

Suspensions and Permanent Exclusions Policy



Equalities Statement

In our Trust we work to ensure that there is equality of opportunity for all members of our community who hold a range of protected characteristics as defined by the Equality Act 2010, as well as having regard to other factors which have the potential to cause inequality, such as socio-economic factors. For further information, please see our Equalities Policy.

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1. Introduction

1.1 Swale Academies Trust aims to ensure that:

- the suspension and permanent exclusions process is applied fairly and consistently;
- all suspensions and permanent exclusions are carried out lawfully;
- the suspension and permanent exclusions process is understood by governors, staff, parents and pupils;
- pupils in school are safe and happy;
- pupils do not become NEET (not in education, employment or training);
- permanent exclusions are a last resort and all other alternatives will be exhausted before a pupil is permanently excluded.

1.2 Within 14 days of receipt of a request, the Trust will provide the Secretary of State with information about any exclusions across the Trust in the preceding 12 months.

1.3 A note on off-rolling

'Off-rolling' is a form of gaming. This occurs when a school makes the decision, in the interests of the school and not the pupil, to:

- remove a pupil from the school roll without a formal, permanent exclusion, or suspension, or
- encourage a parent/carer to remove their child from the school roll, or
- encourage a sixth-form student not to continue with their course of study, or
- retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension.

Accordingly, Headteachers will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds and will not be made:

- because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- due to a pupil's poor academic performance, or
- due to a pupil's poor attendance record, or
- because the pupil hasn't met a specific condition, such as attending a reintegration meeting.

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

1.4 Headteachers are aware that the following are unlawful:

- excluding a pupil whose behaviour is a direct consequence of a disability (Equality Act 2010);
- sending a pupil home informally to "cool off";
- asking a parent/carer to take a pupil home to avoid suspension;
- suspending a pupil for a non-disciplinary reason, such as the behaviour of a parent;
- suspending a pupil because they have special educational needs and/or a disability, and the school feels unable to support them or meet their needs;
- suspending a pupil because of poor academic performance;
- suspending a pupil because of poor attendance;
- encouraging parents to choose elective home education or to find another school place for their child;
- pressuring parents/carers to accept off-site directions or managed moves;
- using part-time timetables as a strategy for managing behaviour.

An informal or unofficial suspension, such as sending a pupil home 'to cool off' is unlawful when it does not follow the formal suspension process, regardless of whether it occurs with the agreement of parents.

2. Legislation and statutory guidance

2.1 This policy is based on statutory guidance from the Department for Education (DfE):

https://assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf.

It is based on the following legislation, which outlines 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.

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out 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](#)
- The [School Inspection Handbook](#), which defines 'off-rolling.'

2.2 This policy complies with Swale Academies Trust funding agreement and articles of association.

3. Definitions

3.1 Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. A suspension can also be used for parts of the school day e.g. if a pupil's behaviour at lunchtimes is disruptive, they may be suspended from the premises for the duration of the lunchtime period. The legal requirements relating to suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

3.2 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'.

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 after the end of the suspension.

3.3 Off-site direction – when a pupil is required to attend another education setting temporarily, to improve their behaviour.

3.4 Parent/carer – any person who has legal parental responsibility and any person who has legal care of the child.

3.5 Managed move – when a pupil is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

3.6 Headteacher - the substantive Headteacher of the school, or where appropriate, the Executive Headteacher.

4. Reasons for Suspensions and Permanent Exclusions

4.1 Headteachers are trusted to use their professional judgement based on the individual circumstances of the case when considering whether to suspend or permanently exclude a pupil. The reasons below are examples of the types of behaviour that may warrant suspension or permanent exclusion. The list is not exhaustive or definitive:

- physical assault against a pupil;
- physical assault against an adult;
- verbal abuse or threatening behaviour against a pupil;
- verbal abuse or threatening behaviour against an adult;
- use, or threat use, of an offensive weapon or prohibited item that has been prohibited by the school behaviour policy;
- bullying;
- racist abuse;
- abuse against sexual orientation or gender reassignment;
- abuse relating to disability.

5. Roles and responsibilities

5.1 The Headteacher

Deciding whether to suspend or exclude.

When considering a permanent exclusion, the Headteacher will contact the Director of Primary / Director of Secondary without delay.

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

A decision to suspend a pupil will be taken only:

- in accordance with the school's behaviour policy;
- to provide a proportionate response to unacceptable behaviour;
- to show a pupil that their current behaviour is putting them at risk of permanent exclusion.

Where suspensions have become a regular occurrence, the Headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to permanently 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;
- allow the pupil to give their version of events;
- consider whether the pupil has special educational needs (SEND);
- 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:
 - For suspensions, detentions or other sanctions provided for in the behaviour policy
 - For exclusions, 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/carer or social worker.

The Headteacher will not reach their decision until they have confirmed that they have sought the pupil's views, which if provided will be taken into consideration.

5.1.1 Suspending or permanently excluding a pupil during police involvement and/or parallel criminal proceedings:

The Headteacher need not postpone taking a decision on a suspension and permanent exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time. Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils as set out in Keeping Children Safe in Education.

5.1.2 Suspending or permanently excluding a pupil in cases involving child-on-child abuse:

A safeguarding investigation may run parallel to any considerations to suspend or permanently exclude a pupil involved in the incident. The Headteacher and the DSL must remain focused on the duties to:

- safeguard and promote the welfare of pupils;
- provide a suitable education.

Decision making is the responsibility of the Headteacher, but the DSL should provide their professional judgement, supported by other agencies as required.

5.1.3 Informing parents/carers

The following information applies to parents/carers where the pupil is below the age of eighteen.

Where the pupil is eighteen or over, they will be informed directly.

If a pupil is at risk of suspension or permanent exclusion, the Headteacher will inform the parents/carers 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 the Headteacher decides to suspend or permanently exclude a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension or permanent exclusion and the reason(s) for it, without delay. Care must be taken to avoid a conversion from suspension to permanent exclusion as this is illegal.

The parents/carers will also be provided with the following information in writing, without delay:

- the reason(s) for the suspension or permanent exclusion;
- the length of the suspension or, for a permanent exclusion, the fact that it is permanent;
- information about the parents/carers' / right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this;
- how any representations should be made;
- where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend;
- that parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request.

If the pupil is of compulsory school age, the Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently 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), the 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;

- 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 the pupil needs in order to identify the person they should report to on the first day.

If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

If the Headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/pupil without delay, and provide a reason for the cancellation.

5.1.4 Informing the Governors

The Headteacher will, without delay, notify the governors of:

- any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil;
- any suspension or permanent exclusion that would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term;
- any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test (eg. KS2 SATs) or public exam (eg. GCSE);
- any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

5.1.5 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.

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

5.1.6 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 (eg. KS2 SATs) or public exam (eg. GCSE);
- they have decided to cancel a suspension or permanent exclusion, and why (where relevant).

The social worker/VSH will be invited to any meeting of the GDC 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.

5.1.7 The Headteacher's right to cancel suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the GDC. Where there is a cancellation:

- the parents/carers (or the pupil if they are 18 or older) GDC and LA will be notified without delay;
- where relevant, any social worker and VSH will be notified without delay;
- the notification must provide the reason for the cancellation;
- the GDC's duty to hold a meeting to consider reinstatement ceases;
- parents/carers (or the pupil if they are 18 or older) will be offered the opportunity to meet with the Headteacher to discuss the cancellation, which will be arranged without delay;
- the pupil will be allowed back in school 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 school days in a school year or if they will have been so by the time the cancellation takes effect.

5.2 Governors

5.2.1 Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to the Governors' Disciplinary Committee (GDC) consisting of at least 3 governors.

The GDC has a duty to consider parents/carers'/the pupil's (if they are 18 or older) 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.

For any suspension of more than 5 school days, the Local Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

The GDC does not have to arrange such a provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

5.2.2 Monitoring and analysing suspensions and exclusions data - the role of the Local Governing Body (LGB)

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

The LGB 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 that 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.

5.2.3 LGBs must analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by suspensions / permanent exclusions / pupil moves, and when this has happened. They will:

- review whether the data reflects that the school's behaviour policy is being implemented effectively and consistently;
- review whether the school register is being maintained accurately using the correct absence codes;
- review instances where pupils receive repeat suspensions;
- review the number of days pupils are suspended, including the number of days individual pupils are suspended multiple times;
- monitor interventions in place to support pupils at risk, to prevent suspensions and exclusions;
- analyse any variation in the rolling average of permanent exclusions to understand why it's happening and what can be done to prevent it;
- consider the 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;
- review the characteristics of suspended and permanently excluded pupils, and why this is taking place;
- make sure that pupils that are directed off-site are reviewed at regular intervals to assure that the education is achieving its objectives and that pupils are benefiting from it;
- consider the cost implications of educating pupils off-site.

5.3 The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are looked after 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.

5.4 The DSL

In cases where a pupil is permanently excluded:

The DSL of the excluding school should transfer the pupil's child-protection file to the new school:

- within 5 days for an in-year transfer; or
- within the first 5 days of a new term.

This child-protection file should be transferred separately from the main pupil file, securely and with confirmation of receipt.

If a Trust school is receiving a permanently excluded pupil, the DSL must be aware of the pupil's file and share this on a need-to-know basis.

6. The GDC's procedures for reviewing suspensions and exclusions

Following notification from the Headteacher of qualifying suspensions and/or permanent exclusions, a Governors' Disciplinary Committee (GDC) in accordance with current DfE guidance.

6.1 For suspensions of more than 5 but fewer than 16 school days in a term:

- if parents/carers make representations, the GDC must consider these and decide within 50 school days of receiving notice of suspensions whether the pupil should be reinstated;
- if parents/carers do not make representations, the GDC is not required to meet and cannot direct reinstatement.

6.2 For suspensions of fewer than 5 school days in a term:

- the GDC must consider any representations made by parents/carers, but cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

6.3 For suspensions of more than 15 days in a term and permanent exclusions:

A GDC must be held within 15 school days receiving notice of a suspension of more than 15 days or permanent exclusion.

A GDC must also be held if a suspension or permanent exclusion would result in a pupil missing a public examination or National Curriculum test. The GDC will consider the suspension or permanent exclusion and decide whether to reinstate the pupil before or on the date of the examination; or to decline to reinstate the pupil. In reaching a decision, the GDC will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties.

6.4 For reviewing decisions to suspend or permanently exclude a pupil, the GDC must invite the following:

- parents/carers (and, where requested, a representative or friend);
- the Headteacher;
- the pupil if they are 18 or older;
- the pupil's social worker if the child has one; and
- the VSH if the child is a LAC.

A Local Authority representative may be invited to attend to answer questions about statutory and best practice expectations.

7. Procedural Arrangements for Review

7.1 The GDC can either:

- decline to reinstate the pupil; or
- direct the reinstatement of the pupil immediately or on a particular date.

They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or permanently exclude.

7.2 The meeting must be clerked by a person who has had appropriate training. Minutes will be taken of the meeting, and a record of evidence will be kept. The outcome will also be recorded on the pupil's educational record.

7.3 The GDC will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

7.4 In the case of a permanent exclusion, the GDC's decision will also include the following:

- the fact that it is permanent;
- notice of parents'/carers' right to ask for the decision to be reviewed by an Independent Review Panel, and:
 - the date by which an application for an independent review must be made;
 - the name and address to whom an application for a review 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 exclusion;
 - that, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require Swale Academies Trust to appoint an SEN expert to attend the review;
 - 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 parents/carers may also bring a friend to the review;
- that if parents believe that the permanent exclusion has occurred as a result of 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.

8. An Independent Review

8.1 If parents/carers/the pupil (if they are 18 or older) apply for an independent review within the legal timeframe, Swale Academies Trust will, at their own expense, arrange for an independent panel to review the decision of the GDC not to reinstate a permanently excluded pupil.

8.2 Applications for an independent review must be made within 15 school days of notice being given to the parents/carers/pupil by the GDC of its decision to not reinstate the 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. Any applications made outside of this timeframe will be rejected.

8.3 Independent reviews can be held remotely at the request of parents/carers/pupils. See section 13 for more details on remote access to meetings.

8.4 A panel of 3 or 5 members will be constituted with representatives from each of the categories below. 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.

All members of the Independent Review Panel will have no connections with the Swale Academies Trust.

8.5 The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

8.6 Taking into account the pupil's age and understanding, the pupil or their parents/carers will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

8.7 Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

8.8 Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

8.9 Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

8.10 Following its review, the independent panel will decide to do 1 of the following:

- uphold the GDC's decision;
- recommend that the GDC reconsiders reinstatement;
- quash the GDC's decision and direct that they reconsider reinstatement, (only if it judges that the decision was flawed).

8.11 New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

8.12 In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

8.13 If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

8.14 The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8.15 Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- the panel's decision and the reasons for it;
- where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days;
- any information that the panel has directed the governing board to place on the pupil's educational record.

9. Providing education during the first 5 days of suspension or permanent exclusion

9.1 Schools will ensure that suitable work is set and marked for the first 5 days of suspension or permanent exclusion. Online pathways like Google Classroom and Oak Academy may be used to meet this need.

9.2 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 days of a suspension. This can include any online pathways such as Google Classroom. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support SEND pupils during this period.

9.3 For pupils who are LAC or have a social worker, schools will work with the LA to arrange alternative provision (AP) from the first day of suspension or permanent exclusion. Where that is not possible, schools should take reasonable steps to set and mark work for the pupil. Online pathways can be used.

9.4 For secondary schools only:

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.

10. Successfully reintegrating pupils following suspension

10.1 Schools must have a reintegration strategy that offers the pupil a fresh start and helps them re-engage with their learning. This strategy will consider a range of measures - academic, pastoral, internal and external - to support the pupil's successful reintegration based on need. This strategy should be communicated clearly at the reintegration meeting, preferably with the parents/carers present (but as before, attendance can't be a pre-condition to readmission).

10.2 Where necessary, schools should work with multi-agency partners to identify any SEND and/or health needs.

10.3 Schools will not use a part-time timetable for behaviour management; where one is appropriate, it should be for the shortest time possible and reviewed regularly.

10.4 The Trust's guidance on reintegration meetings following a suspension or off-site direction should be followed (Appendix 9). During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible, this meeting should include the pupil's parents. A pupil should not be prevented from returning to school if parents/carers are unable or unwilling to attend a reintegration meeting.

10.5 The reintegration meeting must:

- include a strategy to offer the pupil a fresh start;
- offer appropriate support for SEND and individual needs as required;
- help them understand the effect of their behaviour on themselves and others;
- teach them how to meet the high expectations of behaviour in line with the school culture;
- foster a renewed sense of belonging within the school community; and
- build engagement with learning.

10.6 Records of reintegration meetings must be maintained using the Trust proforma (Appendices 8 & 9).

11. School registers for permanently excluded pupils

11.1 A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents/carers/pupil (if they are 18 or older) were notified of [the governing board's/name of committee of the governing board's] decision to not reinstate the pupil and no application has been made for an independent review panel; or
- the parents/carers/pupil have stated in writing that they will not be applying for an Independent Review Panel.

11.2 Where an application for an independent review has been made within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

11.3 While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

11.4 Where excluded pupils are not attending alternative provision, code E (absent) will be used.

11.5 Making a return to the LA

11.5.1 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/carer with whom the pupil normally resides;
- at least 1 telephone number at which any parent/carer 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/carers 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/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil is moving house.

11.5.2 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.

12. Remote access to meetings

12.1 Parents/carers, or pupils if they are 18 or older, can request that a GDC meeting, or IRP meeting, be held remotely. If the parents/carers/pupil don't express a preference, the meeting will be held in person.

12.2 In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

12.3 Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

12.4 The GDC and the school should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- all the participants have access to the technology that will allow them to hear, speak, see and be seen;
- all the participants will be able participate fully;
- the remote meeting can be held fairly and transparently.

12.5 Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

12.6 The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- compromise the ability of participants to contribute effectively; or
- prevent the meeting from running fairly and transparently.

13. Monitoring arrangements

13.1 The school will collect data on the following:

- attendance, permanent exclusions and suspensions;
- use of pupil referral units (PRUs), off-site directions and managed moves;
- anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences.

13.2 The data will be analysed and the Headteacher will report back to the Governors.

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.

13.3 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.

13.4 Swale Academies Trust will work with its schools to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

14. Links with other policies

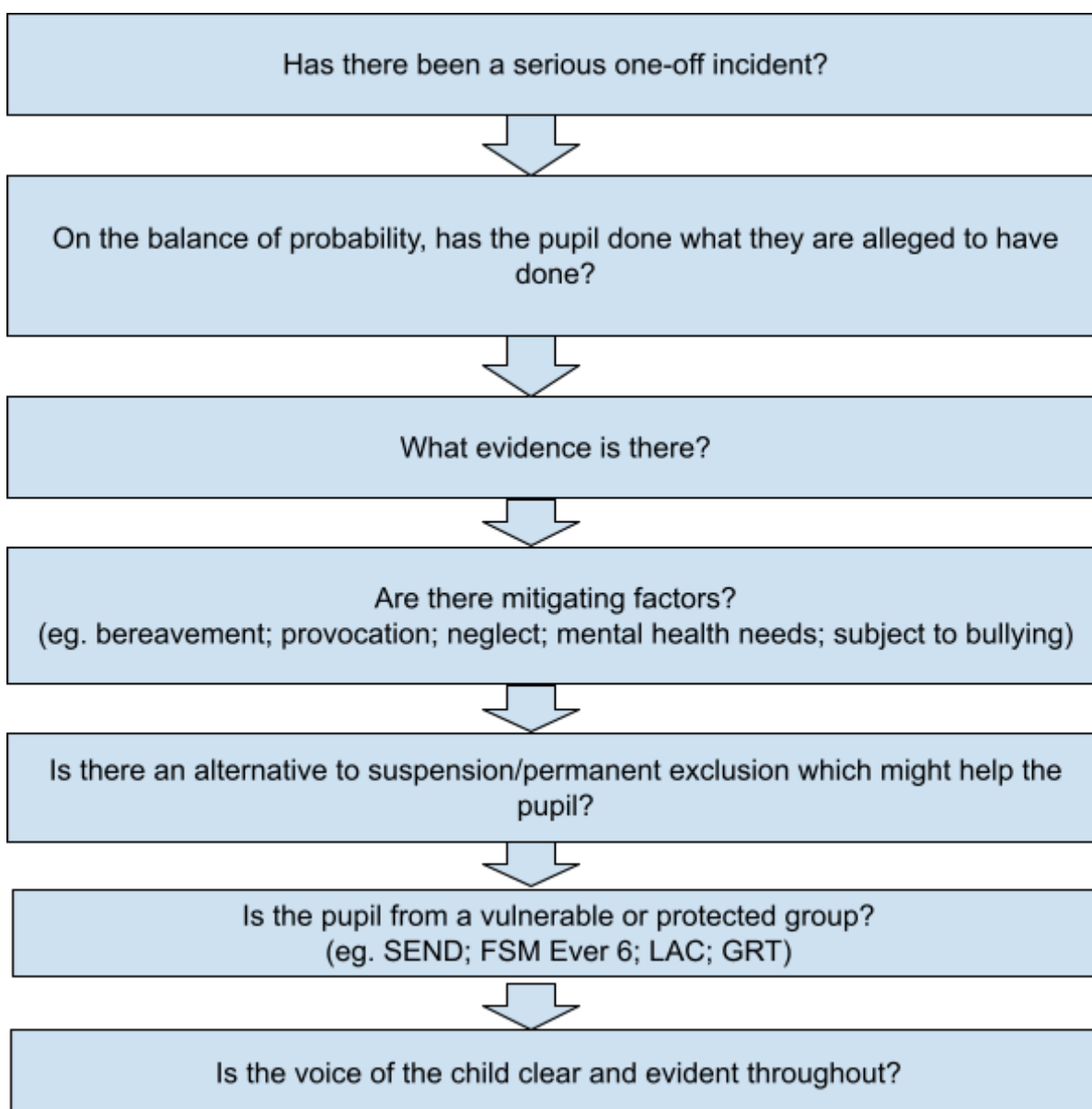
14.1 This Suspensions and Permanent Exclusions Policy is linked to each school's :

- Behaviour Policy;
- Attendance Policy;
- Child Protection and Safeguarding Policy;
- SEND Policy and Information Report.

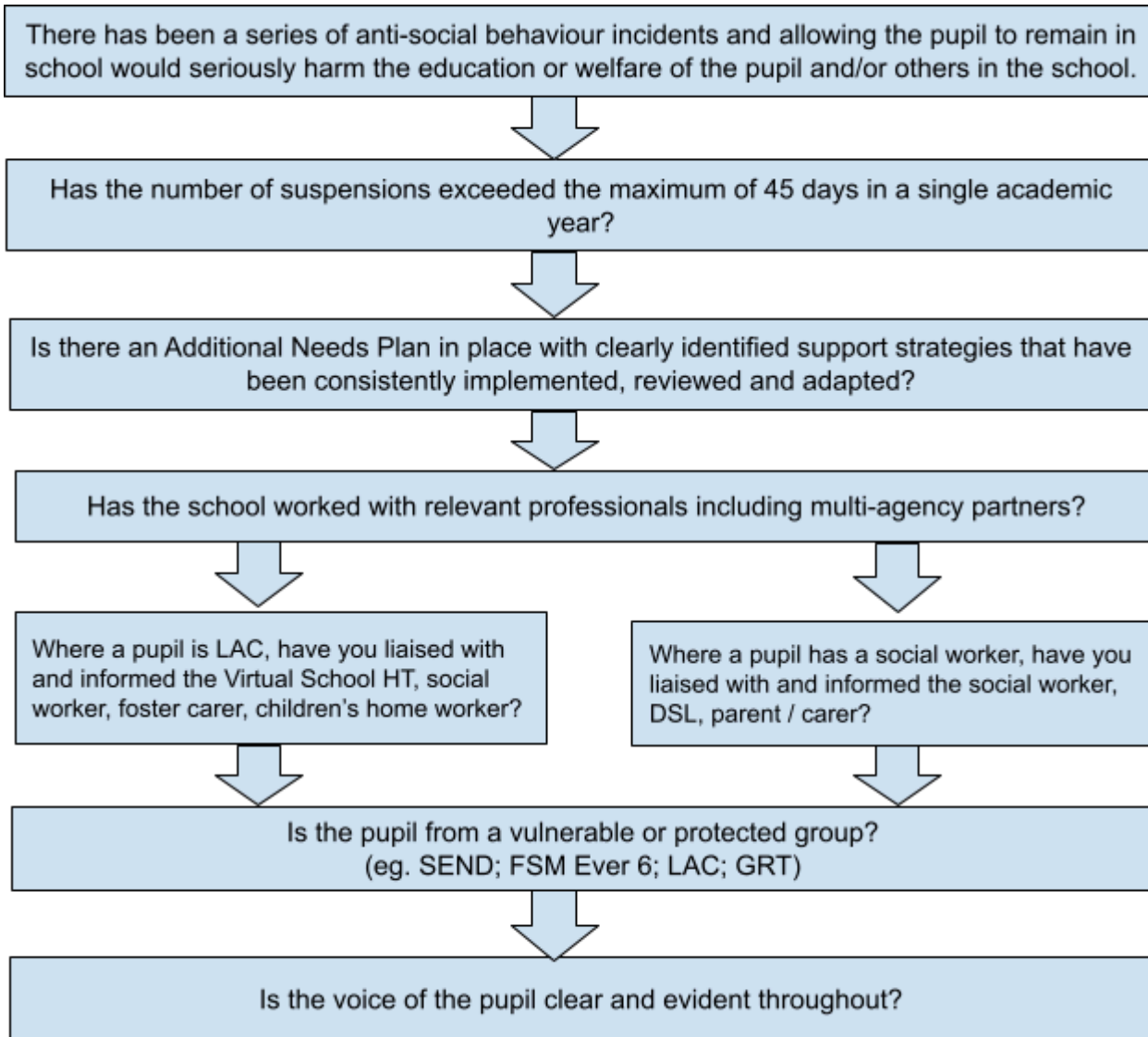
Appendices:

1. **Appendix 1:** Factors to be considered prior to suspension or permanent exclusion for a serious one-off incident
2. **Appendix 2:** Factors to be considered prior to suspension or permanent exclusion for cumulative reasons
3. **Appendix 3:** Headteacher's checklist: decision to permanently exclude a pupil
4. **Appendix 4:** Headteacher Checklist: Decision to Permanently Exclude - Special Considerations
5. **Appendix 5:** Checklist and Good Practice Guidance for PEX Exclusion Evidence Documents
6. **Appendix 6:** Procedure for GDC panel meeting
7. **Appendix 7:** GDC Panel Considerations
8. **Appendix 8:** GDPR Protocol
9. **Appendix 9:** Link to [Trust Guidance on Reintegration Meetings](#)
10. **Appendix 10:** Link to [Reintegration Meeting Records](#)

Appendix 1 - Factors To Be Considered Prior To Suspension Or Permanent Exclusion For A Serious One-Off Incident



Appendix 2 - Factors To Be Considered Prior To Suspension Or Permanent Exclusion For Cumulative Reasons



Appendix 3 - Headteacher's Checklist: Decision to Permanently Exclude a Pupil

The circumstances of the case:	✓ or x
Has there been a serious breach or breaches of the school's behaviour policy?	
Does the pupil's presence seriously harm, or threaten to harm, the education or welfare of pupils or others?	
Is the permanent exclusion as a result of a serious 'one off' incident?	
Is the permanent exclusion a last resort, following a wide range of other strategies that have been unsuccessful?	
Is there evidence that assessments of whether appropriate provision is in place to support any SEND that a pupil may have, have been completed?	
Have any protected characteristics been considered, where relevant?	
Is there an Additional Needs Plan (ANP) in place where plans have been reviewed for impact?	
Is the pupil on the SEND Support Register? <i>For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required? The Headteacher and GDC must comply with their statutory duties in relation to SEN.</i>	
Has a thorough investigation of the incident been carried out?	
Has the Risk Reduction Plan been completed?	
Has the pupil's version of events been sought and recorded, with an advocate if necessary?	
Has the evidence been considered in the light of school policies and possible discrimination?	
Are there any mitigating circumstances, or any provocation, which may be relevant? <i>For example, if the pupil has suffered bereavement, experienced abuse or neglect, has mental health needs, has been subject to bullying, has needs including SEND (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.</i>	
For a pupil with a social worker or LAC, has the Virtual school Head or social worker been consulted? Were the pupil's welfare, safeguarding needs and risks considered in the lead up to the permanent exclusion and have they sought to understand how the pupil's needs could have contributed to the circumstances leading up to the permanent exclusion?	
Have alternatives to permanent exclusion been considered? <i>For example, restorative approach, mediation, internal suspension or suspension, school-to-school placement, Off-site Direction, application for Alternative Provision)?</i>	
"On the balance of probabilities", did the pupil do what they are alleged to have done?	

Appendix 4 - Headteacher Checklist: Decision to Permanently Exclude - Special Considerations

(SEND Code of Practice January 2015, Equalities Act 2010, Keeping Children Safe in Education 2022)

Special Considerations:	✓ or x
Could there be underlying SEND and/or Social Emotional Mental Health (SEMH) needs that have contributed to the behaviours leading to permanent exclusion? Has this been fully considered/investigated?	
If there are unmet additional needs, identified by the school or not, a permanent exclusion could be unlawful under the Equalities Act (2010).	
Identified SEND	
Is the pupil identified on the school SEND register and/or provision map?	
If yes - have these identified needs been taken into account and reasonable adjustments been consistently put in place, which will include any support in relation to behaviour support that they need because of their SEN?	
Has a graduated approach been used to assess, plan, deliver and review the impact of the support?	
Has the pupil been disadvantaged by the school's policies and practices?	
Has the school engaged proactively with parents / carers?	
Has the school proactively engaged with support from external specialists?	
Has the school considered alternatives to permanent exclusion?	
Does the pupil have an EHC Plan?	
If yes - has the Local Authority Assessment and Planning team been contacted?	
If yes - has an interim review of the EHCP taken place prior to the decision to permanently exclude?	
Pupils who have a social worker, including looked-after children, and previously looked after children	
Has the school worked with the social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents / carers to involve them all as early as possible in relevant conversations?	
Has the school worked with the Virtual School, foster carers, or children's home workers?	
Is the pupil looked after?	
For previously looked-after children, the school may also seek the advice of the VSH on strategies to support the pupil.	
Has school had regard for Keeping Children Safe in Education?	

Appendix 5 - Checklist and Good Practice Guidance for PEX Exclusion Evidence Documents

It is important that the GDC provides all parties with a fair hearing and that the rules of natural justice are adhered to. The case should be clearly presented, and evidence produced.

The GDC pack containing all written material from the school and parents **MUST** be distributed to the GDC Panel members (Governors, parents and LA Rep) at least **5 school days** before the GDC date to allow for preparation and the option to take legal advice if so desired. If the parents have been unable to meet this deadline and present evidence at the meeting, it is recommended that the information is admitted. The Panel could take a short recess to read the material before proceeding with the meeting.

What evidence should be presented by the school?

The evidence that should be provided is different if the permanent exclusion is for a ‘one-off’ serious incident compared to cumulative reasons. The tables below show the evidence required for each.

Evidence Documents	
“Evidence” refers to full, comprehensive written documentation. Omission of dates, signatures, reference to roles and responsibilities, and gaps in information may be regarded by a GDC as a failure on the part of the school to maintain accurate records and may be a factor in their decision-making process.	
Contents Page	
Headteacher’s Summary Statement - this is a brief statement and not the statement the HT will present at the beginning of the hearing	See template
Chronology	Chronology of events leading to the PEX. Cross references throughout the pack. Links to which part of behaviour policy was breached.
A copy of the letter notifying the parent/carer of a suspension pending investigation .	Must be dated as the date that the parent/carer receives notice of the suspension.
A copy of the letter notifying the parent/carer of the Permanent Exclusion following the investigation mentioned above.	Must be dated as the date that the parent/carer receives notice of the Permanent Exclusion.
Full and comprehensive details of the incidents in question .	Must be dated and chronological. The nature of each incident must be clear and specific.
Statement from the permanently excluded pupil, signed and dated. (This can be dictated and then signed by the young person and obtained through an advocate)	Must be provided for all previous incidents and the final incident. Where a pupil has refused the opportunity to provide a statement, evidence of doing so should be provided to confirm the opportunity was given.

<p>Witness statements from other pupils, signed and dated.</p> <p>(These can be dictated and then signed by the young person)</p>	<p>Must be provided for all previous incidents and the final incident.</p>
<p>Witness statements from staff, signed and dated</p>	<p>Must be provided for all previous incidents and the final incident.</p>
<p>Behaviour log and details of previous incidents.</p>	<p>Must be dated and chronological. The details of each incident and the type of behaviour must be fully explained.</p>
<p>Evidence of support provided to the pupil (e.g. Additional Needs Plan, Provision Map, Behaviour Support Plan, Risk Reduction Plan etc.).</p> <p>Evidence that the impact of the support has been reviewed and fully evaluated.</p>	<p>Must be dated and chronological. Documents must show the name and role of the relevant professional.</p>
<p>Reports from external agencies/partners/stakeholders/professionals who have been involved with the pupil.</p>	<p>Must be dated and chronological, with clear evidence of the professional's name and role.</p>
<p>Evidence of any SEN and /or disability the pupil may have</p>	<p>Must include</p> <ul style="list-style-type: none"> - referrals - diagnostic reports - evidence of diagnosis/SEN(D) - the interventions and support which have been recommended - the interventions and support which have been provided - reviews and evaluations of progress in response to the interventions and support
<p>Evidence of any assessments to identify causal factors, such as an Educational Psychologist's assessment; a GP assessment.</p>	<p>Must be dated and chronological, with clear evidence of the professional's name and role.</p>
<p>Evidence of what alternatives to permanent exclusion and a graduated approach to behaviour support have been undertaken.</p>	<p>Must be dated and chronological, with clear evidence of the professional's name and role.</p>
<p>Evidence of views / written statements of any Social Worker for Children Looked After, those on CP or CIN plans</p>	<p>Must be dated and chronological, with clear evidence of the professional's name and role.</p>
<p>SAT Policies:</p> <ul style="list-style-type: none"> ● SAT Suspensions and Permanent Exclusions Policy ● Behaviour Policy <p>Also include, if relevant, such as:</p> <ul style="list-style-type: none"> ● SEND Policy ● Online Safety Policy ● Anti-Bullying Policy 	<p>Must be in-date.</p>
<p>DfE Suspensions and Permanent Exclusions Guidance</p>	<p>Must be the most recent version.</p>

All other relevant documents/records pertaining to the student's school record

For example;

- Attendance
- academic progress
- SEND information
- Safeguarding context

Arrival at the hearing venue:

Parents / carers and (pupil, if attending) will be allocated a room to wait in until the hearing commences. Members of the GDC panel will wait in a different room until the hearing commences. Neither the school nor the parents can meet with the panel without the other party being present.

Start of the meeting:

The Chair of the Panel welcomes all parties and outlines the stages of the meeting and the expectations of conduct.

Sufficient time will be given to allow for all representations to be made by those attending the meeting. The Chair will invite each party to speak and ensure that their views are properly heard. It is reasonable for the Chair to intervene if required and move the meeting on if they think that it is necessary and in the interests of all concerned.

The clerk will take minutes throughout the meeting, which clearly state the evidence and information considered by the panel.

The panel members will confirm that they have up-to-date training in regard to the current DFE guidance and also state any potential conflict of interest, including what type of governor they are.

Procedure for the meeting:

1. The headteacher presents their case for permanently excluding the pupil.
2. The panel, the parent(s), and the LA representative (if attending) question the headteacher.
3. The parent(s)/carer(s) and the pupil (if age-appropriate and attending) present their case for reinstatement.
4. The LA representative (when present) is invited to make a statement or comment. If the LA representative is not present, their statement, if provided, is read aloud by the Chair.
5. The parents, headteacher and governors may question the LA representative (if present).
6. The headteacher makes their concluding remarks.
7. The parent(s) and the pupil (if age-appropriate and attending) make their concluding remarks.
8. The Chair concludes the meeting and advises the parent(s) and pupil if present that they will receive the decision of the governors in writing without delay.
9. The panel must ensure that all other parties have withdrawn before making a decision in private.
10. The panel can either decide to reinstate the pupil immediately or on a given date, or decline to reinstate the pupil.

GDC Panel Considerations
<i>Always consult the latest Suspensions and Permanent Exclusions Guidance from the DFE</i>
<p>Legal Obligations</p> <ul style="list-style-type: none"> ● If the pupil has a protected characteristic, has due regard been given to the Equalities Act 2010, the Public Sector Equality Duty, and the Children’s Act 2014?
<p>The Quality of Evidence</p> <ul style="list-style-type: none"> ● Have the facts been established? Was a full investigation, involving appropriate witnesses, carried out? Is the permanently excluded pupil’s voice present? ● How did the incident relate to the school’s behaviour policy? Was the policy followed? ● Was the pupil responsible for the behaviour that led to the permanent exclusion? Governors should consider matters on the ‘balance of probability’ and if there is a serious doubt, a reinstatement should be directed. ● Were the pupil and their family properly notified of the exclusion and the hearing, and have they had an adequate opportunity to represent themselves?
<p>Was the permanent exclusion a proportionate response?</p> <ul style="list-style-type: none"> ● Was the permanent exclusion a reasonable, fair and proportionate response to the behaviour? ● Was it fair in respect of sanctions imposed on any other pupils involved? ● Was the pupil’s behaviour a clear breach of the school’s behaviour policy? ● Would allowing the pupil to return to school seriously harm the education and/or welfare of others within the school community?
<p>Were alternative strategies tried?</p> <ul style="list-style-type: none"> ● If the permanent exclusion was a response to an ongoing pattern of deteriorating behaviour, was it used as a last resort after other strategies, including the involvement of outside agencies and support services, had failed? An Additional Needs Plan should be in place, clearly identifying and evaluating school strategies, internal and external support.
<p>Were there mitigating circumstances?</p> <ul style="list-style-type: none"> ● Are there any factors arising from parental representation or other factors? (e.g. special/medical needs, domestic circumstances, genuine remorse, loss of external exam opportunity). ● Are there unmet Special Educational Needs or Mental Health Needs that have contributed to the behaviour? If there is doubt, this permanent exclusion could be unlawful under the Equalities Act 2010. ● Is there evidence that this has been considered by the Heateacher? ● Could there be other needs that have not been identified? Could any other strategies/investigations be tried? (e.g. strategies in school, involving outside agencies)
<p>Additional considerations:</p> <ul style="list-style-type: none"> ● Are there additional safeguarding considerations needed (e.g. for child-on-child abuse)? If so, has the DSL been involved in risk assessments and provided advice to the Headteacher in line with Safeguarding policy and procedure? ● How large an impact will the exclusion have on the pupil’s education and wellbeing? (e.g. Year 8 vs. Year 11)? Are you satisfied that this negative impact is justified in the circumstances? ● Could there have been any unconscious bias towards the pupil, for example adultification?

Pupils with disabilities and SEN including those with EHCP:

- The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.
- Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs.
- Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.
- Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

Pupils who have a social worker, including LAC and previously LAC:

- For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect. For children with a social worker, education is an important protective factor, providing a safe space for children to receive support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. Headteachers should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.
- Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.
- Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.
- All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.
- Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

Please refer to the Trust's GDPR Protocol for Evidence Bundles:

 **GDPR Protocol for Evidence Bundles .pdf**

Evidence Documents - Good Practice	
1	All documents must be presented in chronological order.
2	All documents must be page numbered.
3	Ensure that no documents are duplicated.
4	Ensure that all documents are legible. Transcribe if not, but also provide original content in the pack.
5	Ensure that all documents are redacted as appropriate before submission for circulation. Redaction to include labelling (e.g. Student A, Student B, Witness A, Witness B etc)

Appendix 9: Link to [Trust Guidance on Reintegration Meetings](#)

Appendix 10: Link to [Reintegration Meeting Records](#)