



Suspension & Permanent Exclusion Policy

Policy Name:	Suspension & Permanent Exclusion Policy
Version:	2
Date published:	7 12 2023
Date to be reviewed by:	January 2025
Role of Reviewer:	CEO
Statutory (Y/N):	Y
Published on website: *	Y
Policy Level: **	1A
Relevant to:	All students
Produced in consultation with:	Headteachers
Approved by:	Education & Ventures Committee
Approval date:	6 12 2023

*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 policies 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 \(www.gov.uk\)](https://www.gov.uk/government/guidance/school-suspensions-and-permanent-exclusions)

2.1.1. The government document provides statutory guidance to which Headteachers, governing boards, local authorities, academy trusts, independent review panel members and special educational needs (SEN) experts must have regard when carrying out their functions in relation to suspensions and/or permanent exclusions. Clerks to independent review panels must also 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, SEN, and equality, but it is not intended to provide detailed guidance on these issues.

2.2. The Trust ensures that its procedures for disciplining students and managing behaviour are fair and equitable to all students. The Trust's policy on suspensions and permanent exclusions and for allowing appeals against suspensions and permanent exclusions and the duty to provide education to suspended students is informed by the government guidance on suspensions and permanent exclusions. The Trust recognises the importance of treating all students fairly when applying the Suspension and Permanent Exclusion Policy.

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. 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. 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 the referral system provided by Milton Keynes Behaviour Partnership.

3.2. 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.

3.3. A permanent exclusion can occur as a result of:

3.3.1. 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 students in the school.

- 3.4. Some of the misbehaviours that could lead to a fixed term suspension or permanent exclusion include, but are not limited to:
- 3.4.1. Possession of banned items - such as knives;
 - 3.4.2. Possession, use, or selling of drug and/or illegal substances;
 - 3.4.3. Sexual misconduct;
 - 3.4.4. Verbal abuse or threatening behaviour to staff and/or students;
 - 3.4.5. Persistently failing to comply with the expectations of the school;
 - 3.4.6. Damage to school or property;
 - 3.4.7. Choosing to use physical violence against another student or a member of staff;
 - 3.4.8. Theft;
 - 3.4.9. Incidents of bullying/racial/homophobic comments;
 - 3.4.10. Malicious accusations made by students against school staff;
 - 3.4.11. Serious misuse of technology, such as accessing pornography.

4. Complaints

- 4.1. We encourage all parents/carers to communicate with the school if they are unhappy with the support that has been offered. The Headteacher may withdraw a suspension that has not been reviewed by the Governors. If the matter has not been successfully resolved, you may write to the Governors, 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, the Governing Body must consider any representations made by parents, but it cannot direct reinstatement and is **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 in a term, a parent/carer **can request** that the Governing Body'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 Governing Body's Disciplinary Committee **must meet** to review the suspension within 15 school days.
- 4.4. For permanent exclusions, the Governing Body'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 Governing Body'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 panel. An independent review panel does not have the power to direct a governing board to reinstate a permanently excluded pupil and the independent review panel'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 panel, 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.

5. Remote access

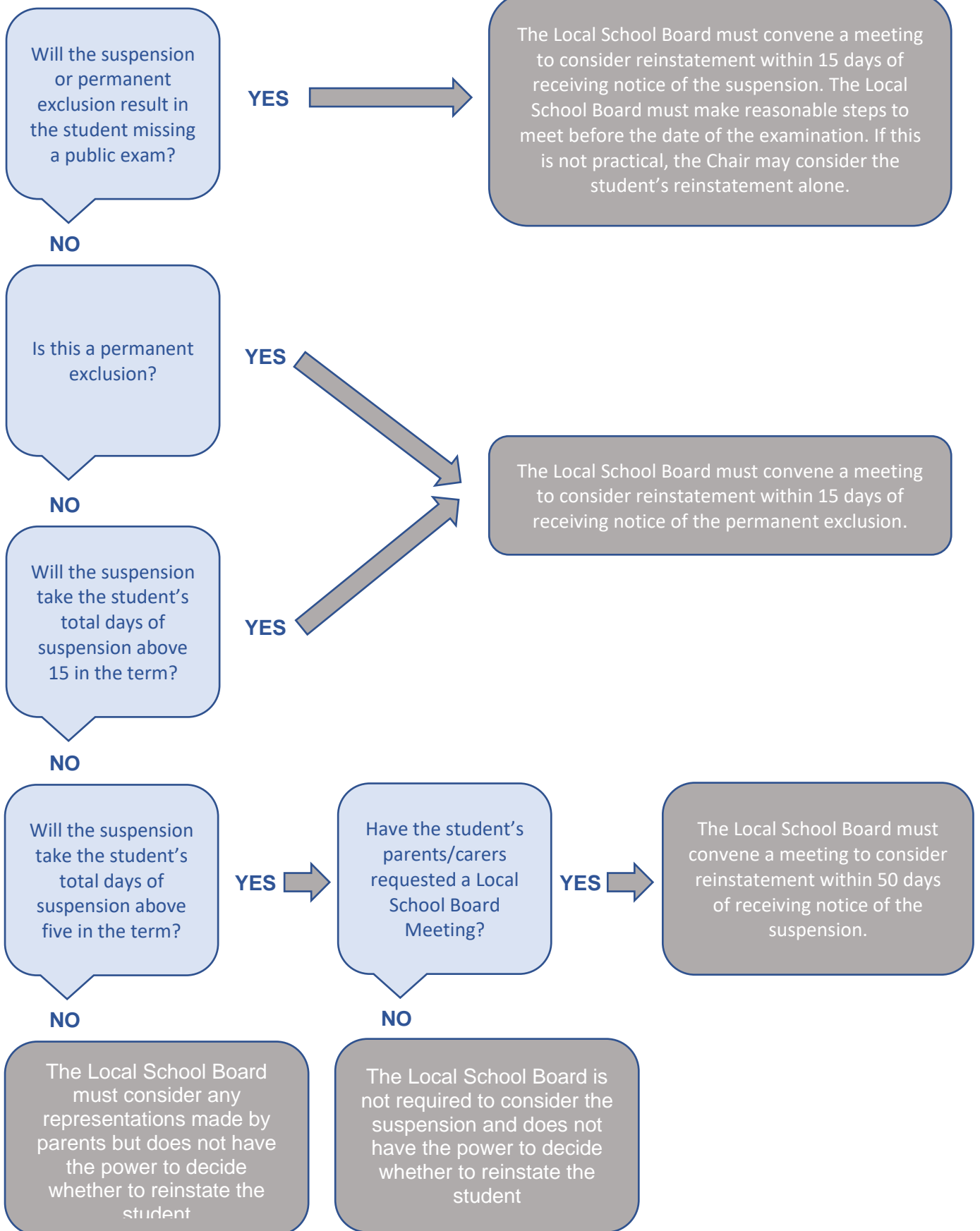
- 5.1. Parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

5.2. Meetings can also be remote in unforeseen or extraordinary circumstances. For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

5.3. Note that where these extraordinary circumstances don't apply and parents/carers don't request a remote meeting, then the meeting must be held in person.

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'.

Notification of a suspension

Dear Parent/Carer,

Today, your child has been suspended from school for a fixed term period. Your child's Pastoral Leader/SENCo or Headteacher 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.

In the meantime, please note the following:

- Under the guidance from the Department for Education, you have a duty to ensure that your child is not present in a public place in School hours during the period of this suspension unless there is reasonable justification for this, and you could be prosecuted or receive a penalty notice if you do not comply with this.
- Work or revision will be sent home today with your child which should be completed to the best of their ability and where relevant returned to School for marking.
- 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.
- There will be a reintegration meeting before your child returns to lessons, this will be arranged with you by a Pastoral Leader/SENCo or the Headteacher.
- If you wish to seek further advice on the suspension process you may email the local authority at exclusions@milton-keynes.gov.uk or refer to the Government website regarding statutory suspension and permanent exclusion guidance link [here](#)
- If your child has a Statement of Special Educational Needs or EHCP, you can contact the SEN team on 01908 253414 or email sen@milton-keynes.gov.uk

Yours sincerely,

Headteacher

Appendix 3

Proceedings at a hearing of the Local School Board's Disciplinary Panel

1. The Chair will provide an opportunity for everyone present to introduce themselves and explain their role. If parents bring a representative, it will be established who will present their case.
2. The Chair will advise that the meeting will be minuted and recorded if Teams is used.
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 panel, the Chair may adjourn the meeting so that the school can investigate.
4. The Chair will explain the proceedings of the meeting as follows:
 - 4.1. The school will present its case, without interruption.
 - 4.2. The chair will invite questions.
 - 4.3. 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.
 - 4.4. The Chair will invite questions.
 - 4.5. The School will summarise its case
 - 4.6. The student and parents may have the opportunity to summarise their case.
 - 4.7. After this the parties will withdraw and the Governors will make their decision and notify parents in writing within 15 School days.
5. The panel can
 - 5.1. Uphold the Headteacher's decision to suspend.
 - 5.2. 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.
6. During the meeting, there are questions that the committee should be seeking to answer.
 - 6.1. **Have the School's procedures relating to discipline been carried out fairly and fully?**
 - 6.1.1. *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).*
 - 6.2. **Was the action of the Headteacher in excluding the student lawful, reasonable and appropriate in the light of the circumstances?**
 - 6.2.1. *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.

- 7.** Once all parties have summarised and questions have been addressed, the Chair will advise parents/student that their decision will be made available in writing without delay but at least within 15 school days. If there is the opportunity to appeal (Permanent Exclusion only) the information regarding this process will be provided in the letter.
- 8.** At the end of the meeting everyone withdraws except for the panel and clerk. Papers can be left for confidential shredding.
- 9.** The Clerk should capture the panels discussion points, decision and wording for the letter.
- 10.** The Chair will verbally advise the Headteacher of the panel's decision after the meeting.
- 11.** A copy of the panel's letter will be placed on the students educational record.