



# SUSPENSION & PERMANENT EXCLUSION POLICY

September 2024

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*This is what God asks of you: only this, to act justly, to love and to walk humbly with God.*

Micah 6:8

## **Our Lady of Lourdes Catholic Multi Academy Trust Mission Statement**

We are a partnership of Catholic schools.

Our aim is to provide the very best Catholic education for all in our community and so improve life chances through spiritual, academic and social development.

*By placing the person and teachings of Jesus Christ at the centre of all that we do, we will:*

- Follow the example of Our Lady of Lourdes by nurturing everyone in a spirit of compassion, service and healing
- Work together so that we can all achieve our full potential, deepen our faith and realise our God-given talents
- Make the world a better place, especially for the most vulnerable in our society, by doing **'little things with great love'** St Thérèse of Lisieux

This policy should be read in conjunction with the Trust's Behaviour Policy.

## 1. Introduction and Purpose

- 1.1. This policy sets out our diocesan-wide approach to the suspension or permanent exclusion of a pupil. Such a course of action will only be taken as an action of last resort after all other routes have been exhausted. The OLOL CMAT recognises the impact that a suspension or permanent exclusion may have upon a pupil and their learning. It remains essential however that Headteachers can make such decisions to maintain the school's culture and ethos and to safeguard the learning of other pupils and the safety and wellbeing of staff, pupils and the wider school community.
- 1.2. The policy sets out some consistent principles through which the decision to suspend/permanently exclude will be made. Whilst the policy sets out guidance regarding a suspension or permanent exclusion each incident must be considered on the basis of the evidence in that case. Whilst advice may be given, it is always the case that the Headteacher (or their Head of School/Deputy in their absence) will have the final say regarding the sanction issued based on the individual circumstances of that case.

## 2. Legislation and Regulations

- 2.1. This policy is based on legislation and advice from the Department for Education (DfE) including: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from August 2024](#)
- 2.2. Other legislation on which this policy is based includes:
  - Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
  - [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#) amended in [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) \(Amendment and Transitional Provision\) Regulations 2023](#)
  - Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils.
  - Section 579 of the [Education Act 1996](#), which defines 'school day'.
  - [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
  - [The Equality Act 2010](#)
  - [Children and Families Act 2014](#)
  - The [School Inspection Handbook](#), which defines 'off-rolling'
  - [Working together to improve school attendance \(publishing.service.gov.uk\)](#)
- 2.3. This policy is compliant with the CMAT's funding agreement and articles of association.

### 3. Definition of Suspension and Permanent Exclusion

- 3.1. A **suspension** is when a pupil is removed from the school for a fixed period. A pupil may be suspended for one or more fixed periods up to a maximum of 45 school days in any one academic year. If a suspension, either on its own, or cumulatively, takes the number of days suspension over 15 days in a term then a Governors' Review Committee will need to be called to consider reinstatement.
- 3.2. **Permanent exclusion** is when a pupil is removed from the school permanently and taken off the school roll. A Governors' Review Committee will be called to review the Headteacher's use of exclusion within 15 school days of notice being given.
- 3.3. A **managed move** is when a pupil is transferred to another school offering a new start for the pupil. There may be occasions when the pupil is initially dual registered as part of the transition. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.
- 3.4. Suspension or permanent exclusion is a last resort when other forms of intervention have failed and the pupil still poses a risk to the learning of other pupils and risks the safeguarding and wellbeing of other pupils, staff, the wider school community, or themselves.
- 3.5. Alternatives to suspension or permanent exclusion must usually have been tried prior to reaching this point (such as restorative conversations, the loss of rewards, temporary isolation, detention etc.). Suspension or permanent exclusion will only be considered where there has been a one-off significant 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 others.

### 4. The Use of Suspension

- 4.1. Suspension will be used as a tool to break patterns of serious disruptive behaviour that is impacting upon the learning of other pupils or the pupil themselves and risks impacting upon the safeguarding and wellbeing of others or the pupil themselves.
- 4.2. Suspension is used as a means of:
  - Giving a pupil time away from school to reflect upon their actions and understand the significance their actions have had on others.
  - Providing time for the school to put in place additional support or interventions to support the pupil on return to school.
  - Directly engaging the parents/carers in the remedying of serious misbehaviour and encouraging collaboration with the school to address the root causes of the misbehaviour.

- Sending a clear message that serious breaches of school rules will not be accepted and that there are consequences to actions.

## **5. Permanent Exclusion**

- 5.1 The Headteacher will only use permanent exclusion as a last resort. A decision to permanently exclude a pupil will be taken only:
  - a) When all other strategies have been exhausted to support the pupil to change/improve their behaviour; or
  - b) In response to a one-off serious breach or persistent breaches of the school's behaviour policy; and
  - c) If allowing the pupil to remain in school would seriously harm the education or welfare of others.
- 5.2 Before deciding whether to permanently exclude a pupil, the Headteacher will consider all relevant factors. Where there is time, the Headteacher should seek advice from their Director of Performance and Standards or the Chief Executive Officer. Whilst the Director of Performance and Standards or Chief Executive Officer may offer advice, the Headteacher has absolute authority to take a decision that they consider to be in the best interests of their school community.
- 5.3 In determining whether a permanent exclusion is the only available option, the Headteacher should:
  - a) Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
  - b) Allow the pupil to give their version of events.
  - c) Consider whether the pupil has special educational needs and/or disabilities (SEND).
  - d) Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC)).
  - e) Consider whether all alternative solutions have been explored, such as a managed move.
- 5.4 The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to permanently exclude, unless it would not be appropriate to do so.

## **6. Pupils who are Looked-After, have a Social Worker or have SEND**

- 6.1. The Headteacher should reflect on the specific needs of a pupil before suspending or permanently excluding them.
- 6.2. If the pupil is looked after or previously looked after, then there should be dialogue with the Virtual Headteacher before a suspension/permanent exclusion

takes place to determine if there is any additional support or pathway that could be utilised as an alternative to suspension or permanent exclusion.

- 6.3. If the pupil has a social worker, then there should be dialogue with them before a suspension/permanent exclusion takes place to determine if there is any additional support or pathway that could be utilised as an alternative to suspension or permanent exclusion.
- 6.4. If the pupil has SEND then consideration must be given to whether there are any mitigating circumstances to the pupil's actions due to their SEND and whether any sanction needs to be adjusted to reflect this.
- 6.5. Whilst the Headteacher has a responsibility to consult with the Virtual Headteacher or social worker before suspending or permanently excluding a pupil it remains the case that the Headteacher can still make the decision based on the evidence before them to safeguard other pupils and staff in the school.

## **7. Informing Parents/Carers**

- 7.1. If a pupil is at risk of suspension or permanent exclusion the Headteacher will inform the parents/carers and pupil as soon as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.
- 7.2. If the Headteacher decides to suspend or permanently exclude a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay. This would normally be on the day that the suspension/exclusion occurs, or if not then within 24 hours. If the notification is by telephone, then this must be followed up with a letter.
- 7.3. The parents/carers and pupil will also be provided with the following information in writing, without delay:
  - The reason(s) for the suspension or permanent exclusion.
  - The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
  - Information about the parents'/pupil's right to make representations about the suspension or permanent exclusion to a committee of the Local Governing Body and, where the pupil is attending alongside parents, how they may be involved in this.
  - How any representations should be made.
  - Where there is a legal requirement for the LGB to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend.

- That parents/carers/the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request.
- 7.4. It would normally be the case that if a decision is being made to either suspend or permanently exclude then that decision will be communicated from the outset. It is **not possible** to convert a suspension to a permanent exclusion at a later date. The law does not allow for extending a suspension or 'converting' a suspension into 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 suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension. The Headteacher must have warned parents/carers in the suspension letter that, depending on the findings of his/her investigation, a decision may be made to permanently exclude their child.

## 8. Informing the Trust and the Local Authority

- 8.1. The Headteacher will notify the local authority and the Trust's Governance Team (or other central team departments depending on the procedures for each CMAT) of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.
- 8.2. The notification will include:
- The reason(s) for the suspension or permanent exclusion.
  - The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
  - For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.
  - The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.
- 8.3. The Trust can be notified by forwarding the same paperwork as is requested by the local authority.
- 8.4. If a **pupil with a social worker** is at risk of suspension or permanent exclusion, the Headteacher will inform **the social worker** as early as possible.
- 8.5. If a **pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the Headteacher will inform the Virtual Headteacher as early as possible. This is to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.
- 8.6. If the Headteacher still decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker or Virtual Headteacher, as appropriate, without delay, that:



- They have decided to suspend or permanently exclude the pupil.
  - The reason(s) for the decision.
  - The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
  - Whether suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant).
  - They have decided to cancel a suspension or permanent exclusion, and why (where relevant).
- 8.7. The social worker or Virtual Headteacher will be invited to any meeting of the LGB about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The local authority's Inclusion Team may receive an invite to an LGB meeting that considers a pupil's suspension or permanent exclusion.

## 9. Informing the LGB

9.1. The Headteacher will notify the Chair of the LGB of:

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

9.2. The role of the LGB would be to review decisions that fall into the following categories:

Number of Days	Review Process	Powers of the Governor Review Committee	Right of Appeal to IRP
1-5 days	LGB to consider written representations of the parents/carers. Meeting to be held within 50 school days.	Cannot direct reinstatement or remove the suspension from the pupil's record. The committee can make recommendations or add a note to the pupil's file.	No
5.5-15 days in a term	Meeting to be held within 50 school days of the notice of suspension,	Ability to re-instate the pupil and add a note to the pupil's file of their decision.	No

Number of Days	Review Process	Powers of the Governor Review Committee	Right of Appeal to IRP
	if requested by the parents/carers. Committee can consider whether the length of suspension was justified.		
15.5+ days in a term	Governors' Review Committee to meet within 15 school days to review suspension. Governors can review whether the length of suspension was justified.	Can re-instate the pupil immediately or on a particular date and add a note to the pupil's file of their decision.	No
Where a pupil would miss a public examination or national curriculum test	Where reasonably practical, consider the exclusion prior to the test. The Chair could review this decision by themselves given urgency.	Can re-instate the pupil immediately or before the examination/test. Governors' Review Committee can exercise discretion to enable pupil to take appropriate tests.	No
Permanent exclusion	Governors' Review Committee to meet within 15 school days to review permanent exclusion.	Can re-instate the pupil immediately or on a particular date and add a note to the pupil's file of their decision.	Yes

## 10. Considering Reinstatement

10.1. A Governors' Review Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within **15 school days** of receiving the notice of the suspension or exclusion if:

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

- 10.2. Where a pupil has been suspended, and the **suspension does not bring the pupil's total number of days of suspension to more than 5 in a term**, the LGB must consider any representations made by parents, carers or pupil (if they are 18 or older). Any representations can be made in writing, and it is for the LGB to decide if they call a meeting with the parents/carers. The LGB cannot, in this circumstance, direct the Headteacher to reinstate the pupil.
- 10.3. Where the pupil has **been suspended for more than 5, but not more than 15 school days**, in a single term, and the parents/carers make representations to the LGB, the LGB will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents or carers do not make representations, the LGB is not required to meet and it cannot direct the Headteacher to reinstate the pupil.
- 10.4. Where a suspension or permanent exclusion would result in a pupil missing a public examination or National Curriculum test, the LGB will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the examination or test. If this is not practicable, the LGB may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.
- 10.5. The Governors' Review Committee will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The meeting must be scheduled so that all parties have at least 5 school days to review any paperwork submitted as part of the review of the suspension/exclusion. The only occasion where this can be reduced is if the parents/carers give express consent for the timescale to be reduced.
- 10.6. In reaching a decision, the Governors' Review Committee have a legal duty to consider whether the decision to suspend or permanently exclude was **lawful, fair, reasonable and proportionate**.
- 10.7. In reaching a decision, governors will apply the civil rather than criminal standard of proof (i.e. '**on the balance of probabilities**' it is **more likely than not that a fact is true**, rather than the criminal standard of 'beyond reasonable doubt').

Governors must consider:

- the interests and circumstances of the excluded pupil;
- the circumstances in which the pupil was excluded;
- the interests of other pupils and staff.

The key questions the Committee will need to consider is whether the decision was:

- **Lawful?** The Committee will need to consider whether the decision was correct in law (e.g. reflects the school's Behaviour Policy and national guidance).
- **Fair?** For this the Committee will need to consider whether the decision reflected the evidence the Headteacher has presented to the Committee upon which the decision was made. Does the evidence point to the individual having committed the acts, on the balance of probability? Is the Committee satisfied that it reflects the level of sanction any other pupil will have had in a similar situation? Has the school taken account of any mitigating circumstances?
- **Reasonable?** Does the decision reflect the evidence and the severity of the event and would any reasonable person in a position of authority have come to a similar conclusion?
- **Proportionate?** Was the sanction proportionate given the severity of the event? Also has consideration been given to the long-term impact the decision will have on the pupil?

Key matters the Committee should always consider and ask questions of include:

1. The interventions put in place to mitigate behaviour if not a one-off incident. Even if this is outlined in the report, governors should still ask the question to ensure the response is minuted as evidence that governors have considered this point.
2. Whether the pupil has SEND. It is important that governors clarify whether the child has SEND.
3. Confirm whether the pupil is looked-after or not and if so, whether there has been engagement with the local authority.
4. Ask about the pupil's attainment, progress and attendance to build up the widest picture of the pupil before reaching a conclusion.

10.8. The Governor Review Committee's remit is to decide whether to:

- **Uphold the Headteacher's decision** to exclude the pupil;
- **Direct the reinstatement of the pupil** immediately, or on a particular date.

10.9. Where reinstatement is not practical, for example, if the parents do not want the pupil to return to the school or if it is after the fixed-term period of an exclusion, governors must still consider whether the Headteacher's decision to exclude was justified based on the evidence.

10.10. Where a pupil has been permanently excluded but the child's name remains on the school's register, the pupil must be marked using the appropriate attendance code.

## **11. Independent Review**

- 11.1. If parents or carers apply for an independent review within the legal timeframe, the school will arrange for an independent panel to review the decision of the Governors' Review Committee not to reinstate a permanently excluded pupil.
- 11.2. The request for an independent review must be made within 15 school days of notice being given to the parents or carers of the decision to not reinstate the pupil. Any applications made outside of this timeframe will be rejected.
- 11.3. A panel of 3 or 5 members will be constituted with representatives from each of the following categories: where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the Headteacher category. A lay member will chair the panel who has not worked in any school in a paid capacity.
- 11.4. The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.
- 11.5. Following its review, the independent panel can decide to:
  - Uphold the Governor Review Committee's decision.
  - Recommend that the LGB reconsiders reinstatement.
  - Quash the decision and direct that they reconsider reinstatement (but only if it judges that the decision was flawed).

## **12. Reintegration Following Suspension**

- 12.1. Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. As part of this, consideration will be given as to whether the pupil has any unmet special educational and/or health needs.
- 12.2. A re-integration meeting will be held on the pupil's return to school to which the pupil's parents/carers will be expected to attend. This is to build a collaborative home-school approach to prevent such events from reoccurring. During the meeting, the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

### 13. Part-Time Timetables

- 13.1 Part-time timetables should not be used as a tool to manage behaviour. They can be used in exceptional circumstances whilst efforts are made by the school and other agencies to re-integrate a pupil back into full-time education and identify additional support that would aid that pupil in terms of accessing their education full time.
- 13.2 **A part-time timetable should be applied for the shortest period possible and should be formally reviewed at least every 6 weeks**, unless there are exceptional circumstances, with increased attendance during that period. The use of part time timetables should be discussed with the relevant Director of Performance and Standards prior to being implemented. The Headteacher has ultimate authority to issue a part-time timetable when other means of engaging a pupil in full-time education have failed. In agreeing to a part-time timetable, the school has agreed to a pupil being absent for part of the school day or week and should be recorded as such using the relevant absence code.

### 14. Parental Responsibilities

- 14.1. Parents/carers have a responsibility for collecting their child should they be subject to a suspension or permanent exclusion and taking them home, so they are no longer on the school site.
- 14.2. Parents/carers are expected to engage in any re-integration activities so as to maximise the potential for any re-integration to be successful.
- 14.3. Parents/carers are responsible for ensuring that a suspended/excluded pupil is not in a public place during school hours without reasonable justification, or a fixed penalty could be imposed.
- 14.4. Parents/carers are responsible for working with the school to ensure effective re-integration following suspension and reducing the likelihood of repeat offences.
- 14.5. Parents/carers are responsible for supporting the school's Behaviour Policy and ethos and working with the school to uphold those expectations.

### 15. Off-Rolling

- 15.1 The OLOL CMAT will not tolerate any form of off rolling. 'Off-rolling' occurs where a school makes the decision, in the interests of the school and not the pupil, to:
- Remove a pupil from the school roll without a formal, permanent exclusion;
  - Encourage a parent to remove their child from the school roll;

- Retains a pupil on the school roll but does not allow them to attend the school in the same way as other pupils but hasn't followed the correct procedure in issuing a formal permanent exclusion or suspension.

## **16. Remote Access to Meetings**

- 16.1. Parents/carers can request that a Governors' Review Committee, or independent review panel be held remotely.
- 16.2. Remotely accessed meetings are subject to the same procedural requirements as in-person meetings. It is best practice for meetings to be held either with everybody in the same room or everybody online (representatives from the local authority can be online during in person meetings). A blended meeting with some people online and some face to face provides added complexity in terms of everybody entering and exiting the meeting at the same time and the perception of objectivity.

## Appendix 1: Department for Education Suspension and Permanent Exclusion Flowchart

