

THE LION WORKS SCHOOL POLICY



Suspension and Permanent Exclusion Policy

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Approved by: Bruno Davis, CEO	Date of approval: September 2024
Due to be reviewed: July 2025	Date of review:

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1. Aims

The Lion Works School promotes positive behaviour through its alignment with **positive behaviour support** (PBS) principles (see Positive Behaviour). The school staff understand the need to take a proactive approach to low level disruption and expect students to be on task when they are in lessons as this provides our students with the best opportunities to learn effectively.

As a last resort, relating to the safety of staff and students, we will follow all our exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help staff, parents and students understand the exclusions process
- Ensure that students in school are safe and happy
- Prevent students from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

Independent School Exclusions information

As an independent school the law and guidance relating to exclusions is primarily based on 3 considerations:

- Contract law between the school and placing local authorities
- [The Equality Act 2010](#)
- [The Independent School Standards Regulations 2014](#)

It should be noted that case law has established that an exclusion from an independent school is not a public law decision and is not subject to judicial review. It is not subject to an Independent Review Panel statutory process.

Off-rolling

The school 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.”

We will not suspend or exclude students unlawfully or prevent students from attending school.

2. Legislation and statutory guidance

As the school is an independent school we fully comply with the [Independent School Standards 2014](#). This policy is compliant with part 6 clause 3A of the standards. In addition, the policy is written with an understanding of:

- Section 579 of the [Education Act 1996](#), which defines ‘school day’
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

- The policy also takes into account guidance from the Department for Education: [School suspensions and permanent exclusions \(July 2022\)](#)
- [The Timpson Review of School Exclusion 2019](#)

3. Definitions

Suspensions – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed term exclusion’.

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

Off-site direction – when a school requires a pupil to attend another education setting temporarily, to improve their behaviour.

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

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

4. Role and responsibilities

Only the Headteacher (following review and consent from the Proprietary Body), or acting Headteacher, can suspend or permanently exclude a pupil 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 or exclude a pupil will be taken only:

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

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked. This will be based on the “civil standard of proof” as opposed to “criminal standard of proof”
- Allow the pupil to give their version of events
- Consider the relevance of the child’s needs on the behaviour displayed
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as internal exclusion, off-site direction or managed moves

The Headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to issue a suspension 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 or social worker.

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

Informing parents

If a pupil is at risk of suspension or exclusion the Headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour. At this point parents, and other relevant professionals, will be invited in to meet and collaboratively create a pastoral support plan. This forms stage 1 of the school's High Priority Review process.

If the Headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the 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 Proprietary Body and how the pupil may be involved in this
- How any representations should be made

The Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this at the discretion and enforcement of the relevant local authority school attendance team

If alternative provision is being arranged, the following information will be included, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

The school will not arrange of fund alternative provision as this is not permissible under the terms of the placement contract. The school will endeavour to work collaboratively with a local authority that chooses to put alternative provision in place for one of the school's students. The arrangements and the booking of this will rest entirely with the local authority, but the school may act as a conduit and trusted point to disseminate this information.

Informing the Proprietary Body

The Headteacher will, without delay, notify the Proprietary Body of:

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

The Headteacher will notify the Proprietary Body of any other suspensions as and when they are given, of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of any suspensions. This notification will go to the relevant SEND department, typically via the school's allocated SEND officer from the relevant authority.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

If the decision has been made to permanently exclude then an emergency review will be scheduled. The school Mitigation and adjustment procedures flowchart must be consulted and followed in this case.

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

If a:

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

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

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

- They have decided to issue a suspension or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the student's ability to sit a National Curriculum test or public exam (where relevant)

The social worker/VSH will be invited to any review meeting with the Headteacher of Proprietary Body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil'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 pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun. Where there is a cancellation:

- The parents and LA will be notified without delay

- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- The pupil will be allowed back in school

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

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Microsoft teams will be used for this. If the pupil has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil 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 pupil, including the use of online pathways.

The school's contractual obligations with placing authorities do not allow the school to meet the cost of Alternative Provision nor place a child in Alternative Provision directly. This decision to place in Alternative Provision must be made by the relevant local authority.

The Proprietary Body

Considering suspension and permanent exclusions

The Proprietary Body will consider parents' representations about a suspension or permanent exclusion. It will consider the reinstatement of a suspension or permanently excluded pupil if requested by a parent/carer.

Monitoring and analysing suspension and exclusions data

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

The Proprietary Body, with the support of the School 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
- variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary

- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded students, and why this is taking place

5. Considering the reinstatement of a pupil

If a parent/carer/guardian would like to appeal a decision to exclude then they must do so in writing to the CEO. The Governance policy and/or school website should be consulted for the most up to date contact details. Alternatively, the school will provide these details if asked.

The review must be requested within 15 days of the receipt of the letter to exclude. This letter will be sent digitally and due to the immediacy of digital communication it will be considered as having been received on the day it was sent.

An appeal panel will be formed. This will consist of 3 people. The CEO will be supported in reviewing the appeal by two senior staff from the proprietary organisation or a partner independent school setting. The panel will schedule a meeting to take place as soon as practicable and normally within 2 working weeks. The parent/carer/guardian may bring a representative to the meeting but neither they, nor any representative from the proprietary body will bring a legal representative as the appeal is not a form of legal proceeding.

A pack of information will be circulated to attendees at least 48 hours before the review hearing in order to analyse the reason for exclusion. Information may be redacted in order to protect the identity of others. There will be an open forum of discussion and the student's representatives may ask questions of the Headteacher. The panel may recommend: confirmation of original outcome, removal of original outcome or an alternative outcome.

The panels outcome is advisory to the CEO who will make the ultimate decision. The decision made by the CEO will be communicated to parents/carers/guardians within 10 days working days of the panel being held.

Social workers and VSH will be invited to attend any relevant review panels.

6. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the exclusion and no application has been made for a review panel, or
- The parents have stated in writing that they will not be applying for a review panel
- Within 2 days of the review panel outcome being communicated

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA SEND department. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
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This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

7. Returning from a suspension

7.1 Reintegration strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- 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 pupil, parents, and other relevant parties.

7.2 Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, 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.

8. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Anonymous surveys of staff, students, and other stakeholders on their perceptions and experiences

This policy will be reviewed by the Headteacher every year. At every review, the policy will be approved by the CEO with guidance and support from the School Board.

9. Links with other policies

The exclusions policy is linked to our:

- Behaviour policy
- SEND policy
- Mitigations and adjustments procedures