

## Exclusions and Fixed-term Suspensions Policy

### The Suspension or Permanent Exclusion of a Pupil from a Trust School

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#### 1. Introduction

This policy covers the management and administration of exclusions across schools in the Bath and Wells Multi Academy Trust (The Trust). It is strongly recommended that this policy is read in conjunction with the School Behaviour Policy, Alternative Provision Procedure, the Trust’s Equalities Policy and Equality Objective Plan and the guidance set out in the Department for Education [Suspension and Permanent Exclusion guidance September 2023](#) along with its companion document “[Behaviour in schools 2022](#)”. Paper copies may be requested from the School Office.

The Trust strives to ensure that each of its schools present a safe and enjoyable place in which to learn, encompassing equality and diversity throughout the school community. It is expected that teachers, young people, children and parents/carers will work together with integrity, respect and in harmony in order to grow and maintain this culture.

Behaviour which breaches the requirements of the School Behaviour Policy will not be accepted and consequently there may, regretfully, be occasions when a pupil(s) must be excluded from their school. A pupil’s behaviour outside of school can also be considered grounds for suspension or permanent exclusion.

The decision to suspend a pupil for a fixed period of time or to permanently exclude a pupil, will only be taken as a last resort and:

- In response to serious or persistent breaches of the school’s Behaviour Policy
- If allowing the pupil to remain in the school would seriously harm the education or welfare of another pupil or pupils in the school.

The Headteacher is the only member of staff in a school who can decide to suspend or permanently exclude a pupil from the premises.

This policy has been written following the 2023 guidelines outlined in the Department for Education 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;
- The Education Act 1996; and
- 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

<https://www.gov.uk/government/publications/school-exclusion>

Please note: specific guidance for Head Teachers at the back of this document (Annex B).

The Department for Education's Guidance for parents is available at: [School exclusions: guide for parents - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/school-exclusions-guide-for-parents)

## 2. Decision Making:

**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 Policy and the Trust's Equality Policy;
- allow the pupil to give their version of events;
- check whether the incident may have been provoked for example, by bullying or other harassment in relation to a Protected Characteristic (as set out in the Equality Policy);
- take account of any contributing factors that are identified after an incident for example, if a pupil has been subject to bullying (even if not immediately prior to the incident), suffered a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including pupils with additional learning needs, 'Children in Care' and previously Looked After Children;
- consider whether exclusion would be consistent with other decisions made in response to similar breaches of the behaviour policy, and if not, be clear about the mitigating circumstances which justify the different decision.
- consult others where appropriate (**whilst not using the pupil's name**), including the ADE, 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 Committee's Discipline Committee;
- keep a written record of the actions taken, including any interview with the pupil, discussion with parents/carers, and record on CPOMs. Witness statements must be dated and should be signed, wherever possible;
- establish the facts in relation to the suspension or 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'
- ensure that the decision to exclude is made in line with the administrative law i.e. that it is:  
**Lawful (with respect to the legislation relating directly to exclusions and the school's wider legal duties, including the European Convention of Human Rights);**  
**Rational;**  
**Reasonable;**  
**Fair; and**  
**Proportionate**

No Trust school may use 'informal' or 'unofficial' suspensions where pupils are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any suspension of a pupil must follow the formal process in order to be lawful.

The Headteacher is responsible for the safeguarding of all pupils on roll during the school day. The only times they are not responsible are:

- During authorised absences, e.g. if the child is ill and has been kept at home or is attending a medical appointment; or
- During a formal exclusion when the responsibility goes to the parents/carers.

Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or member of staff at the school as an alternative to exclusion.

### 3. Alternatives to Exclusion

Our schools are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process (Local Authority Front Door to services), working with external agencies and parents/carers to provide support through a Single Assessment for Early Help (SAFeH) and person centred planning approach;
- restorative justice processes;
- the use of the 'alternatives to suspension and exclusion checklist' and support from the Local Authority Pupil Referral Unit outreach where appropriate;
- Regulation and reflection space (where appropriate, in line with school's Behaviour Policy);
- Another sanction in school, in line with school behaviour policy – (this could include an internal isolation if part of your behaviour policy);
- Access to the Local Authority Behaviour panel (or similar), external agencies such as an Educational Psychologist and statutory SEND services (Please see SEND Key Contacts posters);
- A managed move (only where a pupil is at risk of permanent exclusion), in line with the locally -agreed protocol (contact Local Authority for their locally agreed protocols).

### 4. Suspension (Fixed Term Exclusion)

**In this section "a Term" means a full term, ie Autumn, Spring or Summer.**

Suspension may be used to provide a clear signal of what is unacceptable behaviour as part of a school's behaviour policy. The Headteacher may suspend a pupil for up to a maximum of 45 days in any one academic year. No suspension may be given for an unspecified period of time.

A suspension does not have to be for a continuous period and can be for parts of the school day.

The law does not allow for extending a Suspension or 'converting' a Suspension to a Permanent Exclusion. In exceptional cases, usually where more evidence has come to light indicating more serious breach of the Behaviour Policy, or indicating further breaches, a further Suspension or a Permanent Exclusion may be issued relating to the same incident. Before issuing a further Suspension or Permanent Exclusion the Headteacher should follow the same process set out above, ensuring that the Pupil and their Parents / Carers are given the opportunity to respond to the new evidence and taking into account the same questions and considerations.

It is important that during a Suspension pupils still receive their education. Headteachers should take steps to ensure that work is set and marked for pupils during the first five school days of a Suspension. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support a pupil with a disability or SEN during this period.

#### **Procedures for review and appeal of suspensions**

##### **Suspensions of up to 5 days in a Term.**

In this Section, a "Term" means a full term, ie Autumn Term, Spring Term or Summer Term.

A Suspension which does not bring the pupil's total number of days of suspension to more than five in a term will not usually be reviewed by the Local Governing Committee Disciplinary Committee unless a written request is submitted by a parent/carer within 50 school days of receiving the notice of the Suspension. If such a request is received, the Disciplinary Committee will review the Suspension but cannot direct reinstatement, because of this the parents and others eg. social worker, virtual school head are not invited to attend

### **Suspensions of more than 5 days but not more than 15 days in a Term.**

If a pupil is suspended for more than five days (but not more than 15) in a single Term, the Local Governing Committee Disciplinary Committee will review the suspension if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the Suspension. In such cases the Committee *may* direct the reinstatement of the pupil.

### **Suspensions of more than 15 days in a Term.**

If a pupil is suspended for 15 days or more in one Term, the school's Disciplinary Committee will meet to consider the reinstatement of a pupil as soon as reasonably practical and in any event within 15 school days of the suspension.

### **Suspensions during Public Exams.**

If, as a result of a suspension, the pupil will miss a public examination or National Curriculum test, the Disciplinary Committee will meet to consider the suspension before the date of the examination or test. If it is not possible for the Disciplinary Committee to meet, the Chair of the Local Governing Committee may consider the exclusion independently and decide whether or not to reinstate the pupil.

### **Cancellation of Suspension by Headteacher**

A Headteacher may cancel an exclusion as long as the decision has not been considered by the Disciplinary Committee (or Chair of the Local Governing Committee in the case of a public examination). In relation to an exclusion, it cannot be cancelled if the total time the pupil was excluded or suspended that academic year would be over 45 days at the point of the decision to cancel the exclusion.

If this occurs, parents, the Local Governing Committee and the local authority should be notified immediately by the Headteacher, and if relevant, the social worker and VSH (see paragraph 13 of DfE statutory guidance about the actions that should take place after an exclusion has been cancelled).

### **Review Flowchart**

A summary of the suspension and exclusion process and the Local Governing Committee's duties to review exclusion decisions is shown in the flowchart, Appendix A.

### **Pupils approaching 45 day limit**

Where a pupil has received multiple suspensions or is approaching the legal limit of 45 days the Headteacher will consider whether suspension is providing an effective sanction.

### **Suspension of a Child in Care**

When suspending a pupil who is, or was previously, looked after by Local Authority ("a Child in Care"), the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed immediately, contacting the pupil's social worker and Virtual School Headteacher (VSH).

## **5. Permanent exclusions**

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

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Headteacher might consider it appropriate, having consulted with the CEO/Director of Education and Local Authority statutory services, to permanently exclude a pupil for a first or one-off incident. Such circumstances might include peer on peer abuse so serious that it amounts to criminal behaviour (or would do were the child old enough to have criminal responsibility) and were the child

to return to school the other child or children involved could not reasonably be expected to feel safe.

A Headteacher should, as far as possible, avoid excluding permanently any pupil with an Education and Health Care Plan (“EHCP”) or a ‘Looked After Pupil’. Before making the decision to permanently exclude a pupil who is a ‘Looked After Pupil’, the Headteacher must discuss with the appropriate ‘home’ Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a pupil permanently they will inform the Local Authority immediately. If the pupil lives outside the Local Authority area in which the school is located the Headteacher will also advise the pupil’s ‘home authority’ of the exclusion without delay.

### **Review of Permanent Exclusion**

Following permanent exclusion, the Disciplinary Committee is required to review the Headteacher’s decision. This review is to be carried out within 15 school days of the exclusion.

The school must provide the Disciplinary Panel (a panel of a minimum of three governors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer, Director of Education and an invited Local Authority representative should also receive all this information. The governor review meeting is a formal meeting and must be taken seriously. This meeting will be Chaired by one of the panel of three governors.

From day six of a permanent exclusion the Local Authority becomes responsible for the pupil’s education. This will be organised through a Pupil Referral Unit (PRU). A placement in a Pupil Referral Unit is not supposed to be long term. An assessment will be carried out and the Local Authority will support the pupil to address the issues which lead to the permanent exclusion.

Following any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. (Paragraph 8 of DfE guidance provides further guidance on utilising online pathways and the potential significance of SEND law)

## **6. Process for notification of a suspension of more than five consecutive days**

A Headteacher must, without delay, notify the Local Governing Committee and the Local Authority of:

- a permanent exclusion (including where a suspension is made permanent)
- suspensions which would result in the pupil being suspended for more than five school days (or more than ten lunchtimes) in a term
- suspensions which would result in the pupil missing a public examination or national curriculum test

## **7. Procedures for review and appeal of permanent exclusions**

The Local Governing Committee Discipline Committee will consider the reinstatement of an excluded pupil 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;
- the Headteacher;
- An invited representative of the Local Authority

During the meeting, the Disciplinary Committee will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The 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 Disciplinary Committee can either:

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

The Disciplinary Committee are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The 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. The Independent Review Panel is only used to appeal permanent decisions, and cannot be pursued to appeal suspensions.

If parents/carers apply for an Independent Review Panel within the legal time frame, the Local Governing Committee/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Disciplinary Committee not to reinstate a permanently excluded pupil. Further information on the IRP process is available in:

[Suspension and Permanent Exclusion guidance.](#)

Any governor review of a suspension or exclusion decision (eg. Disciplinary Committee) and/or an IRP meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease. In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations. Further information about remote meetings is available in Part 11 of the [Suspension and Permanent Exclusion guidance September 2023 \(publishing.service.gov.uk\)](#)

## 8. "Managed Move"

A managed move may be arranged where a pupil is at risk of permanent exclusion and should be considered as an alternative to a permanent exclusion. Under the Fair Access Protocol, the Local Authority will identify another school able to accept the Pupil who will then attend that school for an agreed period of time.

In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

For a managed move to take place there needs to be agreement between the School, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the pupil will attend the new school for a fixed period as a direction off-site to ensure that the new school would be suitable for them. We will share relevant information with the new school and check that they have an integration strategy. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

## 9. “Off Rolling”

Off-rolling is the practice of removing a pupil from the school roll without a formal, permanent exclusion or managed move. Off-rolling includes encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school but may not be in the best interests of the pupil. All Headteachers and governors and governors must follow policy robustly, with the best interests of the child at the heart of all we do. We do not tolerate “off rolling”, which is unlawful. The threat of exclusion must never be used to influence parents/carers to remove their child from the school.

A “managed move”, strictly in accordance with the Local Authority’s policy and procedure, is the only acceptable alternative to permanent exclusion which may be encouraged by the school.

## 10. Equality and Exclusions

The Trust and all of our schools has a duty to monitor the impact of our policies and procedures on those with Protected Characteristics listed in the Equalities Act. All schools within the Trust should review, at least annually, whether any group with a Protected Characteristic is disproportionately affected by exclusion (suspension or permanent), including “managed moves”, and consider what positive action might be taken to address that imbalance.

### **LA contacts for suspensions and exclusion notification**

**Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded. If a pupil has an EHCP, before any decision to exclude is taken, the Headteacher should contact the Local Authority SEND team to discuss and call a Team Around the Child meeting.**

### **North Somerset**

For Primary aged pupils: [Liz.gilmour@n-somerset.co.uk](mailto:Liz.gilmour@n-somerset.co.uk) and copy in [Jaida.aldred@n-somerset.gov.uk](mailto:Jaida.aldred@n-somerset.gov.uk)  
Team Manager, Inclusion and Post 16 Participation

### **B&NES**

[Caroline Dalton@BATHNES.GOV.UK](mailto:Caroline.Dalton@BATHNES.GOV.UK) Alternative Learning Manager

### **Somerset**

Gemma Thorne – Sedgemoor – [gthorne@somerset.gov.uk](mailto:gthorne@somerset.gov.uk)

Gemma Thorne – Mendip – [gemma.thorne@mendip.gov.uk](mailto:gemma.thorne@mendip.gov.uk)

Faith Davis – Taunton & West – [fdavis@somerset.gov.uk](mailto:fdavis@somerset.gov.uk)

Sharon Clarke – South Somerset – [sclarke@somerset.gov.uk](mailto:sclarke@somerset.gov.uk)

If a child has an EHCP, please also contact: Gemma Reeves [gemma.reeves@somerset.gov.uk](mailto:gemma.reeves@somerset.gov.uk)

