



Suspension and Exclusion Policy

LANGTREE SCHOOL ACADEMY TRUST COMPANY
 AN EXEMPT CHARITY LIMITED BY GUARANTEE
 COMPANY NUMBER 7980335

In this policy as in all documents of The Langtree School Academy Trust Company (“TLSATC”) any reference to Langtree School, School, Governors of Langtree School or Trustees of Langtree School Academy Trust Company is a reference to The Board of Directors of The Langtree School Academy Trust Company and any reference to the Head Teacher of Langtree School is a reference to the Chief Executive Officer of TLSATC.

| STATUS: | | | |
|-----------------------------------|--|-------------------|---|
| RECOMMENDED | | STATUTORY | ✓ |
| REVIEW FREQUENCY | | Annual | |
| DATE OF POLICY | | March 2024 | |
| DATE OF LAST REVIEW | | Mar 2024 | |
| REVIEW DUE | | Mar 2025 | |
| | | | |
| Signed: Chair of Governors | | | |
| Exclusions March 2024 | | | |

1. Aim

Our school aims to:

- Promote good behaviour and discipline on the part of the school's students
- Secure an orderly and safe environment for students and staff
- Create a productive and hardworking learning community where we are 'putting learning first' with 'courtesy, respect and integrity.'
- Prevent students from becoming NEET (not in education, employment or training)

This policy recognises that in order to meet these aims the Head Teacher may have to suspend or exclude a student.

2. 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 pupil referral units in England, including pupil movement.](#)

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](#)

This policy complies with our funding agreement and articles of association.

3. Definitions

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

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 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.

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

School day - any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Off-rolling - "...the practice of removing a student 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 student."

Term - the duration of a school's opening times: autumn term, winter term, summer term.

Where reference is made to 'the extended school day' (in Appendix A), this includes travel time to and from school when students are wearing school uniform within the local community and when their actions could bring the reputation of the school into disrepute.

4. The Head Teacher

Deciding whether to suspend or exclude

Only the Head Teacher, or acting Head Teacher, can suspend or exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Head Teacher will only use exclusion as a last resort.

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

- In response to serious or persistent breaches of the school's behaviour policy
- 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 Head Teacher will:

- Ensure all suspensions and exclusions are carried out lawfully, in a fair and reasonable manner
- Consider all the relevant facts and evidence on the balance of probabilities
- Consider the views of the student
- Consider whether the student has Special Educational Needs or Disabilities (SEND)
- Consider whether the student is especially vulnerable (e.g. the student has a social worker, or is a looked-after child) and the particular implications an exclusion may have for their future
- Ensure that off-rolling is not being carried out as it is unlawful
- Consider whether all alternative solutions have been explored
- Ensure a consistent approach to the exclusion or suspension of students

For a list of possible actions that may incur suspensions or exclusions, see Appendix A

5. Roles and responsibilities once an exclusion or suspension has been decided

The Head Teacher

Informing parents

The Head Teacher will provide the following information, in writing, to the parents of an excluded or suspended student, as soon as is practicable:

- The reason(s) for the exclusion or suspension
- The length of a suspension or, for an exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student (set out in section 8), and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend.

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

- For the first 5 school days of an exclusion, 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 after 5 days, 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.

If the Head Teacher 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 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.

For a suspension of more than five school days, the Head Teacher will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

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.

The LA

For exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Informing the governing board and local authority

As soon as possible, the Head Teacher will notify the governing board and the local authority (LA) of:

- An exclusion, including when a suspension is followed by a decision to exclude a student
- Any suspension or exclusion which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or exclusion which would result in the student missing a public examination.

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

For all other exclusions, the Head Teacher will notify the governing board and LA once a term the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

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

If a:

- **Student with a social worker** is at risk of suspension or exclusion, the Head Teacher 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 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 Head Teacher decides to suspend or 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 exclude the student
- The reason(s) for the decision
- The length of the suspension or, for an exclusion, the fact that it is permanent
- Whether the suspension or exclusion affects the students ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or 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 exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

6. Cancelling suspensions and exclusions

The Head Teacher may cancel a suspension or exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the Head Teacher to discuss the cancellation
- As referred to above, the Head Teacher will report to the governing board once per term on the number of cancellations

The student will be allowed back in school immediately.

7. Monitoring and analysing suspensions and exclusions data

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

The Governing Board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students at risk of suspension or exclusion
- Any variations in the rolling average of exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and 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 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

8. The Governing Board

Responsibilities regarding exclusions are delegated to the Governors via a Disciplinary Panel that is convened by the Chair or Vice Chair of Governors:

- This panel has a duty to consider the reinstatement of an excluded student.
- Within 14 days of receipt of a request, the governing board will provide the Secretary of State with information about any exclusions in the last 12 months.

Considering the reinstatement of a student

The Governors Disciplinary Panel will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the student's total number of school days of exclusion to more than 15 in a term
- It would result in a student missing a public examination

If the suspension is less than 5 or more than 16 days and the parents request a governors review this must take place within 50 School days of the notice, and the governors can order reinstatement of the pupil. If the suspension is more than 5 but less than 16 days and the parents request it the governors must review the suspension but cannot order reinstatement .

The following parties will be invited to a meeting of the Governor's Disciplinary Panel and allowed to make representations or share information:

- Parents (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 Head Teacher
- The student's social worker, if they have one
- The VSH, if the student is looked after

The Governors Disciplinary Panel 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 Governors Disciplinary 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 Governors Disciplinary Panel will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Head Teacher 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 Governors Disciplinary Panel will notify, in writing, the Head Teacher, parents, student's social worker (if they have one), the VSH (if the student is looked after) and the LA of its decision, along with reasons for its decision, without delay.

In the event of an exclusion, the Governors Disciplinary Panel decision will also include the following:

- The fact that it is permanent
- Notice of parents' 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 SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the academy trust to appoint an SEN expert to attend the review
- 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

If parents 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

9. An independent review

Parents may apply for an independent review to review the decision of the Governors Disciplinary Panel not to reinstate an excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governors Disciplinary Panel of its decision to not reinstate a student.

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 governors category and 2 members will come from the Head Teacher category.

- 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
- 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 Head Teachers during this time
- Head Teachers or individuals who have been a Head Teacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the excluding school
- Are the Head Teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the excluding school (unless they are employed as a Head Teacher at another school)
- Have, or at any time have had, any connection with the 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 B for what training must cover)

A clerk will be appointed to the panel.

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 Head Teacher in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

The independent panel will decide one 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 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.

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

10. Returning from a suspension

Following a suspension, a reintegration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a student returns from a suspension:

- Agreeing targets and support / mentoring
- Agreeing a behaviour contract
- Putting a student 'on report' or a Pastoral Support Plan
- Informing the student, parent and staff of potential external support if appropriate
- Withdrawal from lessons and/or social times, after school detentions

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 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.

11. School registers

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 exclusion panel's decision to not reinstate the student 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, the governing board will wait until that review has concluded before removing a student's name from the register.

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.

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 Local Authority. 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 one 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)
- If the parents have told the school the student is moving to another school, 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, 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,

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.

12. Monitoring arrangements

The Head Teacher monitors the number of exclusions every term and reports back to the governors. The Head Teacher also liaises with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Head Teacher and Pastoral Committee annually.

13. Links with other policies

This exclusions policy is linked to our

- Behaviour Policy
- SEN policy and information report
- Anti bullying Policy
- Drugs and Substance Misuse Policy
- SEND Report and Policy

Appendix A

Students may be suspended as a consequence of any of the actions listed below:

- deliberate physical assault on another student
- deliberate physical assault of a member of staff
- persistent refusal to comply with the school's behaviour system
- behaviour which causes persistent disruption to the learning of other students
- damage to property
- bringing any smoking or vaping materials on to the school site, or being in possession of any smoking or vaping materials in school or on school transport
- smoking or vaping on or around the school site during the extended school day
- bringing alcohol on to the school site, or being in possession of alcohol in school or on school transport
- drinking alcohol on or around the school site during the extended school day
- bringing any illegal substances, or so called 'legal highs', on to the school site, or being in possession of any illegal substances, or so called 'legal highs' in school or on school transport
- using any illegal substances or so called 'legal highs' on or around the school site during the extended school day
- dealing or supplying any smoking materials, alcohol or any illegal substances to other students during the extended school day (in serious cases this could warrant consideration of a permanent exclusion, see Permanent Exclusions below)
- extreme racial/sexual/homophobic abuse within school or in the school neighbourhood
- bullying
- threatening behaviour and/or verbal abuse towards staff or other students
- any other significant breach of the school's behaviour policy and code of conduct deemed serious enough by the Head Teacher to warrant exclusion from school

The exact length of period of the suspension will depend upon the severity of the incident/s and the student's recent behavioural record. The final responsibility for determining the period of suspension rests with the Head Teacher.

Persistently repeated offences or significant accumulation of repeated offences may lead to a review of the placement to determine whether school can still meet the needs of the young person – which in extreme cases may lead to an exclusion.

Exclusions

In excluding a student, the school is acknowledging that it has exhausted all available strategies for dealing with that student. Hence it should normally be only used as a last resort.

There are, however, circumstances where a student may be permanently excluded for a first or one off offence. These include:

- Where there has been serious actual or threatened violence against another student or member of staff
- Sexual misconduct
- Being in possession of a significant quantity of an illegal drug which, on the balance of probability, could be deemed to be with the intent to supply to others
- Supplying an illegal drug to other students during the extended school day. (This should take account of how far the student might have been vulnerable to pressure and / or bullying from peers and/or others. However, where it is clear that drugs have been supplied for profit or repeated use has taken place on the premises, then this constitutes both a serious breach of school rules and a danger to other students, and as such justifies a permanent exclusion if all other preventative approaches have been exhausted).
- Carrying an offensive weapon

NB: The above list is not exhaustive: the Head Teacher will apply professional judgement when an exclusion may be warranted for other serious breaches of our code of conduct or serious breaches of behaviour which are deemed to compromise our core values of courtesy, respect and integrity.

A student should not be excluded for:

- Minor incidents such as failure to do homework
- Poor academic performance
- Lateness or truancy
- Pregnancy
- As a result of the behaviour of the student's parents - for example as a result of parental abuse or violence against members of the school community
- Having a special educational need and/or a disability (SEND) that the school feels unable to support
- By exerting undue influence on a parent to encourage them to remove their child from the school

A student may be excluded for behaviour outside school if there is a clear link between the misconduct in question and the promotion of good behaviour and discipline on the part of the school's students, or if the behaviour out of school is likely to bring the reputation of the school into disrepute. This can include inappropriate use of social media.

Appendix B : Independent review panel training

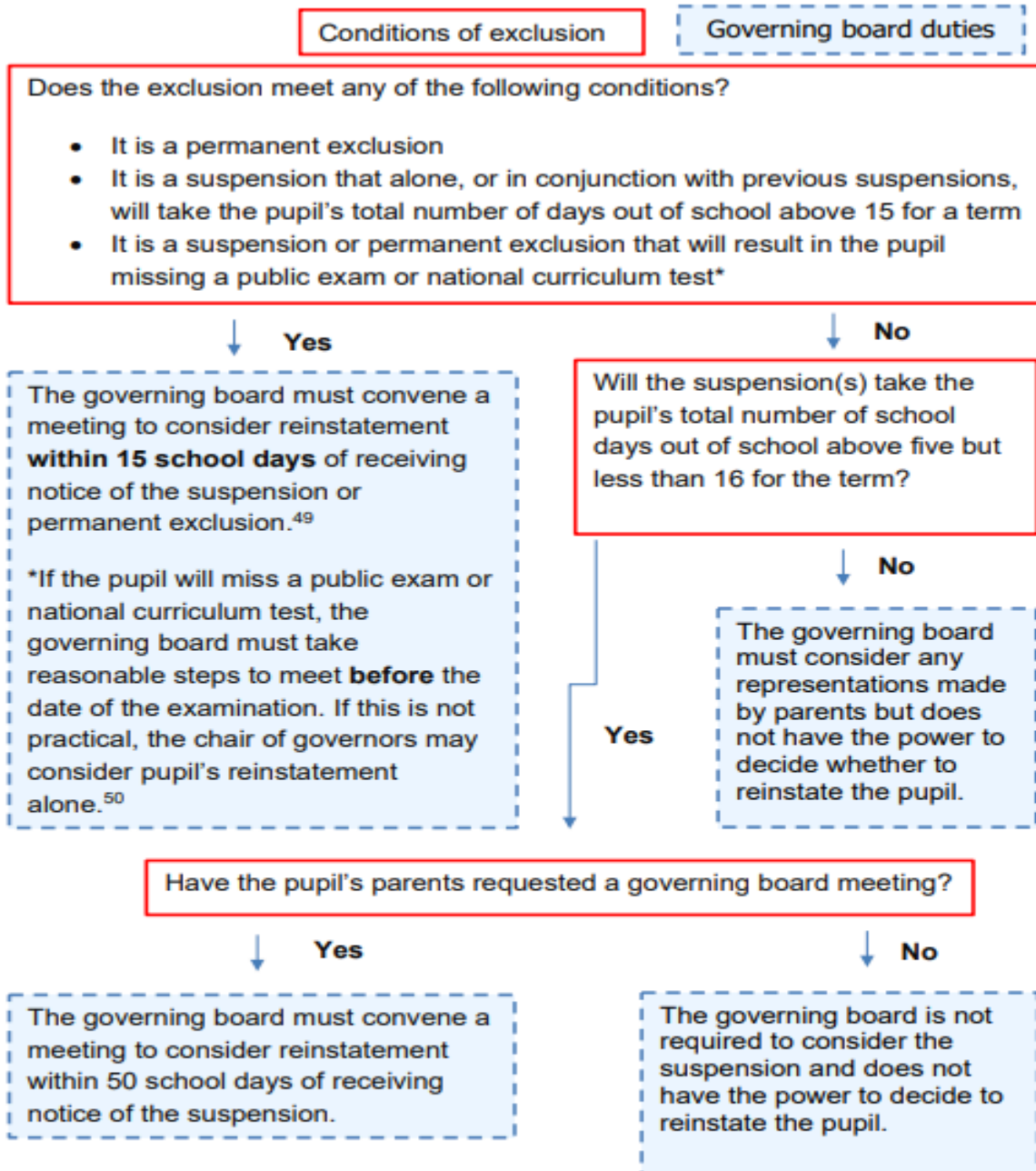
The School must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, 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 Head Teachers, 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

Taken from DfE: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. September 2022

A summary of the governing board’s duties to review the headteacher’s exclusion decision



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ The ability for a chair to review in the case of public exams refers only to maintained schools.