

POLICY TITLE:	Suspension and Permanent Exclusions
Policy Number:	ACS 37
Applies to:	Schools and Colleges only: England, Scotland and Wales
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Outcome:	This policy aims to ensure that suspension and permanent exclusion, where used is fair and well managed, and complies with legal requirements.
Cross Reference:	ACS04 Positive Behaviour Management ACS04A Positive Behaviour Management- Wales AOP03 Complaints AOP03A Complaints Wales AOP03B Complaints Scotland ACS61 Attendance ACS61A Attendance Wales

EQUALITY AND DIVERSITY STATEMENT

Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, email AsprisGovernanceHelpdesk@Aspris.com

Suspension and Permanent Exclusions

1 INTRODUCTION

This policy takes in to account the updated suspensions and permanent exclusion guidance including the approaches for positive behaviour for pupils and learners in England, Wales and Scotland.

1.1 To effectively implement this policy, each Aspris Children's Services provision will establish local procedures, where necessary, to outline how the policy is applied in practice at the individual school or college level. Our philosophy for 'inclusion' is to support every pupil and learner to attend their provision full-time, with an Education Divisional aim of achieving zero suspensions. This policy sets out the procedures that must be followed in the event of a proposed suspension (referred to in legislation as a fixed period exclusion) or permanent exclusion from education. In applying the processes outlined in this policy, Aspris schools and colleges aim to ensure that:

- The suspension process is understood by staff, parents and pupils/learners
- School/College behaviour policies are clear, consistently applied and aligned with our four NEED modalities: Autism Sensory, Autism Academic, SEMH, and College.
- Safeguarding and the welfare of the child are central to all decisions.
- In exceptional health and safety situations, decisions regarding suspension, permanent exclusion, or placement termination are thoroughly considered, proportionate and fully documented.
- In the event of a suspension, permanent exclusion or end of placement, these are regularly reviewed and evaluated by Aspris Education, Regional Directors and school/college senior leaders in regard to their fairness and effectiveness.
- Parents/carers and commissioners are informed and are given the opportunity to respond.
- Pupils/learners do not become NEET (not in education, employment or training)

1.2 LEGISLATION

This policy is informed by the relevant national legislation and statutory guidance across England, Wales and Scotland to ensure that suspensions and permanent exclusions are managed lawfully, proportionately and in the best interests of pupils and learners. It incorporates the Education (Independent School Standards) Regulations 2014, as well as national guidance including the DfE's Suspension and Permanent Exclusion Guidance (2023) in England, Welsh Government's Exclusion from Schools and PRUs (2019) and Scotland's Included, Engaged and Involved Part 2 (2017). It also reflects wider legislative duties under the Children Act 1989, Human Rights Act 1998 and Equality Act 2010, along with safeguarding obligations outlined in Keeping Children Safe in Education and Working Together to Safeguard Children. Aspris is committed to upholding these responsibilities through Promoting Positive Behaviour Policies in accordance with our SEN specialism and modalities and expects each school or college to have local procedures that reflect this framework, ensuring decisions are fair, well-evidenced and consistent with our inclusive and aspirational ethos that all achieve their potential.

1.3 Template **ACS LP 37** is provided for this purpose and includes a key content checklist.

2 DEFINITIONS

2.1 **Types of exclusion:** There are 2 kinds of exclusion – fixed period (suspended) and permanent (expelled).

2.2 **Fixed period suspension:** A fixed period suspension is where a child/young person is temporarily removed from school. **A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year) even if they have changed schools within that time. The law does not allow for extending a**

fixed-period suspension or 'converting' a fixed-period suspension into a permanent exclusion.

- 2.2.1 If a child/young person has been suspended for a fixed period, schools must take reasonable steps to set and mark work for the first 5 school days. This may include the use of Virtual Learning Platforms.
- 2.2.2 If the suspension is longer than 5 school days, the school in consultation with the local authority must arrange suitable full-time education from the sixth school day. This may include the use of Virtual Learning Platforms. In Wales specifically, for suspensions over 15 school days in one term, the local authority must make arrangements for full-time education from day six.
- 2.2.3 **'Adapted provision** (where a child is educated away from their normal learning groups in the form of an adaptation) Schools and Colleges must record, report and monitor this in line with their behaviour policies.
- 2.2.4 **Permanent exclusion:** Permanent exclusion means that the pupil/learner may no longer attend the school/college and is removed from the site's register. In the Aspris Education Division, this is only for extreme unsafe behaviour where there is no other option and must be approved by the Regional Director and reported up in line with policy to the Chief Operating Officer. The local authority must arrange full-time education from the sixth school day.
- 2.3 There is **no** provision for schools/colleges to implement an 'informal suspension': (i.e.. When a child/young person is sent away from the school premises, and where this is not officially recorded as a suspension – e.g. where a child is sent home for a 'cooling off' or "regulation" or "wellbeing" period).
- 2.4 It is **unlawful** for a child/young person to be 'informally suspended' from school, even where the child's parent/s or carer/s agree to or request the suspension.
- 2.4.1 In all cases, including suspending a pupil for a short period of time, such as half a day, the formal exclusion process must be followed.
- 2.4.2 The use of Interim Reduced Timetables are permitted in line with school and college procedures. This must be in line with English, Welsh and Scottish guidance and broadly follow the following criteria:
- They should not be used to manage a pupils behaviour
 - Reasonable adjustments may also be required, particularly when the child has a disability
 - There is a specific need for a pupil – for example, a medical condition prevents them from attending full-time education and a part-time timetable is part of a planned re-integration
 - It is in the pupil's best interests
- It is on a temporary basis, stating when they're expected to return to school full time. It must not be a long-term solution
- 2.5 It is unlawful for a pupil/student to be 'informally excluded' or 'off-rolled' from school, even where the child's parent/s or carer/s agree to the exclusion. Ofsted for example defines off-rolling as: "...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

3 USE OF EXCLUSIONS including reporting, monitoring and follow up

- 3.1 The use of suspension and permanent exclusions will always be considered as a last resort, where no other reasonable resolution has proved, or is reasonably likely to prove effective. When a pupil/learners is suspended temporarily, they will be marked as absent using Code E.

- 3.2 Where a school has concerns about the behaviour, or risk of suspension, of a child/young person with additional needs, an EHCP (England), Co-ordinated Support Plan (Scotland) or Statement of Special Educational Needs and Individual Development Plan (Wales) or is a child looked after (CLA) it should, in partnership with others (including the local authority as necessary), consider what additional support or alternative placement may be required. This should involve assessing the suitability of support for a pupil's SEN. Where a child/young person has an EHCP, Co-ordinated Support Plan or Statement of Special Educational Needs and Individual Development Plan, schools should consider requesting an early annual review or interim/ emergency review.
- 3.3 Suspensions may only be authorised by the Headteacher and must in every case be given approval by the Regional Director, and in the case of permanent exclusion, the Chief Operating Officer (Education).
- 3.3.1 When a pattern of repeated suspensions emerges for a pupil or learner, the Head Teacher, in partnership with the Regional Director, should implement a graduated response before considering a permanent exclusion or end of placement. Any decision to end a placement must be escalated to the Regional Director and shared with the Chief Operating Officer.
- 3.4 With regard to any exclusion, no individual should receive less favourable treatment as a consequence of his or her disability, gender, gender reassignment, sexual orientation, age, colour, ethnic origin, culture and religious beliefs (protected characteristics).
- 3.5 Before deciding whether to suspend or exclude a pupil, the Head Teacher/Principal will:
- Consider all relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked.
 - 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') when establishing the facts in relation to an exclusion decision. This means that the Head Teacher should accept that an incident occurred if it is more likely that it did than it didn't.
 - Review and evaluate previous responses, taking care not to overlook effective strategies that have been implemented.
 - Scrutinise the pupil's Education, Health and Care (EHC) Plan or equivalent provision (for Wales/Scotland) and assess whether current support is appropriate.
 - Allow the pupil/learner to provide their version of events (where appropriate).
 - Consider whether an alternative, therapeutic, and restorative approach might be more effective, such as a change in provision that offers a supportive environment for emotional and behavioural development.
 - Gain approval from a Regional Director before taking action if the suspension exceeds 5 days.
 - Ensure that there is sufficient documented evidence to support the decision.
 - In cases where permanent exclusion is being considered, this must be discussed with the Regional Director and Chief Operating Officer (COO). If required by the Local Authority contract, an emergency review will be conducted prior to finalising the exclusion.
 - For Looked After Children (LAC), inform social workers and Virtual School Heads of any suspensions or exclusions, including any cancellations.
 - Inform the pupil/learner's social worker, if applicable, of any suspensions or exclusions, including cancellations.
 - Clearly explain the decision to the pupil/learner.
 - Contact the parents/carers by phone or in person as soon as the decision to exclude has been made. The decision should be explained, and arrangements for transport or collection should be discussed, ensuring an adult is available at home to receive the pupil.

- Send a written letter to the parents/carers confirming the reason for the suspension/exclusion (referencing relevant forms), the length of the suspension, and any conditions for the pupil's return. The letter will also inform parents/carers that during the first 5 days of suspension, pupils under 18 must not be in a public place during school hours, unless there is a valid reason. Failure to comply may lead to prosecution or a fixed penalty notice.
- Inform the Local Authority (LA) in writing of the suspension/exclusion and any cancellations, including the reasons and the period of suspension/exclusion. Any meetings regarding the suspension/exclusion will also be scheduled.
- Notify the Regional Director, as Chair of Governors, of all permanent exclusions, suspensions exceeding 5 school days, any suspensions/exclusions that result in missing public exams or national curriculum tests, and all cancelled suspensions/exclusions.
- In the event of suspensions exceeding one day, ensure that appropriate work is set for the pupil and that arrangements are made for the work to be marked. This can include online pathways.
- Plan for how the pupil's needs will be addressed upon their return.
- Plan a meeting with the pupil/learner upon their return, involving parents/carers if the pupil is under 18 or, where applicable, involving those in Further Education.
- Record all suspensions in the Engage system within 24 hours, regardless of the duration.
- Ensure that a suspension or exclusion is not enforced if doing so would put the safety of the pupil/learner at risk.
- Where a child/young person lives in a children's home this will also include written notification of the exclusion to the Registered Manager of the home irrespective of the Provider of the Home.

- 3.6 Pupils/Learners must not be suspended as a result of their special educational needs (SEN). Schools/Colleges should ensure that reasonable steps have been taken so that individuals are not treated less favourably for reasons related to their disability. Reasonable steps will include:
- Differentiation in the service's local Behaviour Procedures
 - Developing strategies to support individual positive behaviour
 - Requesting external help with the pupil/student
 - Staff training

- 3.6.1 Where reasonable adjustments to policies and practices have been made, to accommodate a pupil/learner's needs and to avoid the necessity for suspension/exclusion as far as possible, suspension/exclusion may be justified, if there is a material and substantial reason for it. No suspension or exclusion will be initiated without having first exhausted other strategies through the graduated response or, in the case of a serious single incident, a thorough investigation.

- 3.7 Pupils'/Learners' behaviour outside the site, on transport in, on school/college trips and sporting events is subject to the site's behaviour policy. Negative behaviour in such circumstances will be dealt with as if it had taken place in school/college.

4 APPEALS, REPRESENTATION & COMPLAINTS

- 4.1 In accordance with national guidance, appeals may be made in writing against decisions to exclude: The Regional Director (As Chair of Governors) will consider such appeals. There may be operational reasons where it is appropriate for an Regional Director from another part of the division to consider the appeals/representation.

- 4.2 A decision will be made within 15 school days of receiving such an appeal. Appeals can be made for one or more of the following reasons:
- (a) The exclusion is permanent;
 - (b) It is a fixed period suspension which would bring the child/young person's total number of school days of suspension to more than 15 in term;

- (c) It would result in a child/young person missing a public examination;
- (d) The sanction is felt to be disproportionate for the incident;
- (e) The sanction is felt to be discriminatory or unfair.

4.3 Any complaint in relation to an exclusion, once the representation and appeals process has concluded should be handled according to the Complaints Policy.

5 REINTEGRATION

5.1 Following any period of fixed-term suspension Headteachers are responsible for working with the child/young person and their parents/carers to ensure a planned and carefully managed reintegration. This should be agreed at a reintegration meeting prior to the child/young person returning, in a formal meeting with minutes, and a follow up letter confirming outcomes sent to all relevant parties.

The purpose of the meeting, is to:

- Talk about why the individual was suspended and the steps taken to try and avoid it;
- Discuss ways in which the child or young person can be supported to change their behaviour;
- Seek the views of the parents/carers, pupil/student and local authority representatives
- Agree a strategy for reintegrating the individual into school/college and for managing their future behaviour.
- Update any behaviour support or risk assessment plans as needed.

6 MONITORING

6.1 Any suspension must be reported up using the Electronic Reporting System and Aspris Escalation processes. All suspensions/permanent exclusions will be considered at the next monthly Performance Review. Suspensions and permanent exclusions must be a fixed agenda item in weekly report to RDs and on termly Governance meetings. The Quality Team to analyse trends at the end of each term.

7.2 Regional Directors will always include a review and learning points analysis in school visit reports (as part of their monthly visiting schedule) on any occasion where a suspension/permanent exclusion has taken place in the period leading up to the visit. These are also standing agenda items of HT reports to Chair of Governors monthly and termly.

8 SAFEGUARDING

8.1 Headteachers have a duty to consider any safeguarding implications where suspensions are being considered. This would include any specific requirements pertaining to that young person pertaining to a safeguarding nature and ensuring that is considered as part of the suspension arrangements.

9 MULTI AGENCY PARTNERSHIP

9.1 We are committed to working with parents, carers, local authority representatives, the police and other interested parties in a positive and constructive relationship to support children and young people who may be at risk of suspension or permanent exclusion.

9.1.1 Where we have concerns about a child or young person's behaviour, we will seek to identify any contributory factors and intervene as early as possible, in order to reduce the need for exclusion.

9.1.2 We take appropriate steps to escalate concerns, including with the placing and host local authority, their allocated social worker (where appropriate) and the police.

- 9.1.3 The Virtual School head and social worker will be invited to any independent review panels of a suspension/exclusion.

10 REFERENCES

- 10.1 Education (Independent School Standards) Regulations: 2014
Suspension and Permanent Exclusion from maintained schools, academies, and pupil referral units in England, including pupil movement DfE Sept 2022
The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012/2023
DfE (Current Version) Keeping Children Safe in Education
Welsh Government: Exclusion from Schools and Pupil Referral Units (2019 update)
Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions
Welsh Government (latest version) Keeping Learners Safe
The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)
Children and Young People (Scotland) Act 2014

Associated Forms:

Associated forms on relevant Electronic Reporting system
ACS LP 37 Suspension and Permanent Exclusions
ACS Form 37 Suspension template letter for schools/colleges for parents