



# **Suspension and Exclusion Policy**

**OGAT Academies (11-18)**

**Raising Standards and Transforming Lives**

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V2	June 2023	Cara Ackroyd	<ul style="list-style-type: none"> <li>Reference to <a href="#">Behaviour and discipline in schools: Advice for governing bodies</a>, September 2015 has been removed. The policy now links the appropriate 2022 guidance (latest update)</li> <li>Reference to <a href="#">Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England</a>, July 2022 has been removed. The policy now links the appropriate 2023 guidance (latest update).</li> <li>Updated section relating to the latest guidance on Cancelling Exclusions</li> <li>Updated section relating to the latest guidance on holding virtual/remote meetings.</li> <li>Changes to the content page to reflect the additions above.</li> <li>Updated to reference 11-18.</li> </ul>
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## Legislative References

- [Equalities Act 2010](#)
- Sections 90 & 91 of the [Education and Inspections Act 2006](#) detailing the general power to discipline
- Section 94 of the [Education and Inspections Act 2006](#) detailing powers of confiscation
- [Education Act 2002](#).

## Statutory Guidance Documents

- [Behaviour and discipline in schools: Advice for head-teachers and school staff](#), February 2024
- [The Equality Act 2010 and Schools: Departmental advice for school leaders, school staff, governing bodies and local authorities](#), May 2014
- [Searching, screening and confiscation: Advice for head-teachers, school staff and governing bodies](#), July 2022
- [Use of reasonable force: Advice for head-teachers, staff and governing bodies](#), July 2013
- [Exclusion from maintained schools, academies and pupil referral units: A guide for those with legal responsibility for exclusion](#), August 2024

**NB: This policy is subject to review at the point at which any of this guidance is reviewed or new guidance comes into force.**

## **1 Introduction**

- 1.1 This policy aims to set out the process that will be followed and the additional considerations around suspensions and exclusions that academies will apply. Good behaviour and self-discipline lead to effective learning and help prepare children and young people for life beyond the school gate.
- 1.2 Where an academy's approaches towards behaviour management has been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.
- 1.3 Academies will always have regard to the Statutory Guidance on Suspensions and Exclusions (May 2023) when making decisions on suspensions and exclusions and will follow the law, as set out in the relevant School Discipline (Pupil Exclusions and Reviews) (England) Regulation 2012 (as amended).
- 1.4 This policy should be read in conjunction with the Positive Discipline for Learning and Life policy and the SEND policy for the Trust.

## **2 Application of policy**

- 2.1 This policy applies to all members of the academy community. Each academy within the Trust will apply suspensions and exclusions in accordance with this policy and ensure that its contents are shared with all staff, parents and pupils.

## **3 Types of exclusion**

Suspensions and permanent exclusions are different:

- 3.1 Suspensions (previously called fixed-term exclusions) are where a pupil is prevented from attending the school for a fixed temporary period. At the end of the period, they are expected to return to school following a reintegration meeting. A pupil may receive a maximum 45 days of suspension in an academic year before being permanently excluded.
- 3.2 Permanent exclusions are where, subject to a decision of the governing board to reinstate the pupil to the school, the pupil is prevented from attending the school again. A decision to permanently exclude will only be taken 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.

## **4 Roles and responsibilities**

All members of the academy community are expected to follow this policy. Roles, responsibilities and expectations of each section of the community are set out in detail below.

<b>Role</b>	<b>Responsibility</b>
<b>Principal</b>	<ul style="list-style-type: none"> <li>All decisions to suspend or permanently exclude a pupil will be taken by the Principal after considering all the circumstances. Every decision made will be proportionate to the seriousness of the behaviour with reference to the Trust's OGAT Positive Discipline for Learning and Life policy.</li> </ul>
<b>Academy Council Behaviour Committee</b>	<ul style="list-style-type: none"> <li>The governing board is responsible for forming committees to review exclusions and suspensions when it is required to do so, it is requested by parents, or it is, in its view, prudent to review an individual decision. In each case, the decision of the relevant committee formed by the governing board will be to decide whether to uphold the exclusion or suspension, or instead to reinstate the pupil to the school.</li> </ul>
<b>Parents/ Carers</b>	<ul style="list-style-type: none"> <li>Parents will be informed without delay of any suspension or exclusion and there is an ability to make representations in regard to any suspension or exclusion decision. Details will be provided on the rights parents have with every letter that is sent from the Principal.</li> </ul>
<b>Students</b>	<ul style="list-style-type: none"> <li>All students are expected to follow the expectations regarding their behaviour to ensure that all pupils can learn and participate in school life effectively. Where those expectations are breached, the behaviour policy will apply.</li> </ul>
<b>Other roles and responsibilities</b>	<ul style="list-style-type: none"> <li>The roles and responsibilities of other leaders and key staff in relation to discipline in schools is detailed in the OGAT Positive Discipline for Learning and Life policy.</li> </ul>

## **5 CCTV, witness evidence and pupil views**

- 5.1 The Trust uses Close Circuit Television (**CCTV**) within its premises. This is to provide a safe and secure environment for pupils, 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 is relied upon for a decision on a suspension or exclusion, then it will be shown in some format (redacted as necessary) at any Behaviour Committee review meeting. Please see the Trust's CCTV policy and privacy notices for more information.
- 5.2 Where witness evidence is relied upon, whether that be from a pupil or a staff member, the statement(s) will be provided at any Behaviour Committee review meeting. All statements will be signed and dated unless the Principal has good reason to protect the anonymity of the relevant witness. Reasons may include threats of reprisals.

- 5.3 Before taking a decision to suspend or exclude and where appropriate, the Principal will take the pupil's views into account, considering these in light of their age and understanding, and inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. The Principal will also take account of any contributing factors identified after an incident of misbehaviour has occurred.

## **6 Reintegration meetings following suspension or off-site direction**

- 6.1 Where a pupil is suspended or is directed to be educated off-site, upon return to the school both the pupil and parents will be invited to a reintegration strategy meeting. The purpose of the meeting is to:

- offer the pupil 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 school culture,
- foster a renewed sense of belonging within the school community; and
- build engagement with learning

School staff will work with the pupil to understand what led to the behaviour and to establish if any changes can be made or further support implemented from a pastoral or practical perspective that might reduce the chance of repeat behaviours. Previous behaviour is not seen as an obstacle to future success.

- 6.2 The school used various measures to support a pupil's successful reintegration. The various support pathways deployed by the academy can be found detailed in section 11 of the OGAT Positive Discipline for Learning and Life policy.
- 6.3 Should a parent/carer not be able to attend then a member of staff will call to rearrange the meeting or conduct the meeting with the student. We encourage parents to engage in reintegration meetings as suspension is a serious sanction.

## **7 Suspensions before a permanent exclusion**

- 7.1 In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion. For each decision, the Principal will send the relevant letter setting out the rights of parents. A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended. Exceptional circumstances may include where further evidence has come to light or where the incident was serious and time is required to fully investigate the circumstances and consider alternatives.

## **8 Cancellling exclusions**

8.1 The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

## **9 Directing off-site and managed moves**

9.1 Before taking any decision to permanently exclude a pupil, the Principal may consider whether a direction to attend alternative provision and/or a managed move as part of a planned intervention would be a reasonable alternative that should be considered.

9.2 In the case of directing a pupil off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a pupil's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to feed in their views about the options.

9.3 For a managed move to take place there needs to be agreement between the School, the parents and the new school that a managed move should occur. A managed move is a permanent move to a new school. Before a managed move is agreed to, the pupil may be directed off-site to attend the new school for a period to ensure that the new school would be suitable for them. At the end of this off-site directed period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes a permanent managed move.

## **10 Independent review panels (IRPs)**

A number of academies in the Trust arrange their own IRPs, and requests for an IRP where a permanent exclusion has been upheld should be made to the Clerk to the Behaviour Committee within 15 school days as per the communication sent. Some local authorities arrange IRPs on the Trust's behalf, and requests where a permanent exclusion decision has been upheld should be made to the contact provided from the local authority within 15 school days. Further details on the role and powers of IRPs can be found in Part Ten of the Statutory Guidance on Exclusions.



## **11 Reconsideration by the governing board**

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

## **12 Remote/Virtual Meetings**

12.1 The statutory guidance now provides a process for remote meetings to be requested. This will be either where:

- The parent has requested the meeting be remote; or
- There is an 'extraordinary event or unforeseen circumstance' that means it's not reasonably practicable to hold the meeting in person. The Statutory Guidance doesn't go into huge detail on this, but it does give the example of an outbreak of an infectious illness/disease.

12.2 The statutory guidance sets out a clear presumption in favour of physical hearings except where one or both of the above exceptions apply. More often than not, it will be the wishes of the parent that determine the options open to the school in respect of the format for the hearing.

12.3 The process for holding a meeting remotely need to be given careful consideration, including;

- Considering conducting a test to ensure with any participant to ensure their technology is suitable
- Making clear who can be contacted if they have any questions or issues
- Practical arrangements in the remote meeting itself being set out in the meeting - for example, how someone can indicate that they want to speak.

12.4 Undue pressure should not be applied to parents to request a remote meeting, even if it will be easier for the school or mean it can be arranged earlier.

12.5 There is an additional right for the Virtual School Head (VSH) or social worker to request to join a meeting remotely (even if everyone else is attending in person). It is down to the governing board or the arranging authority to decide whether to accept the request.

## **13 Complaints**

If parents have any concerns or complaints over the application or implementation of this policy or feels that they are being pressured into a managed move, they should raise their concerns with a staff member or the Principal in accordance with the Trust's complaints policy. If the concern relates to an exclusion, the statutory procedure set out in the exclusions statutory guidance will be followed.

## **14 Equality impact**

The Trust does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics. This includes race, religion, disability, sexual orientation, and sex.

## **15 Monitoring arrangements**

Local Academy Council's and the Trust Board review data on suspensions and exclusions to ensure that the use of suspensions and exclusions is appropriate. The following are monitored to ensure the processes and support for pupils are appropriate:

- the interventions put in place for pupils at risk of suspension and permanent exclusion
- the processes in place for determining and reviewing directions to alternative provision and that such placements are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- the full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension, in particular checking the provision is suitable and quality-assured to ensure that:
  - any previous placements have been evaluated, including support for any applicable SEND;
  - there is a process in place to monitor the pupil's attendance and behaviour at the provision
  - the correct attendance code is being used
  - the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible
- whether there is any variation within the year on suspensions and permanent exclusions and the characteristics of pupils
- the cost implications of directing children to be educated off-site in alternative provision and whether there are any patterns to the reasons or timing of moves
- whether the school register and absence codes have been recorded correctly
- how the behaviour policy is applied and specifically its consistency
- the circumstances in which pupils receive repeat suspensions
- whether Personal Education Plans for looked after children have been reviewed on a termly basis