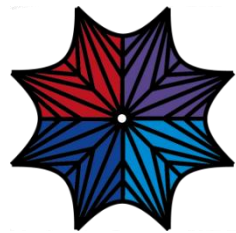


Suspension and Exclusion Policy



South York
MULTI-ACADEMY TRUST

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1. Aims

All students in the South York MAT enjoy being effectively rewarded for their efforts but also need clear guidelines in terms of expectations and what constitutes acceptable behaviour. The school's behaviour policy supports this as well as clear and effective communication between members of staff, parents, carers and students. The suspension and exclusion policy should be taken into consideration alongside school's behaviour policy. Suspension and exclusion is always a last resort, and we would always seek to use alternatives, but where students repeatedly exhibit the same behaviours or compromise any aspect of safety or learning of self or others, exclusion might be a sanction we have to apply to address behaviour and/or actions. In issuing any suspensions and exclusions we aim to ensure that:

- The suspensions and exclusions process is applied fairly and consistently
- The suspensions and exclusions process is understood by governors, staff, parents/carers and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)
- Make sure all suspensions and permanent exclusions are carried out lawfully

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school decides, in the interests of the school and not the student, to:

- Remove a student from the school admission register without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school, or
- Encourage a sixth-form student not to continue with their course of study, or
- Retain a student on the school admission register but 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, encouraging their parent(s)/carer(s) to remove them from a school, or not allowing them to attend school

without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) 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, 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 'off-rolling'.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

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

- › Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- › [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- › Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded students
- › 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'

This policy complies with our funding agreement and articles of association.

3. The decision to suspend and exclude

Only the headteacher, or acting headteacher, can suspend or exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful.

4. Definition

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'. For the purposes of exclusions, 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.

Permanent exclusion – when a student is removed from the school permanently and taken off the school admission register. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a governing board of a maintained school requires a student to attend another education setting temporarily, to improve their behaviour.

Parent/carer – any person who has parental responsibility and any person who has care of the child.

Managed move – when a student is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

5. Roles and responsibilities

5.1 The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a student will be taken only:

- In accordance with the school’s behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a student that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion was/were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions: detentions or other sanctions provided for in the behaviour policy
 - For exclusions: off-site direction or managed moves

The headteacher will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

The headteacher will not reach their decision until they have heard from the student, and will inform the student of how their views were taken into account when making the decision.

Informing parents/carers (or the student where they are 18 or older)

If a student is at risk of suspension or exclusion, the headteacher will inform the parents/carers as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a student, 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.

The headteacher will immediately provide the following information, in writing, to the parents/carers of an suspended or excluded student:

- The reason(s) for the suspension or exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the suspension or exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

The Headteacher, or other appropriate member of senior staff at the request of the Headteacher, will also notify parents/carers by the end of the day their child is excluded that for the first 5 school days of a suspension or exclusion, or until the start date of any alternative provision where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If a suspension is issued for more than 5 days, there is a statutory requirement for the school to provide education at an alternative provision. The following information will be included either when notifying the parents/carers of a suspension or at a later date when provision have been able to be brokered and secured:

The start date for any provision of full-time education that has been arranged

- 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/carers' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers/student without delay, and provide a reason for the cancellation.

Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- › A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- › Suspensions 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 York, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.
- › Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation
- › For all other suspensions, the Headteacher will notify the Local Governing Body and LA once a term.

Informing the student's social worker and/or virtual school head (VSH)

If a:

- › **Student with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- › **Student who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is so they can work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:

- › They have decided to suspend or permanently exclude the student
- › The reason(s) for the decision
- › The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- › The suspension or permanent exclusion affects the student'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)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks, and the student's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- › The parents/carers (or the student if they are 18 or older), governing board and LA will be notified without delay
- › Where relevant, any social worker and VSH will be notified without delay
- › The notification must provide the reason for the cancellation
- › The governing board's duty to hold a meeting and consider reinstatement ceases
- › Parents/carers (or the student if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- › The student will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the student has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during the first 5 days of a suspension or exclusion

If the student is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as [Google Classroom/Oak Academy/any other online pathway the school uses] may be used for this. If the student has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online pathways.

5.2 The governing board

The Local Governing Body has a duty to consider the reinstatement of a suspended or excluded student (see section 6).

Within 14 days of receipt of a request, the Local Governing Body will provide the secretary of state with information about any suspensions or exclusions in the last 12 months.

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

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.

Monitoring and analysing suspensions and exclusions data

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board will consider:

- › How effectively and consistently the school's behaviour policy is being implemented
- › The school register and absence codes
- › Instances where students receive repeat suspensions
- › Interventions in place to support students at risk of suspension or permanent exclusion
- › Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- › The timing of moves and permanent exclusions, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- › The characteristics of suspended and permanently excluded students, and whether students who share any particular characteristic are suspended or excluded more than others
- › Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure the school that the education is achieving its objectives and that students are benefiting from it
- › The cost implications of directing students off-site

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.

For students who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

6. Considering the reinstatement of a student

The Local Governing Body will consider the reinstatement of a suspended excluded student 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 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 or national curriculum test
- Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, the governing board must consider any representations made by parents/carers/the student (if they are 18 or older). However, it is not required to arrange a meeting with parents/carers/the student and it cannot direct the headteacher to reinstate the student.
- Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers/student make representations to the board, the governing board will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents/carers/student do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the governing board, as far as reasonably practicable, consider and decide on the reinstatement of the student before the date of the exam or test. If this is not practicable, the governing board may consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents/carers, or the student if they are 18 or older (and, where requested, a representative or friend)
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- A representative of the local authority

The meeting can be held remotely at the request of parents/carers, or students if they are 18 or older. See section 9 for more details on remote access to meetings.

The governing board 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 governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the governing board will consider:

- › Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- › Whether the headteacher followed their legal duties
- › The welfare and safeguarding of the student and their peers
- › Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities.

The clerk/governance professional will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the student's educational record, and copies of relevant papers will be kept with this record.

The governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- › The parents/carers, or the student if they are 18 or older
- › The headteacher
- › The student's social worker, if they have one
- › The VSH, if the student is looked after
- › The local authority
- › The student's home authority, if it differs from the school's

Where an exclusion is permanent and the governing board has decided not to reinstate the student, the notification of decision will also include the following:

- › The fact that it is a permanent exclusion
- › Notice of parents'/carers'/the student's (if they are 18 or older) right to ask for the decision to be reviewed by an independent review panel
- › The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- › The name and address to which an application for a review and any written evidence should be submitted
- › That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- › That, regardless of whether the excluded student has recognised SEN, parents/carers/the student have a right to require the academy trust to appoint an SEN expert to advise the review panel
- › Details of the role of the SEN expert and that there would be no cost to parents/carers/the student for this appointment
- › That parents/carers/the student must make clear if they wish for an SEN expert to be appointed in any application for a review
- › That parents/carers/the student may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- › That, if parents/carers/the student believe that the permanent exclusion has occurred as a result of unlawful 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. Also, that any 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

The panel must consider the interests and circumstances of the student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parents/carers will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the student's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the VSH of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the student within 10 school days
- Any information that the panel has directed the governing board to place on the student's educational record

8. School registers

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

- 15 school days have passed since the parents/carers 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/carers 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 within 15 school days, the governing board will wait until that review has concluded before removing a student's name from the register.

- › While the student's name remains on the school's admission register, the student's attendance will still be recorded appropriately. Where alternative provision (of an approved educational activity that does not involve the student being registered at any other school) has been made for an excluded student and they attend it, code B (education off-site) will be used on the attendance register. During off-site direction to another school or educational establishment, code D (dual registration) will be used.
- › Where excluded students are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the student, parents/carers, a member of senior staff and other staff, where appropriate.

Notes of the meeting are recorded which will review the reason for suspension, ways in which we can move forward positively and any further support or actions to take place to avoid any further possible suspensions at any point in the future. We value the relationship between parents and carers and want to work collaboratively and positively together in order for the support and challenge to be consistent.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents/carers and other relevant parties.

10. Monitoring arrangements

The Headteacher monitors the number of suspensions and exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed every 2 years. At every review, the policy will be approved by governing board.

11. Links with other policies

This exclusions policy is linked to our:

- Behaviour Policy
- Child Protection and Safeguarding Policy
- Anti-Bullying Policy
- SEN Policy
- Inclusion Policy
- Drugs and Smoking Policy
- Exclusion Policy