



**John O'Gaunt School**  
Suspension and permanent exclusion policy  
2022-2023

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## 1. Aims

We are committed to following all statutory exclusions procedures to ensure that every pupil receives an education in a safe and caring environment.

Our academy aims to:

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

### A note on off-rolling

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

“The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.”

We will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend our academy:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the academy feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the academy

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

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

- 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 pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'

- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

### 3. Definitions

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

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

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior. As an academy, we can arrange off-site provision for such purposes.

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

Managed move – A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school.

### 4. Roles and responsibilities

#### 4.1 The Principal

##### Deciding whether to suspend or exclude

Only the principal, or acting principal, can suspend or permanently exclude a pupil from the academy on disciplinary grounds<sup>1</sup>. The decision can be made in respect of behaviour inside or outside of the academy. The principal will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

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

##### Informing parents

If a pupil is at risk of suspension or exclusion the principal will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil’s behaviour, and what further support can be put in place to improve the behaviour.

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<sup>1</sup> Only the Principal or the acting principal can suspend or permanently exclude a pupil. If the Principal is not on site on the day of the incident, it is still only they that can make the decision to suspend or permanently exclude the pupil – this cannot be delegated.

If the principal decides to suspend or exclude a pupil, the parents will be informed (in person or by telephone) of the period of the suspension or exclusion and the reason(s) for it, without delay, in line with the requirements of the statutory guidance.

### **Informing the Academy Committee**

The principal will, without delay, notify the Academy Committee of:

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

The principal will notify the Academy Committee once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

### **Informing the local authority (LA)**

The principal will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

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

### **Informing the Trust**

The principal will notify the relevant members of the Trust in line with the Excalibur Academies Trust Suspensions and Permanent Exclusion Model Procedures.

### **Informing the pupil'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 principal 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 principal will inform **the VSH** as early as possible

If the principal decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay in line with the requirements in the statutory guidance.

The social worker / VSH will be invited to any meeting of the Academy Committee about the suspension or permanent exclusion.

### **Cancelling suspensions and permanent exclusions**

The principal 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 Academy Committee. Where there is a cancellation:

- The parents, Academy Committee and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the principal to discuss the cancellation
- The principal will report to the Academy Committee once per term on the number of cancellations
- The pupil will be allowed back in the academy

## 4.2 The Academy Committee

### Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the Disciplinary Committee, which is a sub-group of the Academy Committee.

The Disciplinary Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

Within 14 days of receiving a request, the Academy Trust will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

## 5. Considering the reinstatement of a pupil

The Disciplinary Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil 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 pupil's total number of days out of the academy to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the Disciplinary Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the principal to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Disciplinary Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the committee is not required to meet and it cannot direct the principal to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Academy Committee will, as far as reasonably practicable, consider

and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the CEO may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The Disciplinary Committee 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 Disciplinary Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where they cannot do this – see earlier in this section)

In reaching a decision, the Disciplinary Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the principal followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the Academy Committee

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

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 pupil's educational record, and copies of relevant papers will be kept with this record.

The Disciplinary Committee will notify, in writing, stakeholders of its decision, along with reasons for its decision, in line with the statutory guidance:

## 6. Independent review

If parents apply for an independent review within the legal timeframe, the academy trust will arrange for an independent panel to review the decision of the Disciplinary Committee not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by Disciplinary Committee of its decision to not reinstate the pupil **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.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

## 7. Academy registers

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

- 15 school days have passed since the parents were notified of the Disciplinary Committee's decision to not reinstate the pupil 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

Where an application for an independent review has been made within 15 school days, the Disciplinary Committee will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the academy's admission register, the pupil's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

### **Making a return to the LA**

Where a pupil's name is to be removed from the academy admissions register because of a permanent exclusion, the academy will make a return to the LA.

## **8. Returning from a suspension**

### **8.1 Reintegration strategy**

Following suspension, the academy will put in place a strategy to help the pupil reintegrate successfully into academy life and full-time education. The academy reintegration strategy will offer pupils a fresh start; helping them understand the impact of their behaviour of themselves and others; teaching them how to meet the high expectations of behaviour in line with the academy culture; fostering a renewed sense of belonging within the academy community and building engagement with learning.

Where necessary, the academy will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

### **8.2 Reintegration meetings**

The academy will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return.

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

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

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

This policy will be reviewed every 3 years and at any time that the behaviour policy and the Suspensions and permanent exclusions procedures are reviewed.