



**COCKBURN**  
**MULTI-ACADEMY TRUST**  
TRANSFORMATION TO EXCELLENCE

# Suspension and Permanent Exclusion Policy

‘Learning for Life’

Reviewed by: Board

Date of Policy: September 2022

To be reviewed: September 2023

## **1. INTRODUCTION**

- Cockburn Multi-academy Trust believes that all students and staff have the right to enjoy a safe and positive learning environment where students are encouraged to be self-disciplined and have due regard for authority and each other.
- The 'Positive Discipline' framework is the academy's approach to encouraging good behaviour and recognises that suspensions and permanent exclusion will be used as a sanction only in very serious matters.
- Exclusion can have the potential to have a significant impact on a student's life chances and choices and therefore the academy will ensure that the decision to exclude will only be made after all the relevant factors have been taken into account.
- Suspension and Permanent Exclusion may be considered:
  - following a single significant incident
  - following a series of lesser incidents, whether related or not, which demonstrate a pattern of behaviour contrary to the standards and expectations of the school
  - where allowing the student to remain at the academy would seriously harm the education or welfare of others within the academy
- Attention will be given to the statutory duties when administering the Suspension and Permanent Exclusion Policy to students with Special Educational Needs or Disability (SEND)

## **2. AIMS**

- To create an environment where students feel safe and can develop academically, morally and socially
- To establish strong, appropriate home – academy relationships through regular communications with our pastoral support team and other appropriate initiatives
- To provide clear guidelines in terms of what constitutes acceptable behaviour and how unacceptable behaviour will be managed.

This policy is based on statutory guidance from the Department for Education:

[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Guidance for maintained schools, academies, and pupil referral units in England, July 2022](#)

It is based on the following legislation, which outline schools' powers to exclude pupils:

- Section 52 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 looks at 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 \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2014](#)

## **RELATED POLICIES**

- Positive Discipline for Learning Policy
- Safeguarding and Child Protection Policy
- Equality
- Health and Safety

## **2. DECISION TO EXCLUDE**

- a) The control of suspensions or permanent exclusion is entirely in the hands of the Executive Headteacher, Head of School/Headteacher and Governing Body.
- b) Depending on the circumstances which have led to a decision to suspend or permanently exclude a student, the range of strategies laid down in the Positive Discipline for Learning Policy will have been exhausted and this will be only used as a last resort.
- c) The academy reserves the right to make decisions to suspend or permanently exclude students following unacceptable behaviour or conduct on trips/residential visits, extra-curricular events e.g. sporting fixtures, work experience placement, any extended academy activity or travel/movement to/from and in the vicinity of the academy.
- d) Factors when considering the suitability of suspension or permanent exclusion may include:
  - i. The age and state of health of the student
  - ii. The student's previous record at the academy
  - iii. Any mitigating factors which are unique to the student and may be taken into consideration in relation to the behaviour
  - iv. Any external pressures e.g. peer pressure which may have contributed to the behaviour
  - v. Whether the suspension or permanent exclusion would be a proportional sanction given the severity of the behaviour, frequency of its occurrence and potential for further occurrences in the future
  - vi. Whether or not the behaviour impaired or will impair the normal functioning of the student or other students in the academy
  - vii. Whether or not the behaviour contravened one or more of the rules outlined in the Positive Discipline for Learning Policy
  - viii. Whether the behaviour was the act of a single student or the act of a group of students
  - ix. Whether additional support from external agencies may be appropriate
  - x. Whether the suspension or permanent exclusion would be a suitable response to a student with SEND

- xi. Whether the student and their behaviour can be accommodated without the use of exclusion
- e) In all circumstances the decision to suspend or permanently exclude a student will be taken following a thorough investigation and where the Executive Headteacher/Head of School/Headteacher is satisfied that on the balance of probabilities, the student behaved in such a way that no other alternative sanction is available other than to exclude them.
- f) The academy has a duty to ensure that any suspension or permanent exclusion is reasonable, proportionate and legal
- g) Our academy is aware that off-rolling is unlawful, Ofsted 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."

#### **4. DEFINITION**

For the purposes of suspension or permanent exclusion, 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 Executive Headteacher or Head of School/Headteacher**

- a) Only the Executive Headteacher, Head of School/Headteacher or the Deputy Headteacher (in the Executive Headteacher or Head of School/Headteacher's absence) can suspend a student on disciplinary grounds, 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 exclude
- b) They will consider all relevant factors and ensure that all other strategies have been exhausted before taking the decision to suspend or permanently exclude a student for the shortest duration possible, taking into account the academy's incremental approach to suspension and exclusion
- c) They will ensure that the decision to suspend or permanently exclude is consistent with this policy
- d) The Executive Headteacher or Head of School/Headteacher informs the Local Governing Body (LGB) of:
  - i. A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
  - ii. Cancelling a suspension or exclusion that has not been reviewed by the governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion
  - iii. Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
  - iv. Suspensions which would result in the student missing a public examination

- e) The Executive Headteacher or Head of School/Headteacher will ensure arrangements are in place to provide alternative education provision from the sixth day of a suspension.
- f) If the student will miss the opportunity to sit a public examination, the Executive Headteacher or Head of School/Headteacher must arrange for it to be taken, possibly in an alternative provision
- g) The Executive Headteacher or Head of School/Headteacher will notify the Local authority of a suspension or permanent exclusion without delay
- h) The Executive Headteacher or Head of School/Headteacher will discuss appropriate alternative education provision with the Local Authority for permanently excluded students
- i) The Executive Headteacher or Head of School/Headteacher will ensure the management and reintegration of students who are re-admitted following suspension including arranging a reintegration meeting with parents/carers which must always take place before a student returns to the inclusion room or is reintegrated into lessons
- j) The Executive Headteacher or Head of School/Headteacher, in consultation with pastoral staff, will decide on admissions and management of students who may have been suspended or permanently excluded from other educational establishments through Fair Access Panels.

## **5.2 The Trustee/Local Governing Body**

- a) The LGB do not have the right to exclude a student
- b) The use of exclusion will be reviewed at each LGB Meeting
- c) The LGB ensures that they review data to consider the level of student moves and the characteristics of students who have been permanently excluded to ensure the sanction is only used when necessary as a last resort
- d) The LGB will establish a Discipline Committee and an Independent Appeals Panel where required.

## **5.3 The Discipline Committee**

- a) The Discipline Committee will convene within 15 school days to review the use of permanent exclusions, for exclusions exceeding 15 school days per term, or where the student would miss the opportunity to sit a public examination.
- b) Where an suspension or permanent exclusion would result in a student missing a public examination or national curriculum test, so far as is reasonably practicable a meeting will be convened before the due date of any examination or test. If this is not practicable, the Chair of Governors may consider the exclusion independently and decide whether or not to reinstate the student or to exercise their discretion to allow an excluded student on the school premises for the sole purpose of taking the examination or test. Where the Chair is unable to make this consideration then the Vice Chair may do so instead.
- c) For suspension of 6 - 15 days inclusive per term, where parents/carers have made representation, the Discipline Committee will convene within 50 school days to review the decision to suspend.
- d) For suspensions of 5 days or less per term the Discipline Committee will consider written representations made by parents/carers but cannot

overturn the Executive Headteacher or Head of School/Headteacher's decision.

- e) The Discipline Committee will be made up of 3 Governors who will consider the views/representations of the parents/carers of the excluded student, even if it is arranged for a date after the student returns to the school. A parent/carer may attend the Discipline Committee meeting and may be accompanied by a friend.
- f) It will consider whether the Executive Headteacher or Head of School/Headteacher have exhausted all other available strategies before taking the decision to exclude and whether the exclusion was reasonable, proportionate and legal.
- g) If the student has an EHCP or SEND, the Discipline Committee will consider whether their EHCP should be revised as an alternative to exclusion.
- h) If the student has been permanently excluded the Discipline Committee will consider whether they should be reinstated, and if so, whether the reinstatement should be immediate or by a particular date. They will refer to the student's behaviour record, the reason for the exclusion and the impact the reinstatement would have on the student and the academy.
- i) The committee cannot attach conditions to the student's reinstatement.
- j) If the Discipline Committee decides not to reinstate the student it will without delay inform the parents/carers, the Executive Headteacher or Head of School/Headteacher and the Local Authority of the decision and the reason for it in writing. Where the student resides in a different local authority, the 'home authority' will also be informed of the decision. The parents/carers will be notified of their right to appeal to an Independent Appeals Panel (see 10.1).

## **6. SUSPENSION**

Only in extreme circumstances of persistently disruptive behaviour or for one off misdemeanours of a very serious nature will the Executive Headteacher or Head of School/Headteacher consider the option of suspension. A suspension does not have to be for a continuous period

Such misdemeanours are likely to include:

- i. Physical assault against a student
- ii. Physical assault against an adult
- iii. Verbal abuse or threatening behaviour against a student
- iv. Verbal abuse or threatening behaviour against an adult
- v. Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- vi. Bullying
- vii. Racist abuse
- viii. Abuse against sexual orientation or gender reassignment
- ix. Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The Department collects data on suspensions and permanent exclusions via the termly school census. Up to three reasons can be recorded for each suspension or permanent exclusion (where applicable).

After suspension all students will return to the academy to spend a period of time in seclusion following a re-integration meeting with a senior member of staff, a minimum of 1 day.

## **7. PERMANENT EXCLUSIONS**

Permanent Exclusion will be used in the rarest of circumstances and will, as a matter of policy, always be in keeping with advice from the Secretary of State for Education.

- a) Currently it is highly likely that the academy will process a Permanent Exclusion for:
  - i. Unprovoked physical assault of a serious nature
  - ii. Serious alcohol or drug misuse on or within school premises or during directed activities
  - iii. A persistent record of significant disruptive behaviour
  - iv. Where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the academy
  - v. Using any form of firearm or potentially lethal weapon in or around the academy
- b) Any exclusions totalling 45 days or more in one academic year will be classed as a persistent record of significant disruptive behaviour and will result in a permanent exclusion.

### **7.1 SUPPORT FOR SUSPENDED OR PERMANENTLY EXCLUDED LEARNERS**

- a) Where students are suspended, support will be provided for them during the period in all circumstances, including meeting the needs of SEND. Students still must receive their education. Work must be set and marked for students during the first five school days of a suspension. This can include utilising any online pathways, parents/carers must ensure such work is returned to the academy in order for it to be marked.

## **8. INFORMING PARENTS/CARERS**

Following the decision to suspend or permanently exclude:

- a) The Executive Headteacher, Head of School/Headteacher or a senior colleague will notify the parent/carer immediately. If a student has a social worker, or if a student is looked-after, the academy must notify the social worker and/or VSH, as applicable. This contact will be by telephone in the first instance and will be followed up in a formal letter within 48 hours
- b) Parents/carers are legally required to ensure a suspended or permanently excluded student of compulsory school age is not present in a public place at any time during school hours. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent/carer who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed

penalty notice or be prosecuted. The headteacher must notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

- c) Suspension or exclusion letters will be sent to parents/carers and will outline the following:
- i. The reason for the suspension or permanent exclusion
  - ii. The duration and nature of the exclusion e.g. suspension or permanent exclusion and the student's expected return date
  - iii. How the education provision will be delivered to the student during their exclusion including procedures for setting and marking work.
  - iv. The timescales for making written representations regarding exclusions of 5 or less days. Written submissions will be considered by the Discipline Committee and added to the exclusion records but the Executive Headteacher or Head of School's decision cannot be overturned
  - v. The timescales for requesting a review of suspension of more than 5 days and permanent exclusions
  - vi. How the student may be involved in the process of making representations e.g. making a written submission stating the reasons for challenging the decision to suspend or exclude
  - vii. 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
  - viii. How any representations should be made
  - ix. Where there is a legal requirement for the local 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.

## **9. FOLLOWING THE OUTCOME OF THE DISCIPLINE COMMITTEE**

If the Discipline Committee upholds the decision to exclude permanently, it will write to the student's parent/carer within one school day and will outline the following:

- a) The right of the parent/carer to an Independent Appeals Panel to which they can make oral or written representations
- b) The contact details for the Independent Appeals Panel Clerk should they wish to appeal
- c) The timescales in which to appeal (15 school days from the date of the Discipline Committee decision)
- d) That any appeal request should outline the grounds for the appeal
- e) That the right of appeal is not affected if the parent/carer did not make representations to the Discipline Committee.

## **10. INDEPENDENT APPEALS PANELS**

### **10.1. Appeals hearings**



- a) Parents/carers whose child is excluded permanently have the right to appeal to the Independent Appeals Panel against the decision made by the Discipline Committee.
- b) Any appeal must be lodged in writing to the Clerk to the Appeals Panel within 15 school days from the date of notification of the decision.
- c) The panel should meet as soon as practicable from receiving the notification of appeal, usually within the 15-day timeframe.
- d) Parents/carers can require that the academy appoints a SEND expert to advise the appeals panel.
- e) Parents/carers may issue a claim under the Equality Act 2010 where they believe that unlawful discrimination has occurred. Such a claim should be lodged within 6 months of the date of exclusion.

## **10.2. Arranging an appeal hearing**

The Independent Appeals Panel will be made up of three Independent Panel Members who have been appointed by the LGB.

- a) The academy may appoint a clerk, who has not previously served as clerk to the Discipline Committee, to provide advice to the panel and parties to the review on procedure, legislation and statutory guidance on exclusions.
- b) Those who are entitled to attend the hearing in order to make their representations either verbally or in written form are:
  - The parent/carer and their representatives
  - The Executive Headteacher or Head of School/Headteacher and their representatives
  - The Chair of the Discipline Committee and their representatives
  - A SEND expert if applicable
- c) The student may attend the hearing to make their own representations. The Independent Appeals Panel may only refuse this if there is a valid reason to do so.
- d) The Independent Appeals Panel will not reinstate students purely on the basis of technicalities relating to prior procedures

## **10.3. Role of the Clerk**

- a) The role of the Clerk is to administer the appeals process
- b) The Clerk must not be the same person who served as Clerk at the previous Discipline Committee hearing
- c) The Clerk will have some form of legal training and experience in the conduct of appeal hearings
- d) They will establish the attendees who will be present at the hearing, and the role they will play and they will then ensure that this information is circulated to all parties as soon as is practicable following the Notice of Appeal
- e) They will make available all written evidence to the panel members and the parent/carer no less than 4 school days prior to the appeal hearing
- f) During the hearing, if the panel withdraws or invites the parties to do so whilst it considers its decision, the Clerk will remain with the panel for the purpose of offering procedural or legal advice, and to record any decisions and the reason(s) they were reached.

#### **10.4. Procedure at the hearing**

- a) The Chair or Clerk should welcome the parties and introduce those present, and inform the hearing that its decision is binding on the parties
- b) The intended order of hearing should be notified in advance to the parties. It may be changed if there is good reason to do so and so long as the change would be fair
- c) The Chair should outline the order of the hearing and explain that the parties will be able to make their representations and following each case, that there will be an opportunity for questioning
- d) The order should be such as to allow the Chair to lead the panel in establishing the relevant facts. If the parent/carer appears to be having difficulty in presenting their case the Chair should assist them to ensure that their case is established and that factual matters not in dispute are clearly identified
- e) Sufficient time will be allowed for each party to put its case. At the end of each party's statement and following questions by the other parties, the panel members may also ask questions in order to clarify an issue or to elicit more information
- f) If the panel wishes to vary the notified procedure it should only do so after hearing the views of all the parties present
- g) At any stage during the proceedings, any party may ask for a brief adjournment. In exceptional cases the panel may adjourn the appeal to a later date. If there is an adjournment, it is essential that no part of the proceedings take place other than in the presence of all the panel members
- h) Under no circumstances can an appeal hearing continue if the number of panel members drops below 3 during the appeal. Once an appeal has commenced, no member of the panel may be substituted for a new member
- i) Care must be taken to ensure that no party attending the hearing is present alone with the panel in the absence of other parties
- j) The Appeals Panel will not reinstate students purely on minor 'technicalities' relating to prior procedure, where the panel agree that irrespective of the technicality the exclusion was justified. The Appeals Panel will then consider separately the question of whether the student should be reinstated.

#### **10.5. Evidence and Witnesses**

- a) If additional matters or documents are raised which were not covered by the statement of decision, or the notice of appeal, any parties raising them should do their best to submit them to the Clerk in good time before the hearing.
- b) If substantial new issues or information are raised for the first time at the hearing, the panel should consider allowing an adjournment if that is appropriate.
- c) All parties should be given details of any witnesses in advance of the day of the hearing.
- d) The panel may hear evidence from others, directly or indirectly, involved or who were witnesses to the incident(s), including the student.
- e) The panel may call a teacher(s) who investigated the incident and interviewed students. Teachers may be accompanied by a friend or colleague if they so request.

- f) The panel cannot compel witnesses to attend and any witnesses must therefore appear before it voluntarily. Where adult witnesses are unwilling to appear or are unavailable the panel may rely on their written statements, copies of which should have been circulated to all parties by the Clerk before the hearing.
- g) In the case of witnesses who are students, it will generally be appropriate for the panel to rely on their written statements. Students may, however, appear as witnesses in person if they do so voluntarily and with their parents'/carers' consent.
- h) All written witness statements should be attributed and signed except where there is good reason to wish to protect the anonymity of students, in which case relevant names may be blanked out. The general principle remains that someone accused of something should know the substance and the source of the accusation.
- i) Where relevant, physical evidence, if practicable, should be retained and be available to the panel if they wish to see it. Alternatively, photographs or signed witness statements are acceptable as evidence.
- j) The calling of character witnesses is at the discretion of the panel but should be allowed unless there is good reason to refuse.

#### **10.6. Recording the proceedings**

The Clerk will retain all documentation pertaining to the hearing including:

- Minutes of the proceedings,
- A list of those in attendance
- The voting
- The decision(s) reached and their rationale
- Any notes taken during appeals should be retained by the Clerk to assist with the decision-making process
- Records should be archived for 10 years.

#### **10.7. After the hearing**

- a) The decisions of the Independent Appeals Panel are binding on all parties
- b) The Clerk will ensure that the outcome and decision(s) of the panel are communicated to all parties as soon as practicable, but no later than 5 school days after the hearing
- c) If the panel upholds a decision to permanently exclude a student, the Executive Headteacher or Head of School/Headteacher must inform the Local Authority in order to arrange appropriate alternative education provision. Where the student resides in a different local authority, the 'home authority' will also be informed.
- d) If the student is permanently excluded their name will be removed from the roll, the day after the conclusion of the Independent Appeal hearing.
- e) If the student is reinstated by the Independent Appeals Panel, The Executive Headteacher or Head of School/Headteacher must be informed of the decision and the date on which the student is expected to return to the school.
- f) Unless the panel directs otherwise, the student record will be amended to include the following:

- i. Details of the events leading to the decision to exclude
- ii. The statement of the decision
- iii. The notice of appeal
- iv. The written statement of the panel's decision

**11. MONITORING, EVALUATION AND REVIEW**

- a) Exclusions will be monitored at the board of Trustees and LGB.
- b) This policy will be reviewed annually by the MAT board Trustees.