly and consistently
- Trustees, governors, staff, parents and pupils understand the exclusions process
- Pupils in the Trust are safe and happy
- Pupils are prevented from becoming NEET (not in education, employment or training)
- All suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

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 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 Trust 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

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

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

- Section 51A of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

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

The Trust Board has delegated their responsibilities under this policy to each school's Local Governing Committee.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period.

The Department for Education now uses the term Suspension rather than Fixed Term or Fixed Period Exclusion. In line with this change, although the primary legislation has not yet been updated, throughout this document we have used the word Suspension to mean Fixed Term or Fixed Period 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 pupil is educated somewhere else for a limited period of time at the Trust's behest.

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 occur.

4. Roles and responsibilities

4.1 Headteachers

Deciding whether to suspend or exclude

Only a Headteacher, or acting headteacher, can suspend or exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. A Headteacher will only use permanent exclusion as a last resort.

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 exclude a pupil the Headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Consider any applicable Trust and school's policies including, but not limited to, the behaviour (pupil) policy, acceptable internet usage, internet access, substance abuse and antibullying
- Allow the pupil the opportunity to give their version of events
- Consider whether 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

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.

Informing parents

If a pupil is at risk of suspension or exclusion the Headteacher (or their appointed representative) will inform the parents as early as possible, 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 a Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The Headteacher will provide the following information, in writing, to the parents/carers of an excluded pupil without delay:

- The reason(s) for the suspension or exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents'/carers' right to make representations about the suspension or exclusion to the Local Governing Committee and how the pupil may be involved in this
- Where there is a legal requirement for the governors to meet to consider the reinstatement of a pupil, and that parents/carers have a right to attend a meeting (or the pupil if they are 18 years old), be represented at a meeting (at their own expense) and to bring a friend

The Headteacher, or their appointed representative, will also notify parents/carers without delay and by the end of the afternoon session on the day their child is suspended or 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), that parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason (this will include specifying on which days this duty applies) and Parents/Carers 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 if possible:

- 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 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' /carers' consent.

Informing the Local Governing Committee

The Headteacher will notify the Local Governing Committee, through the Chair (or vice chair if the Chair is not available), without delay 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 National Curriculum test or public examination

The Headteacher will notify the Local Governing Committee once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

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 pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the Local Governing Body 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.

Cancelling suspensions and permanent exclusions

A 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 Local Governing Committee. Where there is a cancellation:

- The parents, governing body 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 Local Governing Committee once per term on the number of cancellations
- The pupil will be allowed back in school

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.

4.2 The Local Governing Committee

Responsibilities regarding exclusions is delegated to the Local Governing Committee's Pupil Disciplinary Panel. The Panel will consist of at least 3 governors and/or trustees.

The Pupil Disciplinary Panel 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 sections 5 and 6) in certain circumstances.

Within 14 days of receipt of a request, the Local Governing Committee (through the Governance Professional/Clerk to Governors) will provide the secretary of state with information about any suspensions or exclusions in the last 12 months

For suspensions of more than 5 school days, the Local Governing Committee (through the School's Senior Leadership Team) will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

Monitoring and analysing suspensions and exclusions data

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

The Local Governing Committee 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

4.3 The Local Authority (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.

For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The Pupil Disciplinary Panel will consider and decide on the reinstatement of a suspended or 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 days out of school to more than 15 in a term; or
- It would result in a pupil missing a National Curriculum test or public examination

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, The Pupil Disciplinary Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, The Pupil Disciplinary Panel will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or exclusion would result in a pupil missing a public examination, the Pupil Disciplinary Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the Local Governing Committee (or the vice-chair where the chair

is unable to make this consideration) will consider the suspension or exclusion independently and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the Local Governing Committee 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

The Local Governing Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Pupil Disciplinary Panel can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, The Pupil Disciplinary Panel will consider whether the:

- 1: Suspension or exclusion was lawful, reasonable, rational and procedurally fair
- 2: Whether the Headteacher followed their legal duties.
- 3: The welfare and safeguarding of the pupil and their peers
- 4: Any evidence that was presented to the Local Governing Committee

They will decide whether or not a fact is true 'on the balance of probabilities.'

Minutes will be taken of the meeting, and a record of evidence kept which was considered. The outcome will also be recorded on the pupil's educational record and copies of relevant papers will be kept with this record.

The Pupil Disciplinary Panel will notify, in writing, the following stakeholders of its decision, along with 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

Where an exclusion is permanent, and The Pupil Disciplinary Panel has decided not to reinstate the pupil, the notification of the Pupil Disciplinary Panel decision will also include the following:

- The fact that it is permanent exclusion
- Notice of parents'/carers' 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
- The name and address to whom 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, reference to how the pupil's SEN are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the Trust to appoint an SEN expert to attend the review panel
- Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and they may also bring a friend to the review.
- That if parents/carers believe that the 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. 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

6. An independent review

If parents/carers apply for an independent review within the legal timeframe, the Trust will arrange for an independent panel to review the decision of the Local Governing Committee 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 Pupil Disciplinary Panel of its decision to not reinstate a pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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. At all times during the review process there must be the required representation on the panel.

- 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

- Current or former 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/director of the academy trust, or governing body 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 academy trust, or the governing board, 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 academy trust, school, governing board, parents/carers 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Local Governing Committee's decision
- Recommend that the Local Governing Committee reconsiders reinstatement
- Quash the Local Governing Committee'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.

7. 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/carers 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 Local Governing Committee 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.

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.

8. Returning from a Suspension

8.1 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.

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.

8.2 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.

9. 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

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.

This policy will be reviewed and approved by the Curriculum Committee of the Trust Board triennially unless there are earlier statutory or guidance changes.

10. Links with other policies

This exclusions policy is linked, where applicable, to the school's :

- Behaviour (pupil) policy
- SEND policy and information report
- Substance abuse policy
- Antibullying policy
- Acceptable internet usage policy
- Internet access policy
- Pupil code of conduct
- Admission agreement
- Racist incidents policy

Appendix 1: Independent review panel training

The academy 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, 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