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Suspension & Permanent Exclusion Policy

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1. Aims

We are committed to following all statutory 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 governors, 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

2. Principles

2.1 Northwood School is a learning institution which aims to provide life chances for all of its students. We view suspensions and permanent exclusions as a last resort when all other possible methods of managing student behaviour have been exhausted. The decision to suspend or permanently exclude is never taken lightly and careful consideration is taken of the facts and the surrounding circumstances before reaching a decision to suspend or permanently exclude. The school only uses suspensions and permanent exclusions as part of creating a calm, safe, supportive environment in which students can learn and thrive.

2.2 We recognise the detrimental impact of suspension and permanent exclusion on both the education and wellbeing of students and their families. We also recognise the impact of social exclusion, which can result from the permanent exclusion of a student and will try hard to avoid it.

2.3 Permanent exclusion is an extremely serious step to take and has a significant impact on the ability of a student to access education in the future. It is only used where it is unavoidable and where every possible appropriate alternative has been considered. We are committed to using alternatives to permanent exclusion such as alternative provision where appropriate.

2.4 We take account of the Equality Act and of our duty not to discriminate against students for any reason.

2.5 We also take account of our statutory duties in relation to SEND

2.6 We aim to involve parents as early as possible in any process

3. Roles and responsibilities

3.1 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 or exclude a student will be taken only:

- In response to a serious breach of the school's behaviour policy*
- 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 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))
- Take into account any contributing factors that are identified e.g. recent bereavement, mental health issues, subject to bullying or provocation
- Consider whether all alternative solutions have been explored, such as off-site direction (e.g. alternative provision)
- Ensure that parents/carers have been kept informed throughout the process and consulted where appropriate

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 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.

The standard of proof applied when deciding to suspend is 'balance of probabilities'. The more serious the allegation the more convincing the evidence substantiating the allegation needs to be.

*In exceptional circumstances, the Headteacher or the delegated senior staff member might consider it appropriate to permanently exclude a child for a first or one-off offence. Such circumstances might include:

- Where there has been serious actual or threatened violence against another student or member of staff
- Sexual misconduct
- Supplying an illegal drug
- Carrying an offensive weapon
- Any severe form of bullying including racist or homophobic bullying
- Any action resulting in a serious health and safety issue

In cases where a criminal offence has taken place, the police may be informed and where appropriate, the Youth Offending Team, Social Services or any other outside agency involved with the student

Suspensions will not be used as a consequence for the following:

- a) Minor incidents such as a failure to complete homework
- b) Poor academic performance
- c) Lateness or truancy
- d) Breaches of Northwood School rules on uniform or appearance except where these are persistent or in open defiance of such rules
- e) Pregnancy

f) As a punishment for the behaviour of their parent/care

Behaviour outside the school gates

Northwood School Suspension & Permanent Exclusion Policy and Behaviour Policy covers behaviour not only within school but also outside school. We will sanction students, up to and including Permanent Exclusion, for any behaviour which contravenes our policies when a student is:

- Taking part in any school-organised or school-related activity
- Travelling to or from school
- Wearing our school uniform
- In some other way identifiable as a Northwood School student

Or for behaviour which at any time:

- Could have repercussions for the orderly running of the school
- Poses a threat to another student or member of the public
- Could adversely affect the reputation of the school

Informing parents/carers

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

- The reason(s) for the suspension or permanent exclusion
- The circumstances leading up to the decision to suspend
- Why the Headteacher decided to suspend the student
- If relevant, what steps were taken to try and avoid suspension, details of any relevant previous warnings, suspensions or other disciplinary measures taken before the present incident.
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent. The date and time the student should return to school
- The arrangements for a parent interview at the end of the suspension to discuss the process of reintegration
- The arrangements for enabling the student to continue his/her education, including setting and marking of the student's work
- The parent's right to see and have a copy of their child's record
- Information about the parents'/carers' right to make representations about the suspension or permanent exclusion to the Governing Body and, where the student is attending alongside parents, how they may be involved in this

- The letter will also state the parent's right to appeal to the Independent Appeals Panel and the appropriate mechanism for that to happen
- The letter will also state that if parents are concerned about the way in which the suspension was managed, they may write to the Governing Body to ask it to review the process. This may be done by just one member of the Governing Body. The Governing Body cannot overturn the decision to suspend but may put a note on the file.
- The involvement, if appropriate, or S.E.N. expert advice.

How any representations should be made:

- Where there is a legal requirement for the Governing Body to hold a meeting to consider the reinstatement of a student, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- If the student is of compulsory school age, 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
 - 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 student needs in order to identify the person they should report to on the first day
 - That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

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.

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

Informing the Governing Body

The headteacher will, without delay, notify the Governing Body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student

- Any suspension or permanent exclusion which would result in the student 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 which would result in the student missing public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason 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 a suspension.

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

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a:

- Pupil with a social worker is at risk of 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 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 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 that 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.

3.2 Returning from a suspension

Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the student reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs (if appropriate).

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity (if appropriate)
- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents and staff of potential external support (e.g. Pastoral Support Plan)

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, and other relevant parties.

Reintegration meetings

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

The student, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

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, 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 Body's duty to hold a meeting and consider reinstatement ceases
- Parents/carers 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 permanent exclusion

During the first 5 days of a suspension, 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 and paper based work 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 alternative provision 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.

3.3 The Governing Body

Considering suspensions and permanent exclusions

The Governing Body has a duty to consider parents'/carers representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 4 & 5) in certain circumstances.

Within 14 days of receiving a request, the Governing Body will provide the LA with information about any suspensions or exclusions within the last 12 months.

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

The governing board does not have to arrange such a provision for students in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

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

The Governing Body 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
- 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
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it
- The cost implications of directing students off-site

3.4 The local authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first 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.

4. Considering the reinstatement of a student

The Governing Body will consider and decide on the reinstatement of a suspended or permanently 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 days out of school to more than 15 in a term; or
- It would result in a student missing a public exam

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 Body must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers 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 make representations to the board, the Governing Body 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 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, Governing Body will, 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 Body 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 Body and allowed to make representations or share information:

- Parents/carers (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

Governing Body meetings can be held remotely at the request of parents/carers. See section 8 for more details on remote access to meetings.

The Governing Body 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 Body 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 Body 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 Body

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

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

- The parents/carers
- 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 Body 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' 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 Body's decision is given to parents)
- 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 have a right to require the LA 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 for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

- That, if parents believe that the 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

5. Independent review

If parents/carers apply for an independent review within the legal timeframe, the LA will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Governing Body of its decision to not reinstate the student **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/carers. See section 8 for more details on remote access to meetings.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years
- A person may not serve as a member of a review panel if they:
 - Are a member/trustee of the QED Academy Trust of the excluding school
 - Are the headteacher of the excluding school, or have held this position in the last 5 years
 - Are an employee of the QED Academy Trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
 - Have, or at any time have had, any connection with the QED Academy, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

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 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 social worker 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

6. School registers

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

- 15 school days have passed since the parents/carers were notified of The Governing Body'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 has been made for an excluded

student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

Making a return to the LA

Where a student'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. The return will include:

- The student's full name
- The full name and address of any parent with whom the student normally resides
- At least 1 telephone number at which any parent with whom the student 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)
- Details of the new school the student will attend, including the name of that school and the first date when the student attended or is due to attend there, if the parents have told the school the student is moving to another school
- Details of the student's new address, including the new address, the name of the parent(s) the student is going to live there with, and the date when the student is going to start living there, if the parents have informed the school that the student is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the student's name.

7. Remote access to meetings

Parents/carers can request that a Governing Body review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The Governing Body and QED Academy Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

8. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of student referral units, off-site directions/alternative provision
- Anonymous surveys of staff, students, governors/trustees and other stakeholders on their perceptions and experiences
- The data will be analysed half termly by the deputy head who will report back to the headteacher
- The data will be analysed from a variety of perspectives including:
 - At school level
 - By age group
 - By time of day/week/term
 - By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the deputy head every year. At every review, the policy will be approved by the Governing Body.

Appendix 1

1a. Governor Panel Training

The School must make sure that some members of the Governors have received annual training (and received any required updates) on attending a Governor panel for a suspension (eg consideration of cancelling a suspension).

1b. Independent Review Panel Training

The School must check that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

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

1c. Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement - from September 2023](#).

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 \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) 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.

1d. Definitions

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

Permanent exclusion – when a student 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 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 and the admission authority for the new school, should consent before a managed move occurs.

1e. A Note on Off-Rolling

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

- Remove a student from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or
- Encourage a sixth-form student not to continue with their course of study, or]
- Retain a student on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a student unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) 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'.

1f. Links with Other Policies

This policy is linked to our:

- Behaviour policy
- Send Policy
- Send Information Report