



South Lakes Academy

Suspension and Permanent Exclusion Policy

2022 /2023

Approved by	
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Signed:	
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REVIEW SHEET

Each entry in the table below summarises the changes to this Policy and procedures made since the last review (if any).

Version Number	Version Description	Date of Revision
1	Original	September 2020

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1. Policy statement

South Lakes Academy is committed to our positive approach to encouraging good behaviour which is essential to ensure all pupils can benefit from the educational opportunities we provide and reach their full potential.

The Government supports Head teachers in using suspension, direction off-site, managed moves, and permanent exclusion as essential behaviour management tools when warranted as part of creating and a calm, safe, and supportive environment in which all pupils can learn and thrive. This means that suspension or permanent exclusion is sometimes a necessary last resort of our system, where it is accepted that not all pupil behaviour can be changed by pastoral processes, or consequences in school.

We recognise our responsibility to communicate clearly to pupils, staff, and parents, our behaviour expectations, and the responsibility of all individuals working with pupils to ensure that no suspension or exclusion will be initiated without first exhausting other strategies, or in the case of a serious incident, a thorough investigation. Information about this Policy and procedures is included in the induction process for new admissions to school, is published on the school website, and a copy can be obtained by contacting the school direct.

Whilst suspension or exclusion may be an appropriate sanction, our Head teacher will investigate whether any contributing factors may have led to the incident/s of poor behaviour e.g. bereavement, mental health issues, or bullying. We have a range of policies and procedures in place to promote good behaviour and appropriate conduct, we take steps to access local support services like Inclusion Support Officers and Early Help Services, and we strive to foster good parental engagement. For more information about the strategies we use and resources available to help us manage behaviour, please see our Behaviour Policy and procedures.

This Policy describes the arrangements and procedures for suspending or permanently excluding a pupil from school on disciplinary grounds and is in line with the 2022 statutory guidance [Suspension and permanent exclusion from schools including pupil movement](#). It should be read in conjunction with the school's Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or exclusion and others where relevant e.g. our Single Equality Policy, Special Educational Needs and Disabilities Policy.

During a local or national emergency which significantly impacts on the ability of our Senior Leadership team to meet to discharge their legal duties regarding suspensions and exclusions, an Addendum to this Suspension and Exclusion Policy may become necessary and we will follow relevant Department for Education (DfE) statutory guidance in place at that time to devise it. It will describe any temporary changes made to our school suspension or exclusion process due to the emergency and must be read in conjunction with this Policy.

Policy Definitions

Parent	A child's birth parents or anyone who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives (Education Act 1996). Where possible, all those with parental responsibility will be involved in the suspension or exclusion process.
Relevant person	The parent (or the pupil if aged 18 or over) that this school has legal obligations to under The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 .
Term	The autumn, spring, or summer terms of the academic year.
Academic year	Our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.
Suspension	"exclusion (from school) for a fixed period" ¹ for a pupil for one or more fixed periods of time up to a maximum of 45 school days in a single academic year.

Permanent exclusion	When a pupil is no longer allowed to attend a school (unless the pupil is reinstated) ¹ .
Alternative Provision (AP)	Suitable full-time education arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion under s100 of the Education and Inspections Act 2006 OR Education arranged for pupils who are unable to attend a mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. Either can include Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, or independent, registered, unregistered, and further education settings.

2. Reasons for suspension or permanent exclusion

Only the Head teacher of this school can suspend or permanently exclude a pupil on disciplinary grounds.

We use suspension to clearly signal what is unacceptable behaviour in line with our Behaviour Policy to show a pupil that their current behaviour is putting them at risk of permanent exclusion.

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

- in response to a serious breach or persistent breaches of our Behaviour Policy, or
- where allowing the pupil to remain in school would seriously harm the education or welfare of other people or the pupil themselves in the school.

While the following is not a definitive list, examples of the types of circumstances that may warrant a suspension or permanent exclusion include:

- Physical assault against an adult or pupils
- Verbal abuse or threatening behaviour against an adult or pupils
- Use, or threat of use, of an offensive weapon or item prohibited by our Behaviour Policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

When reporting to the DfE, we can give up to 3 reasons for each suspension or permanent exclusion.

3. Deciding to suspend or permanently exclude

When we decide to suspend or permanently exclude a pupil from school, we will:

- take account of our legal duty of care when sending a pupil home;
- establish the facts in relation to the decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- take care in the process not to discriminate against, harass or victimise pupils because of sex, race, disability, religion or belief, sexual orientation, pregnancy/maternity, or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a child or parent's first language;
- communicate without delay in person or by telephone in the first instance to give parents an opportunity to ask questions or raise concerns with the Head teacher;
- communicate decisions clearly and in writing by delivering any written notification of the decision to suspend or permanently exclude a pupil in-person directly to their parents, by leaving it at their usual or last known home address, or by posting it to that address but with all due regard for necessary reasonable adjustments as above. We will only make this kind of notification via email, secure app, or another agreed electronic method if we have a written agreement with parents that we can.

- Notify the Local Authority, and the pupil's home Authority so that they can arrange continuing education if different from the school's.
- Within 14 days of a request, provide the Secretary of State for education, with information about any exclusions within the last 12 months.

4. The suspension and exclusion process

4.1 Suspension

A suspension, where a pupil is temporarily removed from this school and must stay at home can be for one or more fixed periods of time, up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A suspension can be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspensions are counted as half a school day.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of Policy that led to it.

A suspension cannot be extended or 'converted' to 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 period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

When the decision is made to suspend a pupil from school, the Head teacher will:

- 1) Inform parents without delay** explaining the reason(s) for the suspension and how long it will last. This is usually done in person or by telephone by the end of the afternoon session on the first day of the suspension (or permanent exclusion) at the latest.
- 2) Notify parents in writing** without delay of the following information:
 - the reason(s) for the suspension and how long it will last;
 - that during the first 5 days of any suspension, the pupil must not be in a public place during school hours and if parents fail to ensure this without reasonable justification, they will be committing an offence and may be given a fixed penalty notice or be prosecuted;
 - If alternative provision of full-time education is being arranged and, if it can reasonably be found out within the timescale, the following details:
 - the start date for any provision,
 - the start and finish times, including the times for morning and afternoon sessions if relevant,
 - the address at which the provision will take place, and
 - any information the pupil needs to identify the person they should report to on the first day.
 - how any representations should be made; and
 - where there is a legal requirement for the Senior Leadership team to consider the suspension, that parents (or a pupil if they are 18 years old) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

This school understands how important it is to write legally correct letters about suspension and permanent exclusion and the process so we will use templates provided or recommended to us by our Local Authority. We also understand that failure to notify a parent regarding being in a public place and the penalties, or about alternative provision by the required time does not relieve our Head teacher of the duty to serve the notice.

A notice will not be considered invalid solely because it has not been given by the required time.

If information will be sent home with the pupil, our Head teacher will consider sending a duplicate copy by an alternative method or confirming that the information has been received.

- 3) Provide information** about relevant sources of free and impartial information including:
- [Coram's Child Law Advice service](#) website - Tel.: 0300 330 5485 - Monday to Friday, 8am-6pm.
 - [ACE Education](#) website - Tel.: 0300 0115 142 - Monday to Wednesday, 10am-1pm during term time.
 - [Independent Provider of Special Education Advice \(IPSEA\)](#) website, a registered charity offering free and independent information, advice, and support to help get the right education for children and young people with all kinds of special educational needs and disabilities (SEND).
 - The SEN or SEND Information Advice & Support Services Network (formerly known as the local parent partnership [About Cumbria SENDIASS](#), [SENDIAS Home - Lancashire SEND \(lancssendias.org.uk\)](#)) and links to other relevant local services for families.

- 4) Ensure that the pupil still receives their education** by taking steps to ensure that work is set and marked for the first five school days of a suspension (or until the start date of any full-time alternative provision or the end of the suspension if this is earlier).
- 5) Ensure that arrangements are in place for Alternative Provision (AP) of education** for a pupil from the 6th day of their suspension if it is for more than 5 days (or if consecutive shorter suspensions have now accumulated to more than 5 days).

If information about this alternative provision was not communicated to parents because it was not available by the end of the afternoon session on the first day of the suspension (or permanent exclusion), we will ensure they receive written notice without delay and no later than 48 hours before the AP is due to start. The only exception is where AP will be provided *before* the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

We will not make alternative provision for a pupil who is suspended (or permanently excluded) if the pupil is in their final year of compulsory education and does not have any further public examinations to sit.

- 6) Inform other key workers** such as the Virtual School Head (VSH) if the pupil is a Looked After Child and their social worker if they have one, without delay after the decision.

Both the social worker and/or VSH, will be informed when a Governing Body/Board of Trustees meeting is taking place, so that they can share information with us. The social worker and/or the VSH can also attend the Governor's meeting where parents make representation if they want to.

- 7) Inform the Local Authority** without delay of all school suspensions (regardless of length) or permanent exclusions, including the reason(s) and the duration of suspension or, in the case of permanent exclusion, the fact that it is permanent.

For a permanent exclusion, if the pupil lives outside the Local Authority area in which the school is located, the Head teacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it.

- 8) Arrange a re-integration meeting** on the pupil's return to school where all those concerned can discuss the best way forward.

- 9) Remove permanently excluded pupils from the school roll** at the right time.

When a pupil has disabilities or special educational needs we will make reasonable adjustments in how we support them during this period.

Any time a pupil is sent home due to disciplinary reasons, including when asked to use online pathways instead of coming to school, will always be recorded as a suspension.

Where suspensions are becoming a regular occurrence for a pupil, we will consider whether suspension alone is an effective sanction for them and whether additional strategies need to be put in place to address behaviour.

4.2 Permanent exclusion

A permanent exclusion is when a pupil is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Head teacher will consult with senior leaders as soon as possible in such a case.

We will follow the same procedure to decide on and initiate a permanent exclusion for a pupil as for a suspension (see above), including using appropriate template letters from our Local Authority.

However, where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the pupil by the Local Authority responsible for their continuing education (from the 6th day after exclusion), so that a long-term re-integration plan for a new placement can be put in place.

We will also draw attention to a pupil's EHCP if they have one because the Local Authority must ensure that an appropriate full time placement is identified in consultation with parents, who retain their rights to express a preference for the school they want their child to attend or make representations for a placement in any other school.

5. Re-instatement

The Senior Leadership team has a duty to consider parents' representations about a suspension or permanent exclusion but does not have the power to decide whether to reinstate the pupil in all cases.

The Senior Leadership team will consider and decide on the reinstatement of a suspended or permanently excluded pupil **within 15 school days** of receiving notice of a suspension or permanent exclusion from the Head teacher if it:

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

If the pupil would be suspended for more than five but less than 16 school days in a term *and* if parents make representations, Leaders will consider and decide **within 50 school days** of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, our Leadership team 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, Leaders will consider and decide on the suspension or permanent exclusion **before the date of the examination or test where possible**. If it is not practical for enough Leaders to consider the reinstatement before the examination or test, the head of centre may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the Leadership team will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents. If a meeting is considered, it should happen within a reasonable amount of time.

We will make the pupil and/or their parents aware of their right to attend and participate in the meeting. The pupil will also be enabled and encouraged to participate at all stages of the process, considering their age and understanding, including to make a representation on their own behalf if they want to.

The following parties will be invited to a meeting to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the Head teacher;
- a representative of the Local Authority if requested by the parent;
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

When conducting the review meeting, we will follow DfE statutory guidance [paragraphs 110-128](#).

The Senior Leadership team will either decline to reinstate the pupil or direct reinstatement of the pupil immediately or on a particular date.

If the Senior Leadership team decide against the reinstatement of a pupil who has been permanently excluded the parents can ask for the decision to be reviewed by an Independent Review Panel (IRP) which will include representatives from the Senior Leadership team. Parents can request an IRP even if they did not make representations to or attend the meeting at which the Senior Leadership team considered reinstating the pupil.

If a reinstatement meeting would make no practical difference because for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the Senior Leadership team will still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and before the pupil is back in school.

6. **Appealing to an Independent Review Panel (IRP)**

If applied for by parents within the legal time frame and regardless of whether they have made any representation to school, our Local Authority/Academy Trust will, at their/our expense, arrange for an Independent Review Panel hearing to review the decision of a Senior Leadership team not to reinstate a permanently excluded pupil.

The legal time frame for an application is:

- within 15 school days of notice being given to parents by Senior Leadership team of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame will be rejected by the Local Authority/Academy Trust.

The Local Authority will identify a date for the review that all parties, and any SEN expert appointed to give advice in person, are able to attend. However, the review must begin **within 15 school days** of the day on which a parent's application for a review was made (panels have the power to adjourn a hearing if required). The venue should also be reasonable accessible to everyone who needs to attend.

Parents have a right to request the attendance of a SEN or SEND expert (SENDIAS service) at a review, regardless of whether the school recognises that their child has SEN or a disability. This person is paid for by the Local Authority and their role is to provide impartial advice to the panel on how special educational needs or disability might be relevant to the exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. Every exclusion letter should include details of the [local SENDIAS service](#).

The meeting will be held in private unless the Local Authority directs otherwise.

The meeting can be adjourned at any time and more than once, providing the effect of an adjournment on the parties to the review, the permanently excluded pupil and their parents, and any victim(s) has been considered.

Where the issues raised by two or more applications for review are the same, or connected, the panel may combine the reviews if, after consultation with all parties, there are no objections.

In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the Senior Leadership team decision not to reinstate;
- recommend that the Senior Leadership team reconsiders reinstatement; or
- quash Senior Leadership team decision and direct that the Senior Leadership team reconsiders reinstatement.

The IRP's decision is binding on the: pupil; parents; Head teacher; and Local Authority. The decision does not have to be unanimous and can be decided by a majority vote. In the case of a tied vote, the chair has the casting vote.

The panel may only quash our Senior Leadership team decision not to reinstate if it considers that the decision was flawed when considered in the light of the principles applicable to an application for judicial review (see DfE statutory guidance, [paragraphs 223 to 227](#)).

New evidence may be presented to the panel, but we, the school may not introduce new reasons for the permanent exclusion or the decision not to reinstate the pupil.

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

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

7. Reintegration

We will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. We will work to provide them with a fresh start designed to 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 school culture; foster a renewed sense of belonging within the school community; and builds engagement with learning.

Measures might include:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- 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.

Our reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school and where possible this meeting should include the pupil's parents. No pupil will be prevented from returning to school if parents are unable or unwilling to attend.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties, including to identify if the pupil has any SEND and/or health needs.

8. Suspension or exclusion of a child who has special educational needs or disabilities (SEND)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can apply to both the suspension and permanent exclusion process and to disciplinary sanctions imposed. Under the Children and Families Act 2014, Senior Leadership team must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND, which includes support in relation to behaviour management needed because of their SEND.

This school is committed to working proactively with parents in supporting the behaviour of pupils with additional needs. In partnership with others (including the Local Authority where appropriate and always when a pupil has an EHCP), we will consider what additional support or alternative placement may be required.

This process will involve assessing the suitability of provision for a pupil's SEN or disability and, when an EHCP is in place, we will contact the Local Authority about any behavioural concerns at an early stage and consider requesting an early annual review of the EHCP before making the decision to suspend or permanently exclude the pupil.

For those with SEN but without an EHCP, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may trigger an EHCP assessment or a review of the pupil's current package of support.

9. Marking attendance registers and off-rolling pupils

When a pupil is suspended, they will be marked as absent from this school using Code E (excluded but no alternative provision made) for up to 5 days of a period of suspension.

Where alternative provision is made, and pupils attend it, they will be marked as absent from this school using either code B (education off site) or code D (dual registration).

The Senior Leadership team will ensure that a pupil's name is removed from our school admission register (and make the appropriate return to the Local Authority about it) if:

- 15 school days have passed since the parents were notified of the Senior Leadership team's decision to not reinstate the pupil and no application has been made for an IRP; or
- the parents have stated in writing that they will not be applying for an IRP.

10. Making a complaint

Parents who want to make a complaint about their child's suspension or permanent exclusion should follow our school complaints procedure, starting at the Formal Stage 2 by writing to the Head teacher

This is because actions that are equivalent to the informal stage of our complaints procedure and the Formal Stage 1 will already have happened during our ordinary suspension and exclusion process. Therefore, the complaint can go straight to Senior Leadership team for their consideration based the nature of the complaint and their examination of the established evidence from the completed suspension and exclusion process.