



Suspension and Exclusion Policy

The Kemnal Academies Trust

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Introduction

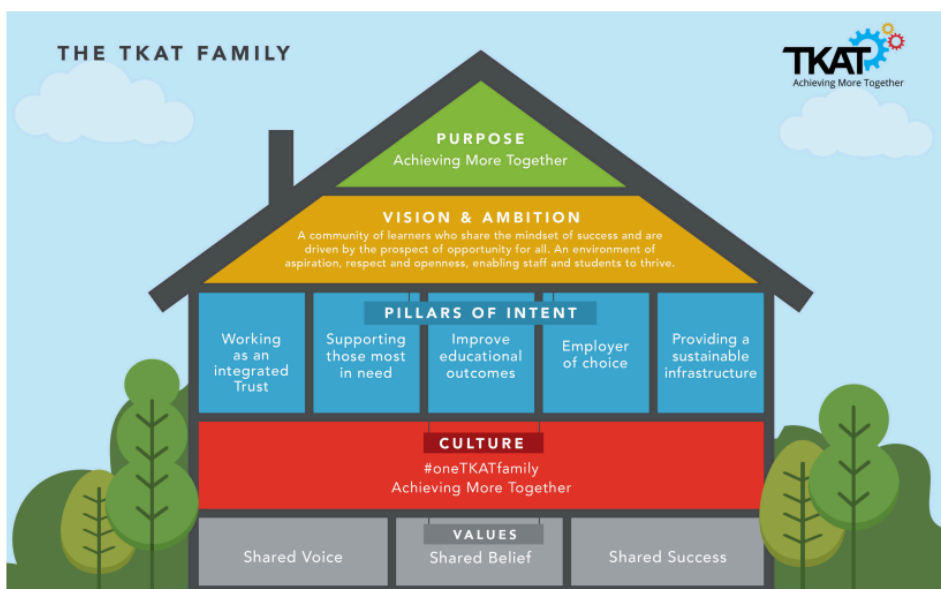
This policy sets out guidelines and circumstances under which a student may be suspended or permanently excluded from a TKAT school and applies to all students at all Trust schools, including those who may be below or above compulsory school age. The policy is available on each school website and can be made available in large print or other accessible formats if required.

In this policy the term Headteacher also includes any person formally appointed as Acting Headteacher or any person acting as headteacher or deputising due to a leave of absence from the substantive headteacher.

Vision and Values

The Kemnal Academies Trust (TKAT) aims to foster a culture of the highest professional standards in line with the Trust’s purpose, vision and values.

TKAT - OUR STRATEGY



Relationship to other policies

This policy should be read in conjunction with the School Behaviour Policy which includes a list of graduated sanctions to a non-exhaustive list of occasions where suspensions and exclusion may be considered, as well as other relevant school policies, particularly the

Special Educational Needs Policy, Safeguarding and Child Protection Policy and the Equality and Diversity Policy. It also has a close interrelationship with the Attendance Policy.

Guidance and legislation

This policy is drafted to be compliant with the [Exclusion from maintained schools, academies and student referral units in England](#) (August 2024) statutory guidance.

This policy contains a summary of the statutory guidance and is not intended to provide a full account of all the guidance content which should be read alongside this policy.

The non-statutory government guidance [Behaviour in Schools](#) (February 2024) is also very relevant.

This policy takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

Statement of principles

Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the School Behaviour Policy; **and** where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school.

We seek to reduce the number of incidents leading to a suspension and permanent exclusion by promoting a positive atmosphere of belonging, mutual respect, and discipline within our Trust schools.

We regularly monitor the number of suspensions and permanent exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Authority to exclude

Permanent exclusions can only be authorised by the Headteacher, after discussion with the Director of Education. Suspensions can only be authorised by the Headteacher. These decisions must not be delegated to anyone else (other than an Acting Headteacher or a Deputy Headteacher in the absence of the Headteacher).

The final decision will always rest with the Headteacher.

The Headteacher must always consider carefully, including seeking advice from their Director of Education or Director of SEND as deemed required, where any potential suspension or permanent exclusion involves a child with special educational needs or a disability (SEND), or a looked-after or previously looked-after child or for any exclusion

where the circumstances are particularly complex.

Decision to suspend or exclude

A student may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year following which an exclusion is considered. They can also be excluded permanently.

A decision to permanently exclude a student will only be taken:

“in response to a serious breach, or persistent breaches, of the School Behaviour Policy; and where a student’s behaviour means that allowing the student to remain in school would seriously harm the education or welfare of the student or others in the school”

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

When establishing the facts in relation to a possible exclusion, the Headteacher will always 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.’

Before issuing a suspension or permanent exclusion, the Headteacher will:

- ensure that a thorough investigation has been carried out and consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the suspension or exclusion were provoked. As per the School Behaviour Policy, the Headteacher may consider the behaviour of a student outside school as grounds for a suspension or exclusion.
- allow and encourage the student to give their version of events. The Headteacher will give the student an opportunity to present his or her case taking into account their age and understanding, before taking the decision to suspend or exclude unless it would not be appropriate to do so. Students who need support to express their views will be allowed support of an advocate, such as a parent/carer or social worker.
- find out whether the student comes into a category that is known to be a

particularly vulnerable group (e.g., students with SEND, free school meal (FSM) students; looked after children; students with a social worker; certain ethnic groups; (for example traveller children) and consider whether all supportive and preventative strategies have been fully utilised.

- where a student has any SEND, will consider if any reasonable adjustments need to be made to ensure the student has been provided with adequate support and to consider whether any further support can be provided. The Headteacher will seek to understand the underlying cause of the behaviour and consider whether the student's SEND influenced their behaviour and if it did, whether it is still appropriate to issue the sanction or any sanction at all.
- where a student has a social worker or a Virtual School Head (VSH), will ensure they and, as appropriate, any parent/carers; the Designated Safeguarding Lead; and the designated lead for Looked-After Children are involved as early as possible in relevant conversations.
- consider whether all relevant initial intervention strategies set out in the Behaviour in Schools guidance and alternative solutions have been explored, including an off-site direction or managed move.
- take into account possible short-term mitigating circumstances such as bereavement, mental health issues etc.
- consider whether there are any safeguarding concerns and whether the Designated Safeguarding Lead should be consulted.

Headteachers have access to a [Exclusion Checklist](#) to ensure all legal considerations have been made.

The Headteacher will keep a written record of the actions taken including the signed statements of witnesses. Any suspension or exclusion of a student, even for short periods of time, will be formally recorded on Arbor.

The Headteacher will not:

- suspend or exclude any student for non-disciplinary reasons
- use exclusion informally or unofficially, students will not be sent home to 'cool off' even with parent/carers' permission
- extend or 'convert' a suspension into a permanent exclusion unless further investigation has been undertaken which leads to that decision, in which case a new sanction will be issued.

Behaviour related to protected characteristics

We will take care to ensure that a decision to suspend or exclude does not involve any kind of discrimination as defined by the Equality Act 2010. We will not discriminate against students on the basis of protected characteristics, such as disability or race.

Our schools will make reasonable adjustments for managing behaviour which is related to a student's disability. Where suspension or exclusion needs to be considered, the school will ensure that a student with a disability is able to present his or her case fully where the disability might hinder this.

We recognise that disruptive behaviour can be an indication of unmet needs. Where we have concerns about a student's behaviour, we will try to identify whether there are any contributing factors and try to intervene early in order to reduce the need for a subsequent sanction. We will consider whether a multi-agency assessment that goes beyond a student's educational needs is required. Where a student has SEND or an EHC Plan and we have concerns about their behaviour, we will work in partnership with others to consider what additional support or alternative placement may be required. Our schools will work proactively with parent/carers in supporting behaviour of students with additional needs.

Lunchtime suspensions

A suspension can be for parts of the school day. For example, students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period only, then back into school in the afternoon. In such cases the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parent/carers, still apply.

Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Governors Disciplinary Committee (GDC) meeting is triggered.

Action following any suspension or exclusion

Informing parent/carers (or the student if they are 18 or older)

The Headteacher will provide the following information to parent/carers of a suspended or excluded student (or the student if they are 18 or older), without delay (usually by phone initially and then followed up in a letter):

- 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.
- Information about parent/carers' right to make representations to the Local Governing Body and how the student may be involved in this.
- Where there is a legal requirement for the Local Governing Body to meet via a GDC to consider the reinstatement of a student, and that parent/carers have a right to attend a meeting, that they may be represented at a meeting (at their own expense) or bring a friend.

The Headteacher will also notify parent/carers by the end of the afternoon session on the day their child is suspended or permanently excluded:

- That for the first five school days of a suspension or permanent exclusion, or until the start date of any alternative provision where this is earlier, parent/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.
- That the school will provide work for the student to complete during this time and the expectation that the student will try their best to complete all work set.

If alternative provision is being arranged, the following information will be included when notifying parent/carers of an exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parent/carers' consent.

The Trust has provided template letters available for the Headteacher to communicate this information to parent/carers with further detail as to what must be included. This letter should be sent without delay.

If a student is issued with a further suspension or is subsequently permanently excluded, the Headteacher must inform parent/carers without delay and issue a new suspension or permanent exclusion letter to parent/carers to continue from the end of the initial suspension.

Informing the Chair of the Local Governing Body and Director of Education

The Headteacher will immediately notify the Chair of the Local Governing Body of:

- a permanent exclusion
- suspensions which would result in the student being excluded for more than five school days (or more than 10 half days / lunchtimes) in a term
- suspensions which would result in the student missing a public examination.

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.

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

As noted above, if a:

- Student with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible.
- Student who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the Virtual School Head (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.
- If 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 meeting of the Local Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

Alternative education / provision (AP)

During the first five days of a suspension

During the first five days of a suspension, if the student is not attending alternative

provision (AP), 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 may be used for this. If the student has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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

For a suspension of more than five school days

For a suspension of more than five school days for a student of compulsory school age, the school will arrange suitable full-time education for the student to begin no later than the sixth day of the suspension. However, the school will attempt to start this provision as soon as possible.

Where a student receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty. This means that if a student has more than five consecutive school days of exclusion, then education must be arranged for the sixth school day of exclusion, regardless of whether this is as a result of suspension or more than one suspension.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

For permanent exclusions, the student's home LA has responsibility for arranging suitable full-time education for the student from the sixth day of exclusion onwards.

Off-rolling

Our schools are aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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 student”

Our schools will not suspend or exclude students unlawfully or not allow students to attend their school:

- Without following the statutory procedure or formally recording the event.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration

meeting.

- By exerting undue influence on a parent/carer to encourage them to remove their child from the school.

Reintegration from a suspension

Following suspension or any cancelled suspension or cancelled permanent 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 other agencies to identify whether the student has any unmet special educational and/or health needs.

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 and welcoming the student back to school.
- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult such as an ACE tutor or a local mentoring charity.
- Adapting the curriculum being studied, either for a given period of time or more permanently but always in the best interests of the student
- Regular reviews with the student and parent/carers to praise progress being made and raise and address any concerns at an early stage.
- Informing the student, parent/carers and staff of potential external support.

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

Reintegration meeting

The school will 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, parent/carer, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parent/carer in the event that they cannot or do not attend.

This meeting will seek to establish practical ways in which further exclusion or suspension can be avoided and behaviour modified to acceptable standards in partnership between student, parent/carer, and school.

The meeting must be formally recorded and attached to the pupil's file. This can either be as a behaviour plan if already in place, or a record of meeting, or both.

cancelling a suspension or exclusion

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Local Governing Body. Where there is a cancellation:

- The parent/carers, Chair of the LGB and Director of Education will be notified without delay.
- Where relevant, any social worker and Virtual School Head will be notified without delay.
- Parent/carers will be offered the opportunity to meet with the Headteacher to discuss the cancellation.
- The student will be allowed back in school.

Considering the reinstatement of a student (Governor Disciplinary Committee (GDC) panel)

Local Governing Bodies have delegated responsibility for reviewing suspensions and exclusions as outlined in the guidance.

The Clerk to the Local Governing Body will arrange a GDC panel to consider the reinstatement of a suspended or excluded student within 15 school days of receiving the notice of the suspensions / exclusion if:

- the exclusion is permanent
- it is a suspension which would bring the student's total number of school days of suspension to more than 15 (including 15.5 days) in a term
- it would result in a student missing a public examination.

If requested to do so by parent/carers, a GDC panel will consider the reinstatement of a suspended student within 50 school days of receiving notice of the suspension if the student would be suspended from school for more than five school days, but less than 16, in a single term. **Where requested, the hearing should be heard in a quicker timescale where possible.**

The GDC panel will consist of at least three Governors from the Local Governing Body or other Trust School Governors. The panel members must be impartial and not be conflicted in taking a place on the GDC panel through, for example, a personal connection with the excluded student or his or her family.

Where a suspension or exclusion would result in a student missing a public examination or national curriculum test, a GDC panel will consider the reinstatement of the student, as far as reasonably practicable, before the date of the examination or test. If it is not practicable for a sufficient number of panel members to consider the decision before the examination or test, a smaller sub-committee may make the decision.

The GDC panel can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision, the GDC panel will consider whether the exclusion or suspension was lawful, reasonable, and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The GDC will notify, in writing, the Headteacher, parent/carers (or the student if they are 18 or older), the LA (and where relevant the social worker and VSH) of its decision, along with reasons for its decision, without delay.

Where the GDC decline to reinstate a student in respect of a permanent exclusion, the GDC's decision will also include the following:

- The fact that it is permanent.
- Notice of parent/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - the date by which an application for an independent review must be made
 - the name and address to whom an application for a review should be submitted
 - that any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion
 - that, regardless of whether the excluded student has recognised SEND, parent/carers have a right to require the school to appoint a SEND expert to attend the review
 - details of the role of the SEND expert and that there would be no cost to parent/carers for this appointment
 - that parent/carers must make clear if they wish for a SEND expert to be appointed in any application for a review
 - that parent/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parent/carers may also bring a friend to the review.
 - that if parent/carers believe that the exclusion has occurred as a result of 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. A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place.

- Availability of free and impartial advice.

The Trust has provided GDC panel members with template GDC response letters to ensure all of the required information is provided and explained clearly to parent/carers.

The GDC should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

Independent review panels

Applications for an independent review must be made by the parent/carers within 15 school days of notice being given to the parent/carers by the GDC of its decision to not reinstate a student. We commission independent reviews through the Local Authority.

If parent/carers apply for an independent review via the Trust, the Clerk to the Local Governing Body will arrange for an independent panel to review the decision of the GDC not to reinstate a permanently excluded student.

The independent panel will decide one of the following:

- Uphold the GDC's decision.
- Recommend that the GDC reconsiders reinstatement.
- Quash the GDC's decision and direct that the GDC reconsider reinstatement (only when the decision is judged to be flawed).

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

GDC reconsideration of reinstatement

If there is a recommendation or direction for the GDC to reconsider reinstatement of a pupil following an independent hearing, the GDC will do so within 10 school days of notification of the panel's decision.

The GDC will work within the guidance outlined in the DFE guidance for suspensions and permanent exclusions - part 12.

School registers

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

- 15 school days have passed since the parent/carers were notified of the GDC's decision to not reinstate the student following a permanent exclusion and no application has been made for an independent review panel, or

- the parent/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, the Local Governing Body will wait until that review has concluded before removing a student's name from the register if upheld, or after the GDC has reconsidered the exclusion if directed by the independent panel.

Where alternative provision has been made for a suspended or excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Reporting, monitoring and analysing suspensions and exclusions data

Suspension and exclusion data is recorded and regularly monitored and analysed at both school level including by the Local Governing Body and Trust level through the Education Committee, to ensure that suspensions and exclusions are used in line with this policy.