



# Suspensions and Permanent Exclusions Policy

Policy Reference: LHS/SPEP/01

## Policy Ownership:

Committee Board	FTB
School Department	Pastoral
Post Holder	Deputy Head Teacher – Richard McCrainor

Disclosable Under Freedom of Information Act 2000	Yes / No
Published on the Website	Yes

## Linked Documents:


## Policy Renewal:

Date Implemented	July 2024
Planned Review	Annual
Review Date	July 2025



## Suspensions and Permanent Exclusions Policy

### 1. Rationale

- 1.1 Behaviour at Light Hall is very good with the overwhelming majority of students being courteous and exhibiting very high standards of conduct. Suspensions and Permanent Exclusions will only be used in the most serious of incidents in order to maintain the safe, secure learning environment enjoyed by all members of the school and local community.
- 1.2 This policy has been written to comply with the “Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, September 2023 and is to be read in conjunction with the Light Hall School Code of Conduct & Behaviour Policy.

### 2. When is Permanent Exclusion Used?

- 2.1 Light Hall school is an inclusive school and has a commitment for students to be in lessons and engaged in learning activities alongside their peers. Light Hall school employs a range of strategies to reduce the risk of disaffection, truancy, absence and the need for suspension and permanent exclusion.
- 2.2 Permanent Exclusion is regarded as a very serious matter. It is for the Headteacher to decide whether a students’ behaviour warrants permanent exclusion. Though this is a serious decision and is reserved for;
- a) Serious, or persistent breaches of the Schools’ behaviour policy and
  - b) Where allowing the student to remain in school would harm the education or welfare of the student or others, such as staff or students in the school.
- 2.3 School will not tolerate behaviour that prevents teaching and learning taking place or behaviour that puts the health, safety or wellbeing of another person at risk.
- 2.4 In most cases suspension will only be used when alternative sanctions and support have been tried and failed to improve a student’s behaviour, including investigating any underlying problems which may be causing that poor behaviour. One exception to this may be if a student with no previous history of poor behaviour commits a very serious disciplinary offence which warrants suspension.
- 2.5 All suspensions of a student, even for short periods of time, will be formally recorded. ‘Informal’ or ‘unofficial’ suspensions, such as sending students home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers.
- 2.6 No student will be suspended for one or more fixed periods in excess of 45 school days in one school year.

### 3.0 The Suspension Decision and Notification

The investigation and the Headteacher’s decision.

- 3.1 The decision to suspend a student from the school will be at the discretion of the Headteacher following a recommendation from the Deputy Head.



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- 3.2 Before any decision is made to suspend a student, an investigation will occur, usually led by the Progress & Development Leader or relevant staff. This may include taking signed and dated statements from other students, CCTV, discussion with the student's teachers and senior staff, a review of the student's file and past history at the school. The Headteacher, Deputy Head or a nominated member of senior staff may arrange a meeting with the student and his/her parents to investigate the case and its circumstances prior to making a decision about whether to suspend the child, or about the duration of the suspension.
- 3.3 The Deputy Head's recommendation will set out the reasons for the suspension and describe the incident(s) which led to the recommendation, drawing on the evidence gathered during the investigation.
- 3.4 The Headteacher's decision will be based on the evidence presented and will consider the good of the student involved, including the time in the student's school career and the effect of his/her continued presence on the rest of the student body.
- 3.5 In making his/her decision the Headteacher will 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'.

### **4.0 Internal Suspension**

- 4.1 The Refocus Centre of Light Hall school is used for internal suspension. Students will be placed in the internal suspension room if they have had to be removed from lesson for disrupting learning or as an alternative sanction to avoid a suspension.
- 4.2 Students will be placed in internal suspension for a period of time, usually 1-2 days. Internal suspension is from 8.30am-3:30pm. Parents will be informed by telephone or email by the Pastoral Manager/Progress & Development Leader of the decision to internally suspend a student. The internal suspension will be logged on the student's behaviour log. Parents/carers are also informed by letter that their child has been placed in internal suspension.
- 4.3 Students will be expected to arrive on time and in full school uniform. They will be provided with all the necessary equipment and work they need to complete whilst in internal suspension. Students will lose their right to social time with others, break and lunchtime is taken within the Refocus Centre.
- 4.4 Students placed in internal suspension will have an opportunity to discuss the reason for their suspension and strategies to avoid this behaviour again with the Refocus Manager. The student's behaviour log and attendance record is also reviewed with the student. The Refocus Manager will liaise with the Progress & Development Leader if they feel there is a developing pattern of behaviour that is a cause for concern and intervention is required. The Refocus Manager will devise an appropriate reintegration programme for the student once the period of internal suspension is over and the Pastoral Manager/Progress & Development Leader will monitor this programme.
- 4.5 If a student is placed in internal suspension more than once per term the Progress & Development Leader will contact the parent / carer and arrange a meeting to raise concerns and consider any interventions that will support the student.



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4.6 Sometimes students with a history of challenging or poor behaviour can benefit from moving to a different school for fresh start. This may be after a student has been at another mainstream school for short term temporary support. This is called a “passport move/managed move”. This process is part of the Light Hall Pastoral Pathway and any decision to pursue a managed move is made by the Headteacher and parents/carers. This is usually as a result of all other strategies being exhausted. The Headteacher may have to use an ‘off-site direction’ if the strategy is not agreed by parents/carers.

4.7 As a preventative measure to prevent school suspensions the Headteacher can direct students to a temporary placement in another mainstream school/alternative provision or a managed move. (Off site direction)

### **5.0 Suspension**

5.1 A suspension is when a student is suspended from our school for a fixed period of time between 1 and 5 days. The decision to externally suspend a student for a fixed term from school will be taken by the Headteacher (Deputy Head in her absence) and at least one other member of SLT.

5.2 During an external suspension the parent / carer will take responsibility for their child during school time. An external suspension will be issued for any of the following reasons:

- The student has seriously breached the school Code of Conduct and / or behaviour policy
- The student has committed an offence that has put the health, safety or wellbeing of another person at risk.
- The student has already spent time in internal suspension and has continued to behave in a manner that does not meet the expectations of behaviour set out in the school code of conduct and behaviour policy and abide by the guidelines issued for good behaviour and safety of all students within our school.

5.3 Students returning from a suspension may be placed on daily monitoring and have a Pastoral Support Plan set up by the Progress & Development Leader. The Progress & Development Leader or Pastoral Manager will decide on a course of action following the reintegration meeting should any further intervention/reintegration be needed. He/she will monitor this action over a series of weeks.

### **6.0 Notifying Parents**

6.1 When a decision is taken to suspend a child the school will endeavour to notify the parents by telephone (or an answerphone message). The call may be made by the Deputy Headteacher, Assistant Headteachers for KS3 and KS4, PDL or Pastoral Managers. The parent will be notified of:

- The period of the suspension and the reasons for it
- The parents’ legal duty for the first five school days of a suspension (or until the start date of any alternative provision where this is earlier) to ensure that the child is not present in a public place during school hours without reasonable justification,



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and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

6.2 The parents will then be provided with the following information in writing as soon as possible:

- The reasons for the suspension/permanent exclusion;
- The period of a suspension; or a permanent exclusion, the fact that it is permanent;
- For suspensions, the date and time they need to attend for a re-admission meeting. All re-admission meetings will be with a senior member of staff and the students' Progress and Development Leader or Pastoral manager. Students will not be reintegrated back into school before assurances are gained that there will not be a repeat of the unacceptable behaviour.
- Parents' right to make representations about the permanent exclusion to the trust board (in line with the requirements set out in Department for Education guidance paragraphs 97 to 107) and how the student may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the trust board to consider the permanent exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense), request meeting to be held virtually and to bring a friend.
- The Department's Guidance for parents and carers on behaviour, suspension and permanent exclusion, which can be found here:  
<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/information-advice-and-support-services-network>
- Coram's Child Law Advice service can be found through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – [www.ipsea.org.uk](http://www.ipsea.org.uk)) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.
- Where considered relevant by the head teacher, links to other local services.

6.3 If alternative provision is being arranged then the following information will be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the Student during the exclusion;
- 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.



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### **7.0 Notifying the Local Authority and Trustees**

- 7.1 The headteacher will, without delay, notify the trust board of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
  - any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
  - Any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test
- 7.2 For all other suspensions and Permanent Exclusion the Headteacher will notify the local authority and trust board once a term. All notifications must include the reasons for the suspension and the duration of any fixed period exclusion.
- 7.3 Whenever the headteacher suspends or permanently excludes a pupil he/she will, without delay, after their decision, also notify the social worker, if a pupil has one, if the pupil is a LAC, of the period of the suspension or permanent exclusion and the reason(s) for it.

### **8.0 Education during suspensions**

- 8.1 A senior member of staff with responsibility for the student will ensure that work is organised for the first five days of any suspension and this will be sent home if necessary. Students must follow their daily timetable and complete the lessons that are on "TEAMS" for that day. They are expected to bring the completed work to the re-admission meeting. The Deputy Headteacher will arrange full time education for students from the sixth day of any suspensions of six days or more, possibly with placements at another school. For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area.

### **9.0 Board of Trustees Committee review**

- 9.1 A committee of the trust board, consisting of at least three trustees must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:
- it is a permanent exclusion;
  - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;
  - it would result in the pupil missing a public examination or national curriculum test
- 9.2 In the case of a suspension, where the suspension is less than 15 days but more than five, which does not bring the student's total number of days of exclusion to more than 15 days in a term, In this case, if the parents make representations, the trust board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any



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representations from the parents, the trust board is not required to meet and cannot direct the reinstatement of the pupil.

- 9.3 In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the trust board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.
- 9.3 The review must happen within fifteen school days in the first three cases. In the second case the committee should, so far as is reasonably practicable, consider the exclusion before the date of the examination or test.
- 9.4 In addition to considering the evidence considered by the Headteacher and his/her conclusions, the Trust Board must consider any representations from the Headteacher or the parents. The Headteacher and parents will be invited to the review meeting. The trust board may also invite the student to attend the meeting or to feed in his/her views in other ways, taking into account the Student's age and understanding. All parties will be given five school days' notice of the date of the meeting.
- 9.5 The meeting must be organised as follows:
- Where possible the school's papers must be sent to parents and trustees five school days before the meeting. Any written evidence or representations must be submitted three school days before the meeting and circulated by the committee to all parties two school days before the meeting.
  - The committee will appoint a clerk to make a record of the meeting, non-verbatim minutes may be taken. The record of the meeting will be made available to all parties on request.
  - The committee will invite the Headteacher to make his/her representations and then invite the parents to do the same. Committee members may ask questions of anyone present at the meeting. If the student has been invited s/he may also be asked to speak.
  - All parties, save the clerk, will be asked to withdraw before the committee makes its decision

### **10.0 The Trust Board Committee decision**

- 10.1 In reaching a decision on whether or not to reinstate a student, the committee should consider whether the decision to exclude the student was lawful, reasonable and procedurally fair, taking account of the Headteacher's legal duties. When establishing the facts in relation to an exclusion decision the trust board must 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' .
- 10.2 In the light of their consideration, the trust board can either:
- Uphold a Permanent exclusion; or
  - Direct reinstatement of the student immediately or on a particular date.
- 10.3 In cases where the committee considers parents' representations but does not have the power to direct a student's reinstatement – because the exclusion was short and



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is already concluded – they should consider whether it would be appropriate to place a note of their findings on the student's educational record.

- 10.4 If the committee reinstates a student, the student and his parent(s) must be invited to a return to school interview with the Headteacher.

### 11.0 Notification of the decision

- 11.1 The trust board must notify parents, the head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. Where the student resides in a different local authority from the one that maintains the school, the trust board must also inform the student's 'home authority'.

- 11.2 In the case of a permanent exclusion where the trust board decides not to reinstate the pupil, the trust board's notification must state that the exclusion is permanent and provide notice of parents' right to ask for the decision to be reviewed by an IRP and the following information:

- the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the trust board's decision is given to parents);
- where and to whom an application for a review (and any written evidence) should be submitted;
- that a request to hold the meeting via the use of remote access can be made and knows how and to whom to make this request to;
- that any application should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's SEN are considered to be relevant to the permanent exclusion;
- that, regardless of whether the permanently excluded pupil has recognised SEN, parents have a right to require the local authority/academy trust to appoint a SEN expert to advise the review panel;
- details of the role of the SEN expert; and
- that parents may, at their own expense, appoint someone to make written and/or

oral representations to the panel.

- That, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.
- That 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, e.g. the day on which the Student was excluded
- A link to the statutory guidance on exclusions at: <https://www.gov.uk/government/publications/school-exclusion>
- A link to the Coram Children's Legal Centre at <http://www.childrenslegalcentre.com>, 0808 802 0008; and
- Where considered relevant by the head teacher, links to other local services.

### 12.0 Removing a permanent excluded student from the school roll





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- 12.1 A student's name will be removed from the school admissions register if:
- 15 school days have passed since the parents were notified of the trust board's decision to uphold a permanent exclusion and no application has been made for an independent review panel; or
  - The parents have stated in writing that they will not be applying for an independent review panel.
- 12.2 Where an application for an independent review panel has been made within 15 school days, the student's name will not be removed from the roll until the review has been determined, or abandoned.
- 12.3 Where a student's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the student should be reinstated.
- 13.0 Review by an independent panel**
- 13.1 Parents may apply for an independent panel to review the trust board decision. The application must be made:
- Within 15 school days of notice being given to the parents by the trust board of their decision to uphold a permanent exclusion (in accordance with the requirements in paragraph 131); or
  - Within 15 school days of the final determination of any claim of discrimination under the Equality Act 2010 in relation to the exclusion, where such a claim is made and no application for review by an independent panel has yet been made.
  - Any application made outside of the legal time frame must be rejected by the local authority/academy trust.
- 13.2 On receipt of an application the Local Authority will arrange a suitable independent review panel. This will be done within 15 school days of receipt of the application for review and in accordance with the relevant statutory guidance for the operation of independent review panels.
- 13.3 If requested by parents in their application for an independent review panel, a SEN expert may be appointed to attend the panel. Parents will be provided with details of the proposed SEN expert and will – if more than one is available – offer the parents a choice. The final decision about which expert to appoint will be taken by the Local Authority, but it will endeavour to take the parents views into account.
- 13.4 Following its review the Panel can decide to:
- Uphold the exclusion decision;
  - Recommend that the trust board reconsiders their decision, or
  - Quash the decision and direct that the trust board considers the exclusion again.
- 13.5 The Panel will write to the parents and the school to inform them of its decision.
- 14.0 If the Panel does not uphold the exclusion**



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- 14.1 Where the panel directs or recommends that the trust board reconsiders their decision, the trust board committee must reconvene to do so within 10 school days of being given notice of the panel's decision. Only the committee members and the clerk should attend. If, following a direction to reconsider, the trust board committee does not offer to reinstate the student, the school will be required to make a payment of £4,000 to the Local Authority. This payment will not apply if the parents decline an offer to reinstate the student.
- 14.2 In the case of either a recommended or directed reconsideration, the trust board must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay: the parents; the head teacher; the local authority and, where relevant, the 'home authority'.
- 14.3 If the committee reinstates a student, the student and his parent(s) must be invited to a return to school interview with the Headteacher.

### **15.0 Monitoring**

- 15.1 The trust board monitors the application of this policy on a termly basis. Numbers and reasons for suspensions, permanent exclusions and internal suspensions are reported to trustees each term in the Headteacher's report.

1.