



# Huxlow Academy

Ambition • Respect • Pride

Policy Owner	Department	Effective Date	Approval Date	Review Cycle	Revision Due Date
L Gauvrit	ESLT	January 2023	18 January 2023	Annual	January 2024

## Suspension & Exclusion Policy

Policy Approver: Academy Improvement Board

### Version Control

Version Number	Date of Change	Changes Made
0.1	18-1-23	Updated Policy and template



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## Contents

1. Policy Name .....	3
2. Aims .....	3
3. Legislation & Statutory Guidance .....	3
4. Types of exclusion .....	3
5. Roles and responsibilities .....	3
6. Considering the reinstatement of a pupil.....	7
7. Independent Review.....	8
8. School Registers.....	8
9. Readmission meetings following suspension or off-site direction.....	9
10. Directing off-site and managed moves .....	10
11. Monitoring arrangements .....	10

## 1. Policy Name

Suspension and Exclusion Policy

## 2. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our academy aims to:

Ensure that the exclusions process is applied fairly and consistently

Help governors, staff, parents/carers, and pupils understand the exclusions process

Ensure that pupils in the academy are safe and happy

Prevent pupils from becoming NEET (not in education, employment, or training)

Ensure all suspensions and permanent exclusions are carried out lawfully

## 3. Legislation & Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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](#)

## 4. Types of exclusion

Suspensions and permanent exclusions are different:

- Suspensions – when a pupil is removed from the academy for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- Permanent exclusion – when a pupil is removed from the academy permanently and taken off the academy roll. This is sometimes referred to as an 'exclusion'.

## 5. Roles and responsibilities

### 5.1 The Headteacher

#### Deciding whether to suspend or exclude

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

A decision to suspend or exclude a pupil will be taken only:

- In response to a serious breach or persistent breaches of the academy's Behaviour for Life Policy, and

- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

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 (SEN)
- 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 off-site direction or managed moves

The Headteacher will consider the view of the pupil, in light of their age and understanding before making a decision, 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 or social worker.

The academy uses Close Circuit Television (**CCTV**) within its premises. This is to provide a safe and secure environment for students, staff and visitors. If behavioural incidents are recorded on CCTV, the footage may be viewed as part of the investigation and the content considered before imposing a sanction. If CCTV footage is used as evidence, it will be shown in some format and redacted as necessary. Please see the academy's CCTV policy and privacy notices for more information.

Where witness statements are used as evidence, for example from staff and students, the statement(s) will be anonymised for confidentiality purposes.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends: or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### **Informing parents**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, 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 exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Academy Improvement Board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

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 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 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 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 later, 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 academy reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

#### **Informing the Academy Improvement Board (AIB)**

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

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which 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 which would result in the pupil a public exam
- The headteacher will notify the AIB at every meeting of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

#### **Informing the Local Authority (LA)**

The headteacher will, without delay, notify the LA of all permanent exclusions. If the pupil lives outside the LA in which the academy is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

#### **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 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 or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the AIB about the suspension or permanent exclusion.

### **Cancelling suspensions and permanent exclusions**

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the AIB. Where there is a cancellation:

- The parents, AIB and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the AIB on the number of cancellations
- The pupil will be allowed back in academy

### **Providing education during the first 5 days of a suspension or permanent exclusion**

- During the first 5 days of a suspension, if the pupil is not attending alternative provision (AP), the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.
- If the pupil is looked after or if they have a social worker, the academy will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the academy will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## **5.2 The Academy Improvement Board**

### **Considering suspensions and permanent exclusions**

The Academy Improvement Board (AIB) is responsible for reviewing exclusions and suspensions when it is required to do so. The AIB has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances. In each case, the decision of the AIB will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the student to the academy.

The governing board will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

## **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 LAC 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.

## 6. Considering the reinstatement of a pupil

The AIB will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
  - It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term;
- or
- It would result in a pupil missing a public exam

The following parties will be invited to a meeting of the AIB and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker if they have one
- The VSH, if the pupil is looked after

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The AIB can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

Without delay, the AIB will notify, in writing, the decision and reasons for its decision.

Where an exclusion is permanent and the AIB has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the academy trust to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment



- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred because of unlawful 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. Also, that any 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

## 7. Independent Review

If parents wish to apply for an independent review within the legal timeframe, the academy trust will arrange for an independent panel to review the decision of the AIB not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the AIB 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. Parents will need to contact Mrs H Avey at Huxlow Academy. Following the independent review will decide to either:

- Uphold the AIB's decision
- Recommend that the AIB reconsiders reinstatement
- Quash the AIB's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

Where an IRP either recommends reinstatement or quashes the initial decision of the AIB, the decision will be considered within 10 school days. This may involve a rehearing with oral evidence given by the academy and parents or may be a reconsideration with only the AIB and the clerk present.

## 8. School Registers

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

- 15 school days have passed since the parents were notified of the AIB decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

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

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.

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

### **Making a return to the LA**



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

This return must be made as soon as the ground for removal is met and no later than the removal of the pupil's name.

## 9. Readmission meetings following suspension or off-site direction

Where a student is suspended or is directed to be educated off-site, upon return to the academy both the pupil and parents/carers will be invited to a readmission strategy meeting. The purpose of the meeting is to:

- Offer the student a fresh start
- Help them understand the impact of their behaviour on themselves and others
- Teach them to how meet the high expectations of behaviour in line with the Academy culture
- Foster a renewed sense of belonging within the Academy community
- Build engagement with learning
- Avoid further suspensions

Academy staff will work with the pupil to understand what led to the behavioural issue and establish if any changes can be made to support the pupil and reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

The Academy use various measures to support a pupil's successful readmission which may include:

- Daily contact with a designated trusted adult in-school
- Use of a report card
- Ensuring the student receives academic support upon return to catch up on any lost progress
- Planned pastoral interventions
- Mentoring by a trusted adult or other identified support
- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents, and staff of potential external support

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents if they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

## 10. Directing off-site and managed moves

Before taking any decision to permanently exclude a student, the Headteacher will consider whether a direction to attend alternative provision or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

For a managed move to take place there needs to be agreement between the academy, the parents, and the new school that a managed move should occur. Before a managed move is agreed to, the student attends the new school for a trial period 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 period, the relevant parties (including the parents) will review the placement before a decision is made about whether the move becomes permanent.

When the academy has considered all support provided. Where students are directed to alternative provision, as per DFE Academy Articles parental consent is not required.

## 11. Monitoring arrangements

The academy will evaluate data on:

- Attendance, permanent exclusions, and suspensions
- Use of alternative provision and managed moves
- Anonymous surveys of staff, pupils and other stakeholders on their perceptions and experiences
- The data will be analysed every 2 weeks by the Behaviour leaders and fed back to the Headteacher & AIB
- The data will be analysed from a variety of perspectives including:
  - By year group
  - Gender, pupil premium, SEND
  - By time of day/week/term

Signed: \_\_\_\_\_  
Chair of Academy Improvement Board

Date: \_\_\_\_\_