

POLICY

POLICY TYPE

MAT Policy to adopted in full across all schools	✓
LGC Policy to be reviewed and approved locally	



*"called by Christ
to be agents of change
and apostles of hope"*

Approval Date:	2024/25 – SUMMER TERM
Review Date:	2027/28 – AUTUMN TERM

ST OSCAR ROMERO CATHOLIC ACADEMY TRUST

SUSPENSIONS AND PERMANENT EXCLUSIONS

Aims

St Oscar Romero Catholic Academy Trust ('the Trust') aims to:

- ensure that all Trust schools provide a consistent approach to behaviour management through a school specific behaviour policy and associated policies such as an anti-bullying policy
- ensure that the roles and responsibilities with regards to behaviour management and the suspensions and permanent exclusions process is understood by Local Governance Committee members, staff, parents and pupils
- ensure that where suspensions and permanent exclusions are used that the process is applied fairly and consistently
- ensure all suspensions and permanent exclusions are carried out lawfully
- pupils in our schools are safe and happy
- pupils do not become NEET (not in education, employment or training).

A note on off-rolling

The Trust is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school.

LEGISLATION AND STATUTORY GUIDANCE

This policy, and the requirements it refers to, is based on statutory guidance and advice from the Department for Education.

DEFINITIONS

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

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’.

Off-site direction – when a school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

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

ROLES AND RESPONSIBILITIES

Headteacher (can also refer to Head of School)

Deciding whether to suspend or exclude

Only the Headteacher can permanently exclude a pupil from the school on disciplinary grounds. The decision can be made in respect of behaviour both inside or outside of school. Every effort will be made to avoid suspensions and permanent exclusion will only be used 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 clear signal of what is 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 exclude a pupil **permanently** will be taken only:

- In response to a serious breach or persistent breaches of the school’s behaviour 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 permanently exclude a pupil the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked
- Enable the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN) or a disability and, in the case of permanent exclusion, whether the school has done all it can and is unable to meet the pupil's needs
- 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
 - I. For suspensions, detentions or other sanctions provided for in the behaviour policy
 - II. For exclusions, off-site direction or managed moves
- Consult the Chief Executive Officer (CEO) and the Local Authority Inclusion Team on any cases of doubt and always before any permanent exclusion.

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/carers or social worker.

Where feasible the Headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

Informing parents/carers (or the pupil if aged 18 or over)

If a pupil is at risk of suspension or permanent exclusion, the Headteacher will inform the parents 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, the parents will be informed, in person or by telephone, of the period of suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for an exclusion, the fact that it is permanent
- Information about parents' (or pupil's if aged 18 or over) right to make representations about the suspension or permanent exclusion to the Local Governance Committee and how the pupil may be involved in this
- That it is the parent/carers' right to make a request for the meeting with the local governance committee to be held remotely. Section 11 of the 'Suspension and Permanent Exclusion' guidance sets out full requirements for remote meetings.

- How any representations should be made
- Where there is a legal requirement for the Local Governance Committee to meet to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend a meeting, be represented at a 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 excluded that:

- for the first 5 school days of a suspension or exclusion (or until the start date of any alternative provision 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 when notifying parents of a suspension or exclusion, 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 required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

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

Informing the CEO, the Trust Board and the Local Governance Committee

The Headteacher will, without delay, notify the CEO (who will notify the Trust Board) and the Local Governance Committee of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination
- Any suspension or permanent exclusion that has been cancelled including the reason for the cancellation.

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.

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 pupils ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and the reason for that cancellation

The social worker / VSH will be invited to any meeting of the Local Governance Committee 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.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion, but this will only be done where it has not yet been reviewed by the Local Governance Committee. Where there is a cancellation the Headteacher must provide the reason for the cancellation and notify without delay:

- The parents (or the pupil if they're 18 or older), the CEO, the Local Governance Committee and LA
- Where relevant, any social worker and VSH

Parents will be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the cancellation and the pupil reintegrated without delay.

Any days spent out of school as a result of any suspension or exclusion, prior to cancellation, will count towards up to the maximum of 45 days permitted in any school year.

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

The Headteacher will report to the Local Governance Committee and Executive team once per term on the number of cancellations.

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 (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Google Classroom or Microsoft Teams 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 school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

Providing education for suspensions of more than 5 school days

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

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

The Local Governance Committee

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and exclusions are delegated by the Trust Board of Directors to the Local Governance Committee of each school.

The Local Governance Committee 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 (see sections 6 and 7) in certain circumstances.

For a suspension of more than 5 school days, the Local Governance Committee will ensure that the Headteacher has arranged suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension. For secondary schools, the Local Governance Committee does not have to ensure that such provision is arranged for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

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

The Local Governance Committee 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 managed moves and permanent exclusions, and whether there are any patterns, including any indications which 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.

The Trust Board

The Trust Board will challenge and evaluate the data on the use of suspension, exclusion, off-site direction to alternative provision and managed moves across Trust schools.

The Trust Board will consider:

- 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 managed moves and permanent exclusions, and whether there are any patterns, including any indications which 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.

Within 14 days of receiving a request, the Trust will provide the Secretary of State with information about any suspensions or exclusions within the last 12 months.

The Local Authority (LA)

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth 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 exclusion.

Considering the reinstatement of a pupil

A Panel of three Local Governance Committee members will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Local Governance Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and cannot direct the Headteacher to reinstate the pupil.

The requirements are different for suspensions where a pupil would be suspended for more than 5 days but less than 16 days in a term. In this case, if the parents make representations, the Local Governance Committee must consider and decide within 50 school days of receiving notice of the suspension whether the suspended pupil should be reinstated. If no representations are received from parents, the Local Governance Committee is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or National Curriculum test, the Local Governance Committee will, as far as reasonably practicable consider and decide on the reinstatement of the pupil before the date of the examination or test. If this is not practicable, the Chair of the Local Governance Committee (or the Vice-Chair if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting with a panel of three members of the Local Governance Committee (or the Local Governance Committee of another Trust school) and be 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 Local Authority Inclusion team
- Any other relevant party such as the school's SENCO.

The Clerk to the Local Governance Committee 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 Local Governance Committee Panel can either:
- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, Local Governance Committee panel will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the panel.

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting which state clearly how decisions have been reached, 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.

The Local Governance Committee panel will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's.

Where an exclusion is permanent and the Local Governance Committee panel 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 considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the 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 as a result 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.

An independent review

If parents apply for an independent review within the legal timeframe, the Clerk to the Local Governance Committee will notify the Trust Company Secretary and arrange for an independent panel to review the decision of the Local Governance Committee Panel 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 Local Governance Committee Panel of its decision not to reinstate a 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.

The relevant LA or external body used by the school will assist in organising the independent review.

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.

Taking into account the pupil's age and understanding, the pupil or their parents 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.

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.

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.

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.

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

- Uphold the Local Governance Committee panel's decision
- Recommend that the Local Governance Committee panel reconsiders reinstatement
- Quash the Local Governance Committee panel's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed).

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.

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 Local Governance Committee panel at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Local Governance Committee panel and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the independent review panel considers it is unreasonable to expect the Local Governance Committee panel 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 Local Governance Committee panel reconsider reinstatement.

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

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
- Any information that the panel has directed the Local Governance Committee panel to place on the pupil's educational record.

School registers

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

- 15 school days have passed since the parents were notified of the Local Governance Committee panel's 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 Headteacher will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for a suspended or excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended or 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 grounds for removal is met and no later than the removal of the pupil's name.

Returning from a suspension Reintegration strategy

Following a suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third party organisations to identify whether the pupil has unmet special educational needs and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life. They can include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Reintegration meetings

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 in the event that 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.

Monitoring arrangements

The Headteacher will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, Local Governance Committee members and other stakeholders on their perceptions and experiences.

The data will be analysed every term by the Headteacher and this will be reported to the Local Governance Committee and the Trust Executive team.

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

The Headteacher 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 Headteacher will inform the CEO and the school policies will be reviewed in order to tackle it.

The 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 one school may be too low to allow for meaningful statistical analysis.