

Suspension and Permanent Exclusion Policy

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| Policy Reviewed: | Autumn 2024 |
| Next Review: | Autumn 2025 |

This policy should be read in conjunction with the behaviour policy

“Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. 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”¹.

Suspensions or exclusions of any kind are rare at Brook Sixth Form and Academy but, when it is appropriate to suspend or permanently exclude a pupil² from the school, it is done so based on the statutory guidance issued by the Department for Education (DfE) which is summarised in this policy. Suspensions or Permanent Exclusions are reserved for serious offences in school or for a continued pattern of other offences. The behaviour of students outside school can also be considered as grounds for suspension or permanent exclusion. Reference should be made to the Brook Sixth Form and Academy Behaviour Policy for specific detail.

Principal

The Principal is the only person with the power to suspend or permanently exclude a student from the school. When establishing the facts in relation to a suspension or a permanent exclusion decision, the Principal must apply the civil standard of proof, i.e. ‘on the balance of probabilities’ which means that it is more likely than not that a fact is true. This should be applied rather than the criminal standard of ‘beyond reasonable doubt.’ “The decision must be lawful; reasonable; fair; and proportionate.” The Principal has the power to cancel an exclusion if it has not been reviewed by Governing Board.

Governing Body

The governing board reviews and approves the Brook Sixth Form and Academy Behaviour Policy on an annual basis. The Principal has the delegated authority to implement this policy and may, should the need arise, consult with the Chair of the governing board regarding the policy’s implementation. The Chair of the

¹ DfE Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. August 2024

² Term pupil is used by the DfE and adopted in this policy. Brook 6th Form & Academy usually uses the term student

governing board is required to ensure that there are clear processes in place for considering suspensions and exclusions and to ensure the school complies with its legal duty to arrange suitable full-time education from the sixth day of a suspension or a permanent exclusion. The Principal must inform the governing board of all suspensions and permanent exclusions. However, if the Chair of the governing board has been consulted concerning the Principal's consideration of a suspension or permanent exclusion that subsequently leads to the convening of the Suspensions and Permanent Exclusions Committee, the Chair cannot be a member of that Committee to review the suspension or permanent exclusion.

Suspensions & Permanent Exclusions Committee

The Suspensions & Permanent Exclusions Committee should be made up of at least three members of the governing board who have no previous knowledge of the suspension or exclusion nor be known to the student or the parents/carers. The Committee will conduct the hearing in accordance with the terms of the latest statutory guidance from the DfE. They consider the circumstances in which the student was suspended or excluded and any representations from the parents/carers or their representative. Where the Committee has the power to direct reinstatement and decides to do so, the Principal must comply with this ruling.

Suspensions or Permanent Exclusions affecting public examinations

A suspension or permanent exclusion which would result in a student missing a public examination must, as far as reasonably practical, be considered and decided upon by the Suspensions & Permanent Exclusions Committee before the date of the examination.

Suspension & Permanent Exclusion

Suspension

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool.

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.

The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Where the student is of compulsory school age, for the first five school days of a suspension (or until the start date of any alternative provision where this is earlier) parents/carers are legally required to ensure that their child is not present in a public place during school hours without reasonable justification. Parents/carers who fail to do so may be given a fixed penalty notice or prosecuted.

If a pupil has been suspended, Brook Sixth Form and Academy will set and mark work for the first five school days of the suspension. If the suspension is longer than five school days, Brook Sixth Form and Academy will arrange suitable full-time education from the sixth school day.

Permanent exclusion

Permanent exclusion is when a pupil is no longer allowed to attend a school. The appropriate local authority must arrange full-time education from the sixth school day. The DfE's Statutory Guidance states that: -

"...The decision to exclude a student permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school."

In respect of full-time education from the sixth school day, Brook Sixth Form and Academy or the appropriate local authority will inform parents/carers about the alternative education that is arranged. It is the parents'/carers' responsibility to make sure their child attends.

Notification of suspensions & permanent exclusions

Whenever the Principal suspends or permanently excludes a student they will, on the same day as the suspension or permanent exclusion, notify parents/carers. The Principal will also provide parents/carers with the following information in writing: -

- the reasons for a suspension or a permanent exclusion;
- the length of a suspension or for an exclusion the fact that it is permanent;
- the parents'/carers' right to make representations to the Suspensions and Permanent Exclusions Committee and how the pupil may be involved in this;
- how any representations should be made and
- where there is a legal requirement for the governing board to consider a suspension or permanent exclusion, that parents/carers have a right to attend a meeting, and, where requested, may bring a friend or representative.

The Principal will also notify the Suspensions & Permanent Exclusions Committee and the appropriate local authority of:

- a permanent exclusion;
- suspensions which would result in the student being suspended for more than five schooldays in a term and
- exclusions which would result in the student missing a public examination.

For suspensions of five days or less, the Principal will notify the governing board's Curriculum Committee once a term and will also notify the appropriate local authority.

For a permanent exclusion, if the student lives outside the local authority in which the school is located, the Principal will also advise the students 'home authority' of the exclusion without delay.

Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

- The headteacher must notify the parents, the governing board, the LA and the pupils social worker and VSH as applicable without delay. The notification must also provide the reason for the cancellation.
- The governing boards duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay
- The pupil must be allowed back into school from which they were excluded without delay
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 days in a school year or if they will have been so by the time the cancellation takes effect.

Requesting a review of the Suspension & Permanent Exclusion Committee's decision

Where parents/carers (or the excluded student, if aged 18 or over) dispute the decision of the Suspensions & Permanent Exclusions Committee not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an Independent Review Panel. The Independent Review Panel does not have the power to direct the governing board to reinstate an excluded student. However, it can direct the governing board to reconsider its decision.

This policy has been drawn up in accordance with the DfE statutory guidance on Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement issued in August 2024.

Impartial Guidance

<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion>

<https://childlawadvice.org.uk/information-pages/school-exclusion/>

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| Electronic Approval Full Governing Body | November 2024 |
| Date of next review | January 2026 |
| Principal |  |
| Chair |  |