



Suspension & Permanent Exclusion Policy

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*Publication on website			
Denbigh Alliance website		School website	
1	Statutory publication	A	Statutory publication
2	Good practice	B	Good practice
3	Not required	C	Not required

**Policy level			
1	Trust wide	Single policy relevant to everyone and consistently applied across all schools and departments, with no variation. e.g. Complaints procedure	Statutory policies approved by the Denbigh Alliance Board of Trustees (or designated Trustee Committee). Non-statutory policies approved by the CEO with exception of Executive Pay.
2	Trust core values	This policy defines the Trust core values in the form of a Trust statement to be incorporated fully into all other policies on this subject, that in addition contain relevant information, procedures and or processes contextualised to that school. e.g. Safeguarding, Behaviour	Statements in statutory policies approved by the Denbigh Alliance Board of Trustees (or designated Trustee Committee). Statements in non-statutory polices approved by the CEO. Policy approved by Local School Board.
3	School/department	These policies/procedures are defined independently by schools as appropriate. E.g. Anti-bullying	Approved by Local School Board.

1. Scope

- 1.1. The Suspension & Permanent Exclusion Policy applies to all students in all Schools within the Trust.
- 1.2. Where 'school' is mentioned please read 'academy' where relevant.

2. Aims

- 2.1. The Trust is committed to adhering to the government's guidance on Suspensions & Permanent Exclusions for Academies;
[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
 - 2.1.1. Headteachers, governing boards, local authorities, academy trusts, independent review committee members and special educational needs (SEND) experts must have regard to the statutory guidance when carrying out their functions in relation to suspensions and/or permanent exclusions. Clerks to independent review committees must be trained to know and understand this guidance. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case. Where relevant, this document refers to other guidance in areas such as behaviour, SEND, and equality, but it is not intended to provide detailed guidance on these issues.
- 2.2. The Trust recognises the importance of treating all students fairly when applying this policy and consequently ensures that its procedures for managing behaviour are fair and equitable to all students.
- 2.3. The Trust has in place arrangements to monitor the profile of students suspended from schools to ensure that these are exercised fairly.
- 2.4. This policy and appeals process and the duty to provide education to suspended students is informed by the current government guidance. Where necessary and reasonable, the Trust will acknowledge and abide by any changes or amendments which the government may make to the published guidance.

3. Suspensions and Exclusions

- 3.1. If a student is suspended or permanently excluded, the parent(s) or pupil if over 18 will be notified of the period of the suspension/permanent exclusion and the reason for it without delay. An information letter will be provided to the parent both physically via the student and via email to inform of the suspension on the same day.
- 3.2. This will be followed by a statutory letter from the Headteacher containing further information.
- 3.3. Permanent exclusion will normally be used as a last resort when a range of other strategies has been exhausted. In some cases, students may be referred to Alternative Education through an 'Off-Site Direction' as an emergency placement through the Milton Keynes Behaviour Partnership. If the emergency placement is not accepted, the Headteacher reserves the right to continue with a Permanent Exclusion.
- 3.4. In exceptional circumstances, the Headteacher will automatically consider permanent exclusion for students irrespective of whether it is a first occurrence or repeated or persistent offence.
 - 3.4.1. A permanent exclusion will usually be considered a 'last resort' action; applied only when other methods and strategies have failed or would follow after certain single incidents, which are deemed to be extremely serious and beyond the scope of a fixed term suspension or when a student has already been suspended for 45 days in an academic year.
 - 3.4.2. A permanent exclusion will follow if there is a serious breach or persistent breaches of the Schools Behaviour Policy; **and** where allowing the student to remain in school

would seriously harm the education and/or welfare of the student or others such as staff or students in the school.

3.5. Some of the misbehaviours that could lead to a fixed term suspension include, but are not limited to:

- 3.5.1.** Refusal to adhere to the expectations as set out in the relevant Behaviour Policy or code of conduct
- 3.5.2.** Persistent refusal to follow instructions, wilful defiance, truancy to lessons or disrupting the learning/good order of the school
- 3.5.3.** Deliberate damage or vandalism of school/another person's property
- 3.5.4.** Theft from the school, a student or a member of staff
- 3.5.5.** Verbal abuse or offensive language including racist, homophobic sexist comments directed at another student and/or a member of staff
- 3.5.6.** Threatened or actual physical violence towards a student or member of staff with or without intent to cause harm
- 3.5.7.** Bullying (Bullying is defined as repeated behaviours which may be verbal or physical. Please see the Anti-bullying policy for further guidance)
- 3.5.8.** Bringing the school into disrepute through actions during/beyond the school day and on/off the school premises
- 3.5.9.** Bringing an offensive weapon (or replica) onto the school premises with/without intent to cause harm
- 3.5.10.** Possession or under the influence of alcohol or illegal substances on school site
- 3.5.11.** Possession and or use of smoking materials, vapes and other age restricted items
- 3.5.12.** Acting in a manner that displays inappropriate sexualised behaviours that causes anxiety/concern/distress or harm
- 3.5.13.** Misuse of technology, such as breach of mobile phone policy, inappropriate use of social media or accessing or sharing inappropriate content
- 3.5.14.** The inability of a student to follow school expectations thus, potentially jeopardising the health and safety of, or causing severe disruption to, themselves and others (e.g. but not limited to, setting off the fire alarm)

3.6. A permanent exclusion would be considered in a situation that includes but is not limited to any of the behaviours mentioned above depending on the impact and/or harm/potential harm to individuals or the wider school community .

3.7. Depending on the seriousness of the behaviour this may warrant involvement with the police or other agencies as age appropriate.

4. Complaints

4.1. We encourage all parents/carers to communicate with the school if they unhappy with the support that has been offered. The Headteacher may cancel a suspension that has already begun or is due to begin but has not been reviewed by the Governors. In all cases, parents may make written representation to the Local School Board, however in the case of a fixed term suspension which does not bring the student's total number of days of suspension to more than five in a term, governors must consider any representations made by parents, but it **cannot** direct reinstatement, and they are **not required** to arrange a meeting with parents.

- 4.2. For suspensions that bring the student's total number of days of suspension to more than five but less than 15 in a term, a parent/carer **can request** that the Local School Board's Disciplinary Committee meet to review the suspension within 50 school days.
- 4.3. For suspensions that bring the student's total number of days of suspension to more than 15 in a term, the Local School Board's Disciplinary Committee **must** meet to review the suspension within 15 school days.
- 4.4. For permanent exclusions, the Local School Board's Disciplinary Committee **must** meet to review the permanent exclusion within 15 school days. This committee has the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the permanent exclusion.
- 4.5. Where parents dispute the decision of a Local School Board's Disciplinary Committee not to reinstate a permanently excluded pupil they can ask, within 15 school days of notice being given of the committee's decision, for this decision to be reviewed by an independent review committee. An independent review committee **does not** have the power to direct a governing board to reinstate a permanently excluded pupil and the independent review committee's decision is binding on the: pupil; parents; governing board and Headteacher. Any application made outside of the legal time frame will be rejected.
- 4.6. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a fixed term suspension or permanent exclusion, parents can also make a claim to the First-tier Tribunal (Special Educational Needs and Disability) for disability discrimination, or the County Court for other forms of discrimination.
- 4.7. Whether or not a school recognises a pupil as having SEND, all parents have the right to request the presence of a SEND expert at a review meeting. The SEND expert's role is to advise the review committee, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review. For example, they may advise whether the school acted reasonably in relation to its legal duties when excluding the pupil.
- 4.8. Parents/carers can request that a meeting or review be held via the use of remote access (carried out by electronic means, e.g. live video link). Meetings can also be remote in unforeseen or extraordinary circumstances. For example, school closure due to floods, fire, infectious illness / disease.
- 4.9. Note that where these extraordinary circumstances don't apply and parents/carers do not request a remote meeting, then the meeting must be held in person, even if the parent(s) do not respond or attend.

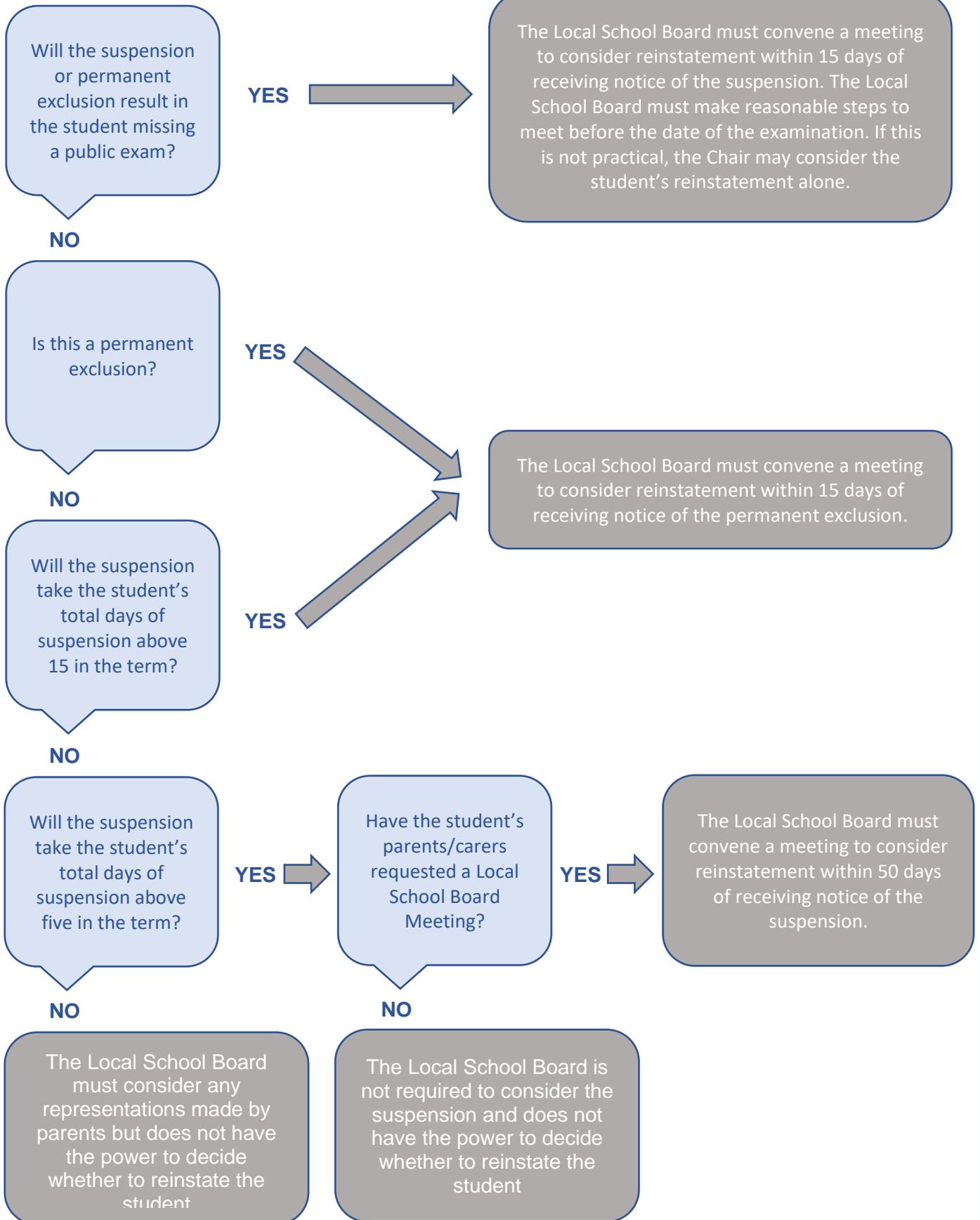
5. Off-site direction

- 5.1. Off-site direction is when the Headteacher directs a student to attend another education setting to improve their behaviour where interventions or targeted support have not been successful. In Milton Keynes, this is generally provided through the Milton Keynes Inclusion Partnership. More information on Off-site direction can be found within the government guidance.

6. Managed Moves

- 6.1. A managed move is used to initiate a process which leads to a transfer of a student to another mainstream school permanently. Managed Moves should be voluntary and agreed with all parties involved, including the parents and admission authority of the new school. Managed Moves should only occur when it is in the student's best interests. More information on Managed Moves can be found within the government guidance.

Appendix 1 -Flow chart



Notes: The Local School Board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.
References to days mean 'school days'.

Immediate notification of a suspension

This information should be provided as a written document sent home with the student and by email to the parent if the student is over 18. It can also be provided verbally in person or over the telephone. **Note: If the student is over 18 all communication including the letter will be directed to them. Only if the student consents, may parents/carers be notified.**

Today, your child has [you have] been suspended from school for a fixed term period.

An appropriate member of staff will contact you as soon as is practicable to discuss the reasons for this and the duration of the suspension, and you will receive a letter from the Headteacher in due course confirming this information and your right to make representation.

In the meantime, please note the following:

- Under the guidance from the Department for Education, parents/carers have a duty to ensure that their child is not present in a public place in school hours during the first 5 days of this suspension unless there is reasonable justification for this. A penalty notice from the Local Authority may be issued if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.
- Where reasonable, work or revision will be provided, this may be online or using physical resources. This should be completed to the best of the student's [your] ability and where relevant returned to School for review at the point of reintegration.
- If the suspension is for more than 5 days, from the 6th day provision will be made for your child to attend an alternative educational establishment for the balance of the suspension. [delete for student over the age of compulsory education who does not have any further public examinations pending and post 16 students]
- A reintegration meeting will be arranged with you before your child returns [you return] to lessons.
- Links to further advice on the suspension process will be provided in the Headteacher's letter.

Yours sincerely,

[name]
Headteacher

Letter for a suspension

Note: If the student is over 18 all communication including the letter will be directed to them. Only if the student consents, may parents/carers be notified. The student SHOULD attend the meeting.

Dear Parent/Carer, or student if over 18

I am writing to inform you of my concerns regarding [student's name's] unacceptable behaviour and my decision to suspend him/her for a fixed period of [specify period]. This means that he/she will not be allowed in school for this period. This brings the total number of suspension days this term to [number].

The first day of {name's} suspension will be (date) and (name) will return to school on (date).

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend [student's name] has not been taken lightly.

[Include of brief explanation here of the circumstances leading to the suspension]

The reasons for the suspension are:

- [Include up to 3 reasons for the suspension]

Under the guidance from the Department for Education, parents/carers have a duty to ensure that their child is not present in a public place in school hours during the first five days of this suspension unless there is reasonable justification for this. A penalty notice from the Local Authority may be issued if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

[use appropriate wording according to number of days of suspension]

For individual suspensions of less than 5 days

You may provide a written representation to the Local School Board regarding this suspension, but in the case of a fixed period suspension of less than 5 days, the governors cannot overturn the Headteacher's decision and do not have to meet with you.

If the individual suspension is for more than 5 days but less than 15

From the 6th school day of the student's suspension until the expiry of the suspension we will provide the details of a suitable full time education placement which will be notified to you by a further communication, by the end of the fourth day of the student's suspension. No such provision will be made for students in their final year of compulsory education who do not have any further public examinations to take or Post 16 students.

As the period of this suspension is more than 5 school days you have the right to request a meeting of the Local School Board's Disciplinary Committee to whom you may make representation and my decision to suspend can be reviewed. The latest date by which the Committee must meet is [specify date – within 50 school days].

If you wish to request a meeting, make representations to the Committee and/or wish to be accompanied by a friend or representative, please contact [the appropriate person], [name] at [email address].

If the individual suspension is for more than 15 days or brings the total number of days suspended in one term to more than 15

From the 6th school day of the student's suspension until the expiry of the suspension we will provide the details of a suitable full time education placement which will be notified to you by a further communication, by the end of the fourth day of the student's suspension. No such provision will be made for students in their final year of compulsory education who do not have any further public examinations to take or Post 16 students.

As the length of the suspension brings the total number of days suspended to more than 15 school days in one term, the Local School Board Disciplinary Committee must meet to consider the suspension. At the review meeting you may make representations to the Committee if you wish. You may be accompanied by a friend or representative at the meeting. Your child may also attend the meeting and speak to the panel if they wish to do so. The latest date on which the Committee can meet is [date] (no later than 15 school days from the date the Local School Board is notified of the suspension). If you wish to make representations to the Committee and or wish to be accompanied by a friend or representative, please contact the [appropriate person], [name] at [email address].

You will, whether you choose to make representations or not, be notified by the appropriate person of the time, date and location of the meeting.

Prior to returning to lessons, you will be invited to a reintegration meeting at school. The purpose of the reintegration meeting is to discuss how best [name's] return to school can be successfully managed. [staff member] will contact you to arrange this meeting where expectations of future behaviour in school will be discussed.

Further guidance:

Further advice on the exclusion process can be found via the following links:

- [Government statutory](#) guidance on school suspensions and permanent exclusions
- MK Council exclusions@milton-keynes.gov.uk
- If your child has an Education and Health Care Plan (EHCP) ehcp@milton-keynes.gov.uk and/or MK SENDIAS contact@mksendias.org.uk and/or [Independent Provider of Special Education Advice](#)
- If you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the [First Tier Tribunal \(Special Educational Needs and Disability\)](#), [First Tier Tribunal](#) or to a county court, in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the Local School Board's Disciplinary Committee.
- [Corums Child Law Service](#)

It is important that [student's name] understand the serious implications of this suspension. I have to advise you that [student's name] could be at risk of further sanctions, including permanent exclusion from school, if there are further incidents of misbehaviour.

Yours sincerely,

[Name]

Headteacher

Cc. Social worker and/or VSH where applicable

Cc. MK Local Authority via portal

Letter for a permanent exclusion

Note: If the student is over 18 all communication including the letter will be directed to them. Only if the student consents, may parents/carers be notified. The student SHOULD attend the meeting.

Dear Parent/Carer, or student if over 18,

I am writing to confirm my decision that I am permanently excluding [student name] from [school name] with effect from **[date]**. This means that [student name] will not be allowed back in this School unless they are reinstated by the Local School Board's Disciplinary Committee or by an Independent Review committee.

I understand that this exclusion may be upsetting for you and your family, and I can assure you that the decision to permanently exclude [student name] was not taken lightly but the seriousness of the offence had to be taken into account.

[Include of brief explanation of the circumstances leading to the suspension]

The details of [student name]'s unacceptable behaviour are as follows:

- [Include up to 3 reasons for the permanent exclusion]

[student name] has been permanently excluded from [School name] for the following reason(s):

- A breach [or persistent breaches] of the school rules **and**
- Where allowing [student name] to remain in school would seriously harm the education or welfare of the other students or staff in the school.

Alternative arrangements for [student name]'s education to continue will be made. From the sixth day of the exclusion, i.e. from [date], Milton Keynes Local Authority will make provision for [student name]'s education and they will contact you directly with regard to the arrangements for this. No such provision will be made for students in their final year of compulsory education who do not have any further public examinations to take or Post 16 students.

Under the guidance from the Department for Education, parents/carers have a duty to ensure that their child is not present in a public place in school hours during the first five days of this permanent exclusion unless there is reasonable justification for this. A penalty notice from the Local Authority may be issued if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

As this is a permanent exclusion the Local School Board's Disciplinary Committee will meet to consider this, and a meeting will be arranged to take place before [date]. You may attend the meeting and at the review meeting you may make representations to the Local School Board's Disciplinary Committee. You may be accompanied by a friend or representative at the meeting. Your child may also attend the meeting and speak to the panel if they wish to do so. The Local School Board's Disciplinary Committee has the power to reinstate your child immediately or from a specified date, or alternatively, they have the power to uphold the exclusion in which case you may appeal to an Independent Appeal Committee. The appropriate person will contact you to provide further details regarding this meeting and making representation.

If you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability) First Tier Tribunal or to a county court, in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the Local School Board's Disciplinary Committee.

You also have the right to see a copy of [student name]'s school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of [student name]'s school record. There will be a charge for photocopying.

Further guidance:

Further advice on the exclusion process can be found via the following links:

- [Government statutory](#) guidance on school suspensions and permanent exclusions
- MK Council exclusions@milton-keynes.gov.uk
- If your child has an Education and Health Care Plan (EHCP) ehcp@milton-keynes.gov.uk and/or MK SENDIAS contact@mksendias.org.uk and/or [Independent Provider of Special Education Advice](#)
- If you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the [First Tier Tribunal \(Special Educational Needs and Disability\)](#), [First Tier Tribunal](#) or to a county court, in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the Local School Board's Disciplinary Committee.
- [Corums Child Law Service](#)

Yours sincerely,

[Name]

Headteacher

c.c. MK City Council
Name, Chair of Local School Board
[Social worker]
[VSH]

Letter following a permanent exclusion hearing

Dear Parent/Carer or student if over 18,

I refer to the meeting of the Pupil Discipline Committee that took place on the [Date] when the question of [student's] permanent exclusion from this school was considered. You are aware that the Governing Body can either decline or direct reinstatement.

For reinstatement:

Having considered all parties representation, the panel has approved reinstatement and decided that the Headteacher's decision to permanently exclude should be overturned. The school will contact you to arrange a reintegration meeting without delay. This decision will be noted on [student]'s educational record.

The governors have come to this decision for the following reasons:

-
-
-

For declined reinstatement:

Having considered all parties representation, the panel has declined reinstatement and decided that the Headteacher's decision to permanently exclude should be upheld. This decision will be noted on [student]'s educational record.

The governors have come to this decision for the following reasons:

- *The governors were [unanimous/in the majority] that the HTs decision was reasonable following the serious breach to the School Behaviour Policy and expectations.*
- *The Governors are in agreement that the entire process has been conducted in a lawful and procedurally fair way.*
- *The Governors feel that having [student] in school brings a risk to the welfare and safeguarding of other pupils and members of staff*

You have a right to make representations to an independent review panel (IRP).

You must set out the reasons for your appeal in writing and if appropriate, may also include reference to any disability discrimination claim you may wish to make.

You may request that the IRP is held remotely, and you have the right to an appointed SEN expert to advise the review panel. You may at your own expense appoint someone to make written and/or oral representations to the panel.

Please advise if you have a disability or special needs that would affect your ability to attend the hearing. Please also inform the Clerk to the Independent Review Panel if it would be helpful for you to have an interpreter present at the hearing.

To make an application for an IRP, please notify Mrs Sarah Georgiou, the Trust's Lead Governance Professional and Independent Review Panel Clerk, no later than the [date]. Her contact details are georgious@thedenbighalliance.org.uk. If you have not appealed by [date] you will lose your right to appeal.

In addition, if you think there has been unlawful discrimination in relation to the permanent exclusion then you may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

You may find it useful to contact the following sources for free and impartial advice:

Further guidance:

Further advice on the exclusion process can be found via the following links:

- Government statutory guidance on school suspensions and permanent exclusions
- MK Council exclusions@milton-keynes.gov.uk
- If your child has an Education and Health Care Plan (EHCP) ehcp@milton-keynes.gov.uk and/or MK SENDIAS contact@mksendias.org.uk and/or Independent Provider of Special Education Advice
- If you think discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability), First Tier Tribunal or to a county court, in the case of other forms of discrimination. Making a claim would not affect your right to make representations to the Local School Board's Disciplinary Committee.
- Corums Child Law Service

Yours sincerely,

[Name]

Clerk to the Pupil Discipline Committee/Management Committee

cc. Chair of Governors
Milton Keynes City Council

Proceedings at a meeting of the Local School Board's Disciplinary Committee to consider a fixed term suspension over 5 days or permanent exclusion

1. The Chair will provide an opportunity for everyone present to introduce themselves and explain their role. If parents bring a friend or representative, it will be established who will present their case. If the student is present, the Chair should ensure they understand the process and establish whether they wish to speak themselves.
2. The Chair will advise that the meeting will be minuted by the Clerk to the meeting.
3. The Chair will advise that during the meeting, if any parties need a moment to compose themselves, the Chair may suggest a brief recess. If new evidence arises that is significant enough that it might alter the decision of the committee, the Chair may adjourn the meeting so that the school can investigate.
4. The committee can
 - 4.1. Uphold the Headteacher's decision to suspend.
 - 4.2. Decide to reinstate the student immediately or from a certain date or if the suspension has already taken place, make a note on the student's educational file that the suspension was not upheld.
5. During the meeting, there are questions that the committee should be seeking to answer.
 - 5.1. **Have the School's procedures relating to discipline been carried out fairly and fully?**
 - 5.1.1. *Where the procedures have been carried out fully, the investigation should have determined an appropriate course of action. Consequently, in the majority of instances, the action of the Headteacher suspending a pupil is unlikely to cause concern and should receive the support of the committee, notwithstanding any representations made by parents and other education specialists. (Procedural impropriety means not simply a breach of minor points but something more substantive that has a significant impact on the quality of the decision process).*
 - 5.2. **Was the action of the Headteacher in excluding the student lawful, reasonable and appropriate in the light of the circumstances?**
 - 5.2.1. *In a minority of cases the procedures that lead up to the suspension and the subsequent action by the Headteacher may not be lawful or entirely appropriate and may raise doubts in the minds of the committee. In these instances, the committee should be prepared to overturn a suspension, where they are entitled to do so. The committee's function is not merely to rubber stamp the action of the Headteacher, but rather to consider objectively whether the action was lawful and appropriate.*
6. The Chair will explain the proceedings of the meeting as follows:
 - 6.1. The School will present its case, without interruption.
 - 6.2. The Chair will invite questions.
 - 6.3. The student (if he/she wants to, and in any case where over 18) and/or the parent will have the opportunity to present their case without interruption.

- 6.4. The Chair will invite questions.
 - 6.5. The School will summarise its case
 - 6.6. The student and parents may have the opportunity to summarise their case.
 - 6.7. Once all parties have summarised and questions have been addressed, the Chair will advise parents/carers that they will receive a letter without delay and no more than 15 school days advising them of the outcome. For a permanent exclusion, details of the appeal process will be in the letter.
 - 6.8. The Chair will advise all parties to withdraw save the Governance Professional who will record the committees discussion points, decision and wording for the letter to parents/carers.
 - 6.9. The Governance Professional in conjunction with the Chair shall draft a letter that will be sent to parents/carers without delay and no more than 15 school days advising them of the outcome.
7. Papers can be left by any parties for confidential shredding.
 8. The Chair will verbally advise the Headteacher of the committee's decision after the meeting.
 9. A copy of the committee's letter will be placed on the students educational record.