

Suspensions and Permanent Exclusions Policy

Date Agreed with Trustees	December 2022
Review Date	December 2025

December 2022

Updated in line with DFE guidance and legislative changes in behaviour and suspension and permanent exclusions and DFE Behaviour guidance July 2022

Exclusions Policy

1. STATEMENT OF INTENT

- 1.1. Endeavour MAT believes that, in order to achieve its vision of success and fulfilment for every student and enable effective teaching and learning to take place, good behaviour and discipline in all aspects of school life are necessary. The decision to exclude a student, either permanently or for a fixed period of time, will therefore only be taken as a last resort and:
- In response to serious or persistent breaches of a School's Behaviour Policy
 - If allowing the student to remain in a School would seriously harm the education or welfare of the student or others in the school.
- 1.2. This policy has been written following the September 2022 guidelines outlined in the Department for Education '[Suspension and Permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)' and relates to the following legislation:
- The Education Act 2002, as amended by the Education Act 2011;
 - The School Discipline (Pupil Exclusion and Reviews) (England) Regulations 2012;
 - The Education and Inspections Act 2006; and
 - The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007.

2. Roles and responsibilities

- 2.1. The decision to exclude a student for either a fixed period of time or permanently from a School can and will only be taken by the Headteacher or, in their absence, a senior member of staff to whom they have delegated the authority to exclude. Where the exclusion is to be permanent, the decision will need to be discussed with the Chief Executive Officer of the Trust.
- 2.2. During a suspension, students should still receive their education. Headteachers should take steps to ensure work is set and marked for students during the first 5 days of suspension,

3. Deciding whether to suspend or permanently exclude a student

- 3.1. The decision to suspend or permanently exclude a student is a matter of judgement for the Headteacher, who will take into account the likely impact of the misconduct on the life of the School. This may include behaviour on the School premises, during School visits, residential activities and travelling to and from the School that is in breach of the standards of behaviour expected by the School.
- 3.2. The decision to suspend or permanently exclude a student must only be taken on disciplinary grounds and must be lawful, reasonable, fair and proportionate. Endeavour MAT will not discriminate against children on the basis of any of the

protected characteristics, such as race, gender, disability and will give careful consideration to the fair treatment of students from groups who may be vulnerable to exclusion, e.g. a child in care or with SEN

3.3. Before reaching a decision to suspend or permanently exclude, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the School's Behaviour and Discipline and Equal Opportunities Policies;
- allow the student to give his or her version of events;
- check whether the incident may have been provoked - for example, by racial or sexual harassment;
- take account of any contributing factors that are identified after an incident - for example, if a student has been subject to bullying, suffered a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including students with additional learning needs, children in care, students receiving free school meals and students from groups that are particularly vulnerable to the impact of suspension or permanent exclusion
- ensure compliance with statutory duties in relation to special educational needs and disabilities (SEND), including having regard to the SEN code of practice.
- consult others, including the CEO (if a permanent exclusion), being careful not to involve anyone who may have a role in any statutory review of his or her decision, - for example, members of the Local Governing Body's Discipline Committee;
- keep a written record of the actions taken, including any interview with the student. Witness statements must be dated and should be signed, wherever possible;
- ensure that the decision to exclude is made in line with the principles of administrative law - i.e. that it is:
 - o lawful (with respect to the legislation relating directly to exclusions and the School's wider legal duties)
 - o rational;
 - o reasonable;
 - o fair; and
 - o proportionate; and
- establish the facts in relation to the exclusion, applying 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'.

3.4. Informing Parties about a Suspension or Permanent Exclusions.

In all cases of suspension or permanent exclusion, the Headteacher must, without delay, notify parents of the period of the suspension or permanent exclusion the reason(s) for it. This should be done in person or by telephone in the first instance to give parents a chance to raise any questions or concerns. Parents should be advised

of the arrangements made to enable the student to continue their education prior to the start of any alternative provision or the student's return to school

3.5 The Headteacher must also, without delay, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion
- the period of a fixed-term suspension or the fact that it is permanent
- parents' right to make representations about the suspension or permanent exclusion to the Local Governing Body and how the student may be involved in this
- how any representations should be made
- where there is a legal requirement for the Local Governing Body to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend

3.6 Students' behaviour outside the School will be dealt with in the same way as behaviour inside the School, where it is considered that there is a clear link between the inappropriate behaviour outside the School, and maintaining good behaviour and discipline among students as a whole. Student behaviour in the immediate vicinity of the School or on the journey to and from the School may result in suspension

4. Permanent exclusions

4.1. Permanent exclusions will normally be used only as a last resort when other strategies have been exhausted.

4.1.1 In exceptional circumstances, where a serious breach of the School's Behaviour and Discipline Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO, to permanently exclude a student for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another student or member of staff;
- Sexual misconduct;
- Supplying an illegal drug, and the use of illegal drugs or substances within the school;
- Possessing an offensive weapon;
- Any severe form of bullying
- Any action resulting in a serious health and safety issue.

4.1.2 In cases where a criminal offence has taken place, the police and, where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the student may be informed.

4.1.3 Before making the decision to permanently exclude a student who is a 'Child in Care' the Headteacher will discuss with the appropriate 'home' Local Authority

Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

- 4.1.4 If the Headteacher decides to exclude a student permanently they will inform the Local Authority Exclusions Officer at the earliest possible opportunity. If the student lives outside the local authority area in which the School is located the Headteacher will also advise the student's 'home authority' of the exclusion without delay.

4.2. Procedures following a permanent exclusion

- 4.2.1 The Headteacher must, without delay, inform parents of the exclusion, in line with the guidance provided in section 3.5 above
- 4.2.2 The appropriate Local Authority will make suitable full-time education provision for the excluded student, to begin no later than the sixth day of the exclusion, which will be in the student's home authority. In the particular case of a 'Child in Care', the School and the Local Authority should work together to arrange alternative provision from the first day following an exclusion.
- 4.2.3 If alternative provision is being arranged, the following information must be included with this written notice where it can be reasonably established within the timescale:
- the start date of any provision of any full time education arranged for the student during the exclusion
 - the start and finish times of any such provision, including times of morning and afternoon sessions, where relevant
 - the address at which the provision will take place
 - any information required by the student to identify the person they should report to on the first day
- 4.2.4 Where it is impossible to provide information on alternative provision by the end of the afternoon session, it may be provided in a subsequent notice, but must be provided without delay and no later than 48 hours before the provision is due to start. The only exception 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' consent.
- 4.3.1 The appropriate Local Authority will make suitable full-time educational provision for the excluded student, to begin no later than the sixth day of the exclusion, in the student's home authority. In the particular case of a child in care, the School and Local Authority should work together to arrange alternative provision for the first day following an exclusion.
- 4.3.2 Where there are concerns about the behaviour, or risk of exclusion, of a student with additional needs, a student with an EHCP or a looked-after child, the school will, in partnership with other relevant parties, consider whether additional support or alternative placement may be required. This will include assessing the suitability of SEN provision and/or, where a student has an EHCP, consideration of a request for an early annual review or interim/ emergency review
- 4.3.3 The Headteacher will, without delay, notify the Local Governing Body via the Clerk to Governors and the Local Authority, and if the student has one, the social

worker of the decision to permanently exclude a student, including the reason for the exclusion.

4.3. Procedures for review and appeal of permanent exclusions

- 4.3.4 The Local Governing Body's Discipline Committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion, invite the following parties to attend and circulate to them any written evidence and information received, within five school days in advance of the meeting:
- Parents/carers and the student (subject to parents' / carers/ agreement). Parents/ carers are also entitled to bring a supporter or advisor (at their own expense)
 - the Headteacher;
 - CEO; and
 - a representative of the Local Authority (although this is not a requirement for academies, it is advisable as Endeavour MAT is an active participant in the local Inclusion Forum
 - If the student has a social worker, they may attend the meeting should they wish to
 - If the student is a child in care, the VSH (Virtual School Head) should also be informed of when the meeting is taking place so they can share information. The VSH can attend the meeting should they wish to.
- 4.3.5 During the meeting, The Local Governing Body's Discipline Committee will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the School.
- 4.3.6 The Governing Body Disciplinary Committee will make reasonable adjustments to support the attendance and contribution of parties at the meeting. – e.g. where a parent or student has a disability in relation to communication or mobility that has an impact on their ability to make representations
- 4.3.7 If the exclusion would result in the student missing a public examination or national curriculum test, governors must if possible consider the exclusion before the date of the examination or test. If this is not possible, the exclusion may be considered by a smaller sub-committee. In such cases parents still have the right to make representations to the governing body and must be made aware of this right.
- 4.3.8 During the meeting, the Governing Body Disciplinary Committee will consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school.
- 4.3.9 The Local Governing Body Disciplinary Committee, when establishing the facts in relation to the exclusion, 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'. In light of their consideration, the Governing Body Disciplinary Committee can either:

- uphold the exclusion; or
- direct reinstatement of the student immediately or on a particular date.

4.3.10 The Local Governing Body Disciplinary Committee is legally required to notify the parents/carers, the Headteacher and the Local Authority of its decision, and the reasons for the decision, in writing and without delay.

4.3.11 The Local Governing Body Disciplinary Committee will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing.

4.3.12 If parents/carers apply for an Independent Review Panel within the legal time frame, Endeavour MAT will contact the Local Authority or other independent co-ordinator, to arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Local Governing Body not to reinstate a permanently-excluded student.

4.3.13 Parents may also submit any claims of discrimination to the First-Tier Tribunal (Special Educational Needs and Disability), in relation to disability, or the County Court, for all other forms of discrimination. Such claims may be made up to six months after the discrimination is alleged to have occurred and parents must be made aware of this right. Records and evidence relating to an exclusion will, where practicable, be retained for at least six months in case such a claim is made.

5. Drug, alcohol and solvent misuse related exclusions -

5.1. The precise circumstances of the offence and the evidence available will be carefully considered before a decision is made whether to:

- Permanently exclude;
- Issue a fixed-term exclusion; or
- Seek a managed move.

5.2. In general, the following guidelines will apply:

Students found in possession of illegal drugs covered by the Misuse of Drugs Act 1971 will be suspended for five days or more in the first instance. The police and social services will be informed and any substances handed to the police. A permanent exclusion will result for any further incident.

Any pupil attempting to supply illegal drugs covered by the Misuse of Drugs Act and / or drugs not being used in accordance with any officially issued prescription will be permanently excluded from the school. The police and social services will be informed and any substance handed to the police.

Students involved in solvent misuse (including the possession of corrosive substances such as acid) will be excluded from the school for three days or more in the first instance, with re-admittance following parental interview and permanently for any further incident.

Students attending school under the influence of drugs will be excluded with the tariff linked to the extent of disruption and harm caused to themselves and others.

Students are not permitted to bring alcohol for personal consumption on the school site and students found to be inebriated or in possession of alcohol will need to be collected by parents/carers and will receive a fixed term exclusion in the first instance. Further incidents or any attempt to engage others in alcohol consumption is likely to result in permanent exclusion.

6. Fixed-term suspensions

- 6.1.1 The Headteacher may exclude a student for up to 45 days in any one academic year. Generally, suspension will be for one to three days. No suspension will be given for an unspecified period of time, or imposed on an informal basis – e.g. by sending a student home to ‘cool off’
- 6.1.2 A fixed-term suspension cannot be extended or converted into a permanent exclusion. Instead, a separate fixed term suspension or permanent exclusion must be imposed. If a student is suspended for a further period, or subsequently excluded permanently, the Headteacher must inform parents without delay and issue a new exclusion notice to them.
- 6.1.3 A suspension, which does not bring the student’s total number of days of suspension to more than five in a term (two half terms), will be considered by the LGB Disciplinary Committee at the request of a parent/carers; however, it cannot direct reinstatement and it is not required to arrange a meeting with parents/carers.
- 6.1.4 If a student is suspended for more than five days (but not more than 15) in a single term (two half terms), the LGB Disciplinary Committee will consider the reinstatement of the student, if requested to do so by the parent/carers, within 50 school days of receiving the notice of the suspension.
- 6.1.5 If a student is suspended for 15 days or more in one term (two half terms), the LGB Disciplinary Committee will meet to consider the reinstatement of a student within 15 school days of receiving notice of the suspension.
- 6.1.6 If, as a result of a suspension, the student will miss a public examination, the Local Governing Body’s Discipline Committee will meet to consider the exclusion before the date of the examination or test. If it is not possible for the Local Governing Body Disciplinary Committee to meet, the Chair of the Local Governing Body may consider the suspension independently and decide whether or not to reinstate the student.

- 6.1.7 A summary of the Local Governing Body's duties to review suspension decisions is shown in Appendix A.
- 6.1.8 Where a student has received multiple suspension or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.
- 6.1.9 When excluding a student who is a 'Child in Care', the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed along with the Virtual Schools Head (VSH)

6.2. Procedures following a fixed-term suspension

- 6.4. 1 The Headteacher will ensure that the parent/carer is informed of the suspension and the reasons for it. The student will need to be collected from school by a responsible adult. The Headteacher may delegate notification of parents/carers to a member of the School Senior Leadership Team.
- 6.4. 2 The Headteacher will inform the parent/carer, in writing, of the period of the suspension and the reasons for it. During this process, the School will ensure that the parent/carer is informed of their duties in the first five days. Every effort will be made by the Headteacher to ensure that parents/carers understand the content of any written communication, taking into consideration learning needs and circumstances in which English may not be their first language;
- 6.4. 3 The Headteacher will ensure that a copy of the letter and any supporting paperwork is submitted to the relevant Local Authority;
- 6.4. 4 Where the exclusion is for a period of between one and five days, the School will take reasonable steps to set work; this may include using online resources, either produced by the Oak National Academy or the school's own resources
- 6.4. 5 Where a student is given an exclusion of six school days or longer, the School will arrange suitable alternative educational provision from and including the sixth day. This refers to the **total number of days of suspension, including if it covers more than one separate period**
- 6.4. 6 During the period of exclusion, the School will consider strategies to address the student's problems and identify any support that may be necessary to promote a successful reintegration;
- 6.4. 7 The parent/carer has the right to make representations about the exclusion to the Governing Body Disciplinary Committee;
- 6.4. 8 Should any parent/carer refuse to comply with the terms of an exclusion, the School may notify Social Services and the police if, in the Headteacher's view, the student or any other person

may be at risk as a result of a failure to meet the terms of the exclusion. If the issues cannot be resolved, the school will inform the Local Authority Education Welfare Service.

- 6.4.9 The Headteacher will ensure that for children who have a social worker, a copy of the letter is shared with the social worker and Virtual School's Head (VSH) if the child has one. If the pupil is a child in care they must also notify the local authority of the arrangements of any alternative provision during the suspension period or permanent exclusion

6.3. Lunchtime Exclusions

- 6.3.1 Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. Any lunchtime suspension will be treated in the same way as any other fixed term suspension and parents will be informed in the same way. A lunchtime suspension will be treated as a half-day for reporting purposes as well as for the purposes of determining whether governor involvement is required. Any student requiring a free school meal will be offered a packed lunch

6.4. Lunchtime Exclusions

- 6.4.1 A reintegration meeting with parents/carers will be held during or following the expiry of all fixed-term exclusions. The student should normally attend all or part of the meeting.
- 6.4.2 Upon return from fixed-term exclusion, an action plan will be discussed, agreed and signed by the student, parents/carers and the School. This will identify the issues leading to the exclusion and outline a clear set of expectations for a smooth and successful reintegration. A range of additional strategies and resources to support the reintegration process may be identified.
- 6.4.3 A fixed-term exclusion will not be extended because a meeting with parents/carers cannot be arranged, nor because a parent/carer refuses to sign a Pastoral Support Plan. In the event that a meeting with parents/carers cannot be arranged, the meeting will still be held with the student and an appropriate adult. The School will keep a record if parents/carers fail to attend and any reason given.

6.4. Other considerations

- 6.4.1 The School will implement its Behaviour Policy with due regard to the principles of administrative law, including the Equality Act 2010, the Special Educational Needs and Disability Act 2001, the Race relations (Amendment) Act 2000, the Human Rights Act 1998 and other relevant legislation
- 6.4.2 The School will be sensitive to the needs of 'Children in Care' when excludable incidents occur. Professional advice will always be sought and Social Services will be informed at the earliest opportunity.
- 6.4.3 Endeavour MAT does not authorise the use of unlawful 'informal' or 'unofficial' exclusions where students are sent home, even with the agreement of their

parents/carers, for a 'cooling off' period. Any exclusion of a student must be formally recorded.

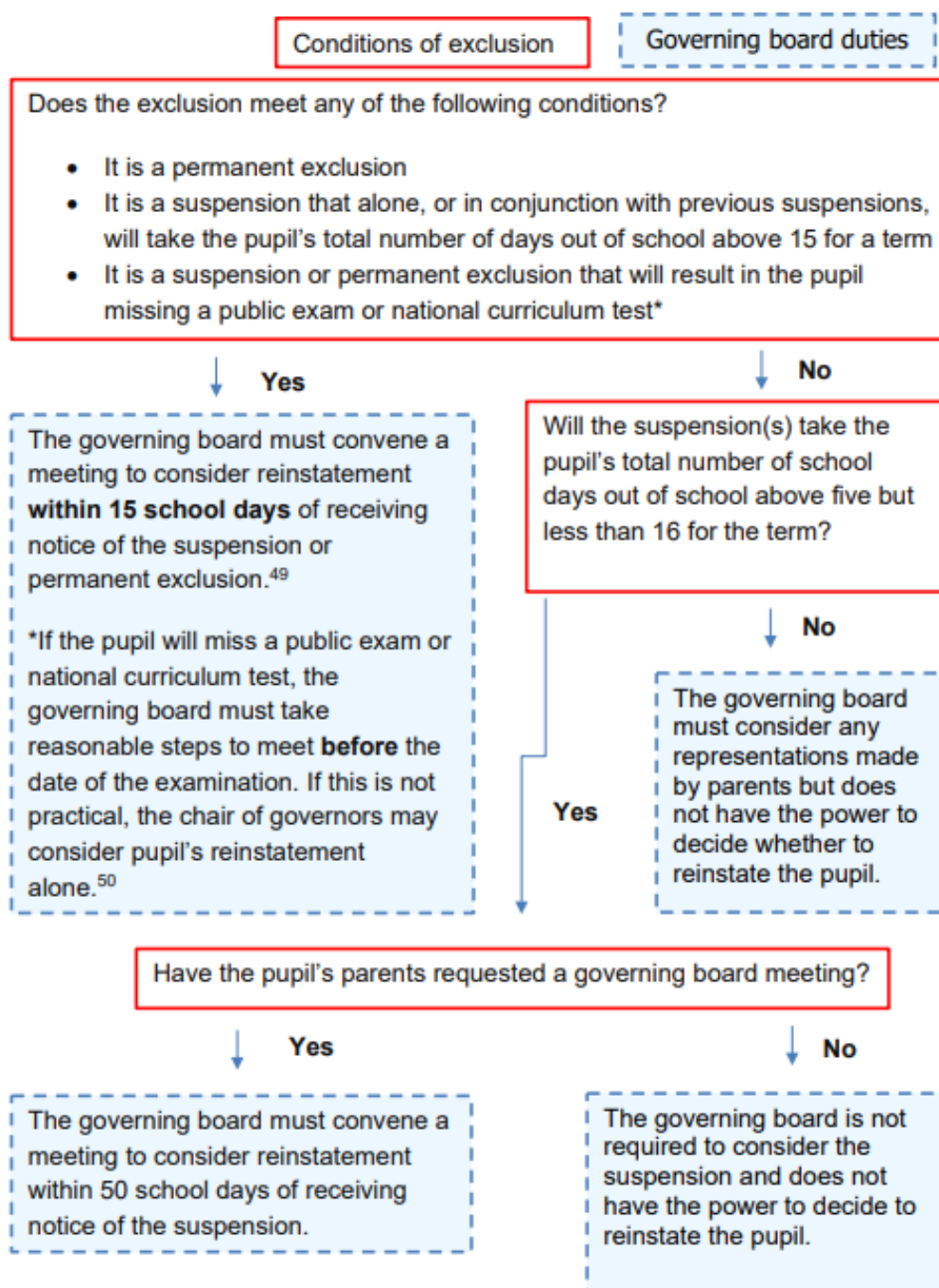
6.5. Alternatives to exclusion

- 6.5.1 Endeavour MAT is committed to using exclusion only as a last resort. Alternatives will always be considered and may include:
- restorative justice processes;
 - inclusion with use of safe space; and/or
 - a managed move, in line with the locally-agreed protocol.
- 6.6.2 Trust Schools are participants in their local Inclusion Forums and will access expertise and resources available through the local Forum to minimise exclusions. A referral to the Forum will be made prior to any permanent exclusion being actioned.
- 6.6.3 No student will be excluded for:
- minor incidents - e.g. failure to do homework;
 - poor academic performance;
 - lateness or truancy;
 - pregnancy;
 - breaches of the School's uniform rules, except where these are persistent and/or in open defiance of the rules; or
 - the behaviour of their parents/carers - e.g. parents'/carers' refusal or inability to attend meetings to discuss the behaviour of the student.

6.7. Procedures for review and appeal of fixed-term exclusions

- 6.7.1 Trustees will make provision for arrangements to review promptly all fixed-term exclusions totalling over 15 days in a term (two half terms). Where exclusion is more than five, but not more than 15 school days in one term, the Local Governors will review the exclusion, within the statutory time frame, but only if the parent or carer requests such a meeting.

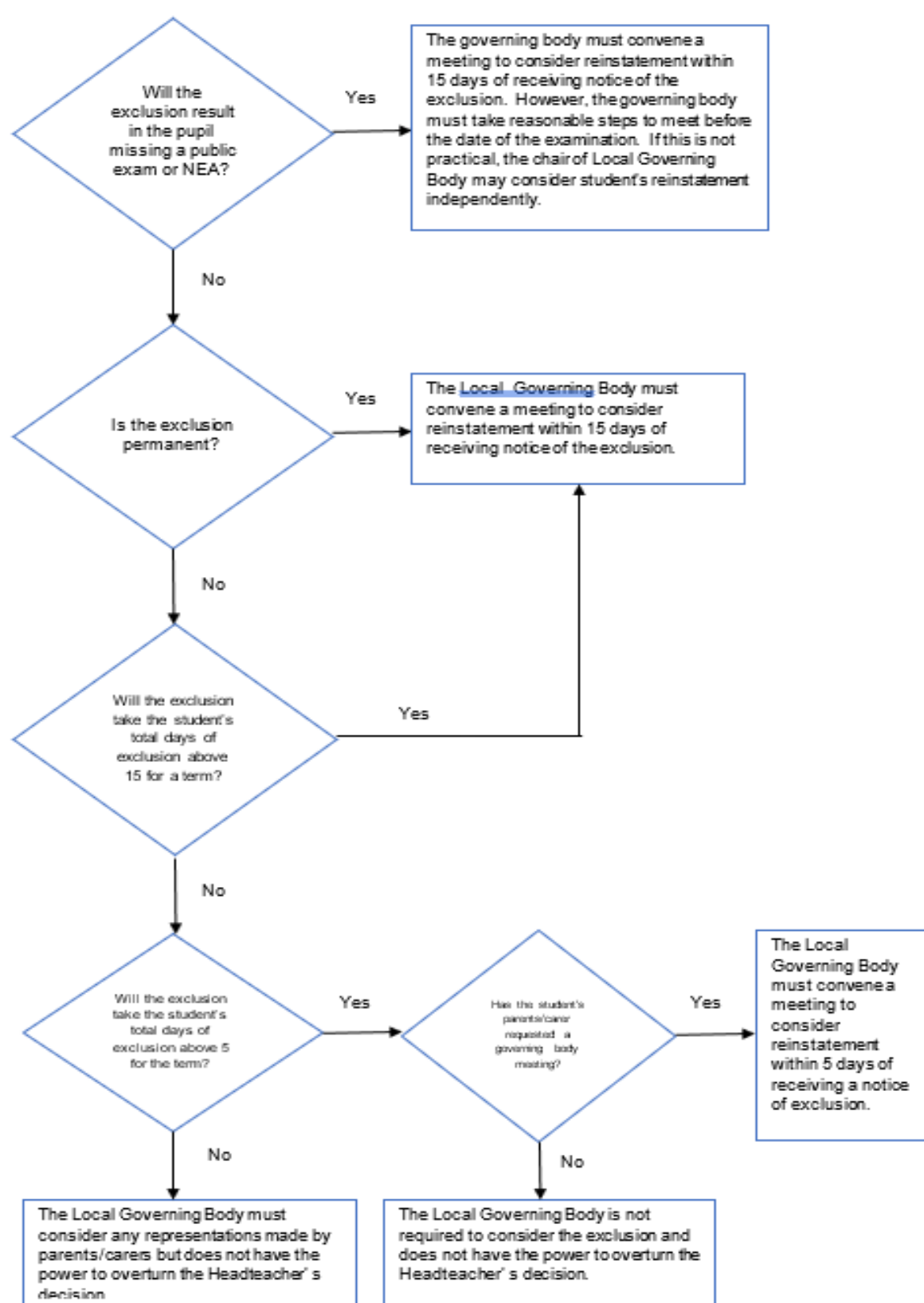
A summary of the governing board's duties to review the headteacher's exclusion decision



Appendix B – Further Information

Guidance	Link
Behaviour in Schools	<ul style="list-style-type: none"> • Behaviour in Schools
Governance handbook and competency framework	<ul style="list-style-type: none"> • Governance Handbook
Alternative Provision	<ul style="list-style-type: none"> • Alternative Provision: Statutory guidance for local authorities, as well as headteachers and governing bodies of settings providing alternative provision Education for children with health needs who cannot attend school
Mental health in schools	<ul style="list-style-type: none"> • Mental health and behaviour in schools
Children with Special Educational Needs and Disabilities	<ul style="list-style-type: none"> • SEND Code of Practice: 0 to 25 years • Children with special educational needs and disabilities (SEND): Overview
Departmental Advice on attendance	<ul style="list-style-type: none"> • School attendance guidance
Departmental Advice on safeguarding and child protection	<ul style="list-style-type: none"> • Keeping children safe in education • Children Missing Education • Working Together to Safeguard Children
Departmental Advice on Promoting the education of looked-after and previously looked-after children	<ul style="list-style-type: none"> • Promoting the welfare of looked-after and previously looked-after children • Adverse Childhood Experiences training and resources (funded by the Home Office) • The designated teacher for looked-after and previously lookedafter children
Sharing and publishing information	<ul style="list-style-type: none"> • School to school service: how to transfer information • What maintained schools must publish online • What academies, free schools and colleges should publish online

Appendix C



Reference to days means 'school days'.