

Suspensions and Permanent Exclusions Policy

(Statutory)

Reviewed/Approved by Trustee' Full Board: 1 April 2025

Review Cycle: Every Three Years

Review Date: April 2028

1. Aims

The aims of this policy are:

- to support The Burgate School and Sixth Form's Relationships policy
- to ensure the suspensions/exclusions process is applied fairly and consistently
- to ensure the suspensions/exclusions process is understood by trustees, staff, parents and students
- to ensure that the school works collaboratively with parents, students and where appropriate external agencies or alternative providers in order that the young person does not become NEET (Not in Education, Employment or Training)

This policy contains guidelines, which will be adapted as necessary, explaining the circumstances under which a student may be suspended or excluded on a permanent basis from The Burgate School and Sixth Form. This policy applies to all students.

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the student, to: remove a student from the school roll without a formal, permanent exclusion, or encourage a parent to remove their child from the school roll, or encourage a sixth-form student not to continue with their course of study, or retain a student on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension.

Accordingly, we will not suspend or exclude a student unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the School Discipline (Student Exclusions and Reviews) (England) Regulations 2012, or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made because a student has special educational needs and/or a disability (SEND) that the school feels unable to support (reasonable adjustments will be made for students with SEND before exclusion is considered), or due to a student's poor academic performance, or because the student hasn't met a specific condition, such as attending a reintegration meeting.

If any student is suspended or excluded on the above grounds, this will also be considered as 'offrolling'.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and Permanent Exclusion Guidance August 2024](#)

It is based on the following legislation, which outlines Schools' powers to exclude students:

- The Education Act 2002, as amended by the Education Act 2011 (section 51A)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006 (Part 7, chapter 2 parental responsibility for excluded students)
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- The Education Act 1996 (section 579 which defines the '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
- DfE guidance on Alternative Provision

3. The decision to suspend/exclude

Only the headteacher, or deputy headteacher, acting on behalf of the headteacher, can suspend a student from school. A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A permanent exclusion will be taken as a last resort.

A decision to suspend or permanently exclude a student, will be taken only:

- in response to serious or persistent breaches of the school's relationships policy, **and**
- if allowing the student to remain in school would seriously harm the education or welfare of others
- a student's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

Before deciding whether to suspend or permanently exclude a student, the headteacher will:

- consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/permanent exclusion were provoked
- allow the student to give their version of events
- consider if the student has special educational needs and disability (SEND)

Any decision of the school, including suspension or permanent exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties, including the Human Rights Act 1998, the Children and Families Act 2014 and the Equality Act 2010); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher must apply the civil 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a student home following an exclusion.

3.1 Suspensions

- A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.
- A suspension may be used to provide a clear signal of what is unacceptable behaviour and show a student that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a student, the headteacher will consider whether suspension alone is an effective sanction for the student and whether other, appropriate strategies need to be put in place to address behaviour.

- During a suspension, a continuation of education occurs. The school will take steps to ensure that work is set for students during the first five school days of a suspension. This can include utilising any online pathways such as Teams or Oak Academy. The school's legal duties to students with disabilities or special educational needs remain in force, for example to make reasonable adjustments in how disabled students are supported during this period.
- Following a suspension, or after a period of being educated off-site and for managing their future behaviour, the school will undertake a reintegration process for the student. This is so students can be supported to successfully readjust back into a normal routine. This will include ensuring a reintegration meeting takes place between e.g., senior staff members, pastoral staff, mentors, teachers, students, parents, or where relevant, other multi-agency organisations such as the safer schools team or the student's social worker, if they have one, to ensure a successful return into mainstream school or other suitable provision. This will follow the 'restorative' relationships policy adopted at this school.

3.2 Permanent Exclusions

A permanent exclusion is when a student is no longer allowed to attend school (unless the student is reinstated). The decision to exclude a student permanently will only be taken:

- In response to a serious breach or persistent breaches of the school's relationship policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the students or staff in the school.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for students during the first five school days where the student will not be attending alternative provision. Any appropriate referrals to support services (such as for SEND) or notifying key workers (such as a student's social worker) will also be considered.

4. Definition

For the purposes of suspensions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1 The Headteacher

Informing parents

The headteacher will immediately, and no later than three days after their decision, provide the following information, in writing, to the parents of an excluded student:

- 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
- Information about parents' right to make representations about the suspension or permanent exclusion to the Trustees and how the student may be involved in this
- How any representations should be made; and
- Where there is a legal requirement for the Trustees to meet to consider the reinstatement of a student, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- If a student has a social worker, or if a student is looked-after, the headteacher will, also without delay, and no later than three days after their decision, notify the social worker and/or Virtual School Head (VSH), as applicable

The headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 school days of an suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Trustees and Local Authority

The headteacher will immediately notify the chair of Trustees and the Local Authority (LA) of:

- A permanent exclusion, including when a suspension is made permanent
- Suspension which would result in the student being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the Trustees and LA once a term.

5.2 The Trustees

Responsibilities regarding suspensions/permanent exclusions is delegated to a sub committee consisting of at least 3 Trustees.

The Trustees have a duty to consider the reinstatement of a suspended or permanently excluded student (see section 6).

Within 14 days of receipt of a request, the Trustees will provide the secretary of state with information about any suspensions/permanent exclusions in the last 12 months.

For a suspension of more than 5 school days, the Trustees will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a student

The Trustees will consider the reinstatement of a student within 15 school days of receiving notice if:

- the exclusion is permanent
- it is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term
- it would result in a student missing a public examination

If requested to do so by parents, the Trustees will consider the reinstatement of a suspended student within 50 school days of receiving notice of the suspension if the student would be suspended from school for more than 5 school days, but less than 16, in a single term.

The trustees must also consider any representations made on behalf of the individual student by relevant parties. This may include parents (and, where requested, a representative or friend) or the student if over 18, headteacher, social services representatives, designated teacher for looked after children (DT) and virtual school head (VSH).

Where a suspension or permanent exclusion would result in a student missing a public examination, the Trustees will consider the reinstatement of the student before the date of the examination. If this is not practicable, The Trustees will consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The Trustees can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the Trustees will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Trustees will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where it is a permanent exclusion, the Trustee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel (IRP), and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND needs are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the Trustees to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they 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 of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

If parents apply for an independent review, the Trustees will arrange for an independent panel to review the decision of the trustees not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Trustees of its decision to not reinstate the student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the trustee's category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school trustee or volunteer
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- are a member/director of the academy trust of the excluding school
- are the headteacher of the excluding school, or have held this position in the last 5 years
- are an employee of the Burgate School, or the Trustee board, of the excluding school (unless they are employed as a headteacher at another school)
- have, or at any time have had, any connection with the school, Trustees board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the Trustee's decision
- recommend that the Trustees reconsiders reinstatement
- quash the Trustee's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- the parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Trustees will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for a suspended or permanently excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended or permanently excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning From Suspension

9.1 Reintegration Strategy

Following suspension, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education. Where necessary, the school will work with third-party organisations to identify whether the student has any unmet need(s).

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration back into the school community:

- A re-integration meeting with the student, the parent and appropriate members of staff.
- A referral for emotional support via wellbeing team.
- The implementation of support strategies (such as a 'This is Me' card or 'report' card).
- Restorative conversations between the student and other students, or between the student and a member of staff Informing the student, parents and staff of potential external support available.
- A short-term phased return (The Bridge) may be agreed between the parents and the school as part of reintegration, to support the student in returning successfully.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with parents, the student and staff.

9.2 Reintegration Meetings

The school will explain the re-integration process to the student in a reintegration meeting before or on the student's return to school.

- During the meeting the school will communicate to the student that they are getting a 'fresh start' and that they are a valued member of the school community.
- During the meeting, the student will have the chance to talk through their reflections since the suspension was issued, and they will be encouraged to identify any support they may need in order to return to school successfully.
- The voice of the student will be recorded in the reintegration meeting paperwork. The student, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parents in the event that they cannot or do not attend.
- The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.
- Work will be set by the student's teachers during the suspension period. This work will either be emailed directly to the student, given as hard copy or set on Microsoft Teams. Students are responsible for returning the completed work on Teams, or at the reintegration meeting. The teachers' names should be clearly written on all hard copies of work.

10. Monitoring Arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of alternative provision and managed moves
- Anonymous surveys of staff, students, trustees and other stakeholders on their perceptions and experiences

The data will be monitored and analysed termly by the Leadership Team (LT) lead for expectations and inclusion in liaison with the Headteacher, Leadership and Trustees. They will also liaise with the Local Authority to ensure suitable full-time education for suspended/permanently excluded students, when required. Heads of Year will analyse data for their year groups half termly to track trends and to ensure support is in place for individual students. The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010.

11. Links with other policies

This suspensions and permanent exclusions policy is linked to our:

- Relationships Policy
- SEND Policy
- Drugs, Alcohol and Substance Misuse Policy
- GDPR Policy
- Acceptable Use of IT Policy
- CCTV Policy
- Complaints Policy
- Attendance Policy
- Electronic Communication Policy

Appendix 1: Independent Review Panel training

The Burgate School and Sixth Form must ensure that all members of an independent review panel and clerks have received training within the two years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing permanent exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, trustees and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act