



# SCHOOL SUSPENSIONS AND PERMANENT EXCLUSIONS POLICY

This is a Category 1 Policy (Full Delegation)

This policy is in force until further notice from:

Spring 2023

This policy must be reviewed by no later than\*:

# SCHOOL SUSPENSIONS AND PERMANENT EXCLUSIONS POLICY

There are three types of suspension and exclusion:

Permanent exclusion

- This means that the child is excluded permanently and is taken off the school roll.

Suspension (previously Fixed term exclusion)

- A suspension is for a set number of school days, between one and 45 days in an academic year.

Lunchtime suspension

- This type of suspension is used to exclude a pupil for the lunchtime period only. A lunchtime suspension is treated as equivalent to half a school day.

## Statement of intent

At Avanti Schools Trust we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, our schools recognises that the suspension or suspension or exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behavioural Policy. Excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

This policy defines the legal responsibilities of the Principal, SSC and LA when responding to pupil suspensions and suspension or exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been suspended or suspend or excluded, by ensuring that appropriate arrangements are in place.

## 1. Legal framework

- 1.1. This policy has due regard to the related statutory legislation including, but not limited to, the following:

Education Act 2002

The School Discipline (Pupil Suspension or exclusions and Reviews) (England) Regulations 2012

Education and Inspections Act 2006

Education Act 1996

The Education (Provision of Full-Time Education for Suspend or excluded Pupils)(England) Regulations 2007

The European Convention on Human Rights (ECHR)

Equality Act 2010

1.2. This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

DfE (2022) 'School suspensions and permanent suspension or exclusions'

DfE (2016) 'Behaviour and discipline in schools'

DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'

DfE (2018) 'Mental health and behaviour in schools'

1.3. This policy will be implemented in conjunction with the following policies and procedures:

Anti-Bullying Policy

Special Educational Needs and Disabilities (SEND)

Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.

Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.

Adhering to its responsibilities to consider the reinstatement of pupils.

Considering the interests and circumstances of the suspended or suspend or excluded pupil, including the circumstances in which they were suspended or suspend or excluded, and have due regard to the interests of others at the school.

Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to a suspension or exclusion.

Ensuring clear minutes are taken of the representation meeting.

Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.

Notifying the pupil's parents, the Principal and LA of its decision and the reasons for it, without delay.

Where appropriate, informing parents of where to apply for an independent review panel.

Informing parents of relevant sources of information.

Ensuring a pupil's name is removed from the school admissions register, where appropri

Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.

Reviewing the effectiveness of suspension or exclusions as a sanction, e.g. if a pupil has received multiple suspension or exclusions or is approaching the legal

Verbal and physical abuse

Constant disruption

A single, serious and major incident, e.g. serious assault on another individual leading to injury

- 3.3. Pupils can be suspended on a fixed-period basis, i.e. up to 45 school days within a year, or permanently. Similarly, pupils can be permanently suspended or excluded following a suspension, where further evidence is presented.
- 3.4. In all cases, the Principal will decide which suspension or suspension or exclusion period a pupil will be subject to, depending on what the circumstances warrant.
- 3.5. The school has the power to direct a pupil off-site to improve their behaviour.
4. The Principal's power to

4.9. At all times, the Principal

5.6. In accordance with the Equality Act 2010, under no circumstances



6.5.



- 9.8. If it is not practicable for a sufficient number of SSC to consider the decision before the examination, the chair of SSC will consider the suspension or exclusion alone and decide whether or not to reinstate the pupil.
- 9.9. In light of the above, the SSC will also consider whether it would be appropriate to allow the suspend or excluded pupil to enter the premises to take the examination.
- 9.10. When considering the reinstatement of an suspend or excluded pupil, the SSC will:

Only discuss the suspension or exclusion with the parties present at the meeting.

Ask for any written evidence prior to the meeting.

Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.

Allow pupils and parents to be accompanied by a person of their choice to the meeting.

Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.

Identify the steps needed to enable and encourage the suspend or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.

Consider the interests and circumstances of the suspend or excluded pupil, including the grounds for suspension or exclusion.

## 10. Reaching a decision

- 10.1. After considering suspension or exclusions, the SSC will either:

Decline to reinstate the pupil.

Direct the reinstatement of the pupil immediately, or on a specified date.

- 10.2. If reinstatement would make no practical difference, e.g. if the pupil has alreadyC3479(et)-ur57 453.19 T0 G

considered.

Ask all parties to withdraw from the meeting before concluding their decision.

Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the Principal's legal duties and any evidence that was presented to the SSC in relation to the decision to suspend or exclude.

Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.

Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

## 11. Notification of considered suspension or exclusions

11.1. The SSC will notify the parents of the suspend or excluded pupil, the Principal and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

11.2. In the case of a permanent suspension or exclusion, where the SSC decides not to reinstate the pupil, they will notify the parents:

That it

12. Removing permanently suspend or excluded pupils from the school register

12.1. The Principal will remove pupils from the school register if:

15 school days have passed since the parents were notified of the SSC's decision not to reinstate the pupil and no application for an independent panel review has been received.

The parents have stated in writing that they will not be applying for an independent panel review following a permanent suspension or exclusion.

12.2. If an application for an independent panel review has been made within 15 school days, the Principal will wait until the review has been determined, or abandoned, and until the SSC has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

12.3. If a pupil's name is to be removed from the register, the Principal will make a return to the LA, which will include:

All the particulars which were entered in the register.

The address of any parent with whom the pupil normally resides.

The grounds upon which the pupil's name is to be removed from the register.

12.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than

A current or former school governor who has served for at least 12 consecutive

14.8.





18.3. Following the review, the panel will do one of the following:

Uphold the decision.

Recommend that the SSC reconsiders reinstatement.

Quash the decision and direct that the SSC reconsiders reinstatement.

18.4. The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents, the SSC, Principal, and the LA.

### 19. Reconsidering reinstatement following a review

19.1. Where the independent review panel instructs the SSC to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

19.2. [Maintained schools only] The school is aware that if, following an instruction to reconsider, the SSC does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

[Academies only] The school is aware that if, following an instruction to reconsider, the SSC does not offer to reinstate the pupil, then the school will be required to make a payment of £4,000 directly to the LA area in which the school is located.

19.3. Where the independent review panel recommends that the SSC should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

19.4. The school is aware that if, following a recommendation to reconsider, the SSC does not offer to reinstate the pupil, it will not be subject to a financial adjustment.

19.5. If, following reconsideration, the SSC offers to reinstate the pupil but the parents decline, no adjustment will be made

20.3. If the SSC is required to consider the Principal's decision in these circumstances, they will not postpone the meeting and will make a decision

