



Wessex
Learning Trust
We Learn Together!

Suspension and Permanent Exclusion Policy

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Wessex Learning Trust
Suspension and Permanent Exclusions Policy

This policy will be reviewed by the Board of Trustees annually.

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Date: 18/01/24

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Wessex Learning Trust

Exclusions Policy

1. Purpose

1.1 The Wessex Learning Trust are committed to following all statutory exclusions procedures to ensure that every learner receives an education in a safe and caring environment.

1.2 Our schools aim to:

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

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

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

- 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 \(Provision of Full-Time Education for Excluded Learners\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Learners\) \(England\) \(Amendment\) Regulations 2014](#)
 - [The Equality Act 2010](#)
 - [Children and Families Act 2014](#)
 - The [School Inspection Handbook](#), which defines 'off-rolling'

2. Definitions

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

2.2 Permanent exclusion – when a learner is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

2.3 Off-site direction – when a school requires a learner to attend another education setting temporarily, to improve their behaviour.

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

2.5 Managed move – when a learner is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

3. Preventative Measures and Alternatives to Suspension and Permanent Exclusion

3.1 Suspension and permanent exclusion will only be considered when no other disciplinary actions are deemed suitable. Before taking a final decision to exclude, the Headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

3.2 These could include but are not limited to:

- Off-site Direction - Where other interventions or targeted support have not been successful in improving a learner's behaviour, off-site direction should be used to arrange time limited placements at an alternative provision or another mainstream school. The Wessex Learning Trust will consider other schools within the Trust as possible off-site direction.
- Managed Moves - Where it is thought to be in a learner's best interest to transfer them to another mainstream school permanently, the Headteacher will discuss this with the parents/carers of the learner, and the Local Authority (LA) if the pupil has an Education, Health and Care (EHC) Plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents/carers and the admission authority of the new school. The Wessex Learning Trust will consider other schools within the Trust for possible managed moves.
- In cases of permanent exclusion due to persistent violations of the Behaviour Policy within the setting, the Headteacher will demonstrate the steps taken to provide support and interventions tailored to the individual needs of the learner. These measures may encompass various forms of internal and external support, interventions, and mentoring.
- The setting, when appropriate, will explore alternatives such as off-site direction (refer to Wessex Learning Trust managed move and off-site direction policy for more details) and the possibility of a managed transfer to another Wessex Learning Trust setting or non-Wessex Learning Trust provision as an intervention to reduce the risk of permanent exclusion. Discussions of permanent exclusion should not be used to pressure parents/carers into transferring their child to another school.
- Furthermore, it is essential to acknowledge that certain groups of learners with additional needs are particularly vulnerable to the adverse consequences of exclusion. This includes learners with Education, Health, and Care (EHC) plans and children in care. The Headteacher should, to the greatest extent possible, avoid the permanent exclusion of any learner with an Education, Health, and Care (EHC) plan or a child in care.

4. Responsibilities of a Headteacher

4.1 Only the Headteacher, Executive Headteacher, acting Headteacher and the Chief Executive of The Wessex Learning Trust can suspend or permanently exclude a learner from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

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

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

4.3 Before deciding whether to suspend or exclude a learner, the Headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the learner to give their version of events
- Consider whether the learner has special educational needs (SEN)
- Consider whether the learner is especially vulnerable (e.g., the learner has a social worker, or is a looked-after child (LAC)) or a previously looked after child (PLAC)
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

4.4 The Headteacher will consider the views of the learner, considering their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. Learners who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

4.5 There are occasions when the severity of the offence will merit permanent exclusion even when there has been no record of poor behaviour previously. This is when a serious breach of the school rules has occurred such as:

- Physical assaults against learners or adults
- Verbal abuse against learners or adults
- Threatening behaviour against learners or adults
- Use, threat, or possession of an offensive weapon or prohibited item as outlined in the school's behaviour policy
- Bullying
- Racist abuse
- Abuse relating to a disability
- Abuse against a learner or adults' sexual orientation or gender

4.6 Each Headteacher may suspend a student for up to 45 school days in any academic year. Any exclusion beyond 45 school days will be permanent. However, before that point is reached the individual school will have explored the option of an alternative placement and/or managed move.

4.7 Arrangements will be made for learners who are suspended to have work made available.

5. Informing Parents/Carers

5.1 If a learner is at risk of suspension or exclusion the Headteacher will inform the parents/carers as early as possible (no later than 3 days after their decision), to work together to consider what factors may be affecting the learner's behaviour, and what further support can be put in place to improve the behaviour. If the Headteacher decides to suspend or exclude a learner, the parents/carers will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about the parents/carers right to make representations about the suspension or permanent exclusion to the governing board and, where the Learner is attending alongside parents/carers, how they may be involved in this.
- How any representations should be made

- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a learner, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

5.3 If the learner is of compulsory school age, the Headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion/suspension (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. This may be monitored by the school at any point. This will include specifying on which days this duty applies
- Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this

5.4 If alternative provision is being arranged, the following information will be included, if possible:

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

5.5 If the Headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information later, without delay and no later than 48 hours before the provision is due to start.

5.6 The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

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

6. Informing the Governing Board

6.1 The Headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a learner
- Any suspension or permanent exclusion which would result in the learner being suspended or permanently excluded for a total of more than 5 school days (or more than ten lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the Learner missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

6.2 If a child is permanently excluded from one Trust school they will, as a result, not normally be able to apply to join at another Trust school, except in exceptional circumstances at the discretion of the Trust.

7. Returning from a Suspension

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

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

8. Reintegration Meetings

8.1 The school will clearly explain the reintegration strategy to the learner in a reintegration meeting before or on the learner's return to school. During the meeting the school will communicate to the learner that they are getting a fresh start and that they are a valued member of the school community. The school will complete reintegration paperwork and upload onto the school system as a record of the meeting.

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

8.3 The meeting can proceed without the parents/carers in the event that they cannot or do not attend. The absence of the parents/carers should be noted on the reintegration paperwork.

8.4 The school expects all returning learners and their parents/carers to attend their reintegration meeting, but learners who do not attend will not be prevented from returning to the classroom. In this case the reintegration meeting could be revisited at another time that is suitable for all involved.

9. Suspensions before a Permanent Exclusion

9.1 In exceptional circumstances, pupils may receive a suspension prior to a permanent exclusion, this is normally while an investigation takes place into the circumstances around a serious breach of school rules and cannot be more than 5 days.

9.2 For each action of suspension and then permanent exclusion, the Headteacher will send the relevant letter setting out the rights of parents/carers.

9.3 A suspension cannot be converted into a permanent exclusion and so any subsequent permanent exclusion would be a fresh decision due to commence immediately after the suspension had ended.

9.4 Exceptional circumstances may include where further evidence has come to light or where the incident was serious, and time is required to fully investigate the circumstances and consider alternatives.

10. Permanent Exclusion

10.1 Where an exclusion is permanent and the governing board of the school has decided not to reinstate the learner, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents/carers right to ask for the decision to be reviewed by an independent review panel

- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the learner's special educational needs (SEN) are relevant to the permanent exclusion
- That, regardless of whether the excluded learner has recognised special educational needs (SEN), parents/carers have a right to require the Wessex Learning Trust to appoint a special educational needs (SEN) expert to advise the review panel
- Details of the role of the special educational needs (SEN) expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for a special educational needs (SEN) expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That, if parents/carers believe that the permanent exclusion has occurred because of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place
- For permanent exclusions, full-time education will be provided for the learner from the sixth day of exclusion, and this is arranged by the local authority.

11. School Registers

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

- 15 school days have passed since the parents/carers were notified of the governing boards decision to not reinstate the learner and no application has been made for an independent review panel, or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

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

11.3 While the learner's name remains on the school's admission register, the learner's attendance will still be recorded appropriately.

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

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

12. Informing the Local Authority

12.1 Where a learner'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 (LA). The return will include:

- The learner's full name

- The full name and address of any parent/carer with whom the learner normally resides
- At least 1 telephone number at which any parent/carer with whom the learner normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the learner will attend, including the name of that school and the first date when the learner attended or is due to attend there, if the parents/carers have told the school the learner is moving to another school
- Details of the learner's new address, including the new address, the name of the parents/carers the learner is going to live there with, and the date when the learner is going to start living there, if the parents/carers have informed the school that the learner is moving house

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

13. Considering the Reinstatement of a Learner

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

13.2 Where the learner has been suspended, and the suspension does not bring the learner's total number of days of suspension to more than 5 in a term, the schools governing board must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers, and it cannot direct the Headteacher to reinstate the learner.

13.3 Where the learner has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, the schools governing board will consider and decide on the reinstatement of a suspended learner within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the board is not required to meet, and it cannot direct the Headteacher to reinstate the learner.

13.4 Where a suspension or permanent exclusion would result in a learner missing a public exam or National Curriculum test, the schools governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the learner before the date of the exam or test.

13.5 The following parties will be invited to a meeting of the schools governing board and allowed to make representations or share information:

- Parents/carers (and, where requested, a representative or friend)
- The learner, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The Headteacher
- The learner's social worker if they have one
- The Virtual School Headteacher, if the learner is looked after

13.6 The schools governing board 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.

13.7 The governing board can either:

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

13.8 In reaching a decision, the governing board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the learner and their peers
- Any evidence that was presented to the governing board

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

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

13.9.1 The schools governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers
- The Headteacher
- The learner's social worker if they have one
- The Virtual School Headteacher, if the learner is looked after
- The local authority
- The learner's home authority if it differs from the school's

14. Independent Review Panel

14.1 If parents/carers ask for an independent review within the legal timeframe, the Wessex learning Trust will, at their own expense, arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded learner.

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

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

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- Current or former school governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteachers during this time
- Headteachers or individuals who have been a Headteacher within the last 5 years

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

- Are a member of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the Wessex Learning Trust, or the governing board, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the Wessex Learning Trust, school, governing board, parents/carers or learner, 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

14.5 The panel must consider the interests and circumstances of the learner, including the circumstances in which the learner was permanently excluded, and have regard to the interests of other learners and people working at the school.

14.6 Taking into account the learner's age and understanding, the learner or their parents/carers will be made aware of their right to attend and participate in the review meeting and the learner should be enabled to make representations on their own behalf, should they desire to.

14.7 Where a special educational needs (SEN) expert is present, the panel must seek and have regard to the special educational needs (SEN) expert's view of how special educational needs (SEN) may be relevant to the learner's permanent exclusion.

14.8 Where a social worker is present, the panel must have regard to any representation made by the social worker of how the learner's experiences, needs, safeguarding risks and/or welfare may be relevant to the learner's permanent exclusion.

14.9 Where a Virtual School Headteacher is present, the panel must have regard to any representation made by the social worker of how any of the learner's background, education and safeguarding needs were considered by the Headteacher in the lead up to the permanent exclusion or are relevant to the learner's permanent exclusion.

14.9.1 Following its review the Independent Review Panel can 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 if it judges that the decision was flawed)

14.9.2 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.

14.9.3 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 schools governing board and that it ought to have considered if it had been acting reasonably.

14.9.4 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.

14.9.5 The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

14.9.6 Following the review, the panel must issue written notification to all parties without delay. This notification must include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the schools governing board does not subsequently decide to offer to reinstate the Learner within 10 school days
- Any information that the panel has directed the governing board to place on the learner's educational record

15. Monitoring and Review

15.1 Each Headteacher will provide their local governing body with information on exclusions. The local governing body will monitor the use of exclusions in their school.

15.2 The school will collect data on the following:

- Attendance, permanent exclusions, and suspensions
- Use of pupil referral units, off-site directions, and managed moves

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

16. Off-Rolling

16.1 Off-rolling occurs where a school makes the decision, in the interests of the school and not the learner, to:

- Remove a learner from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
Retain a learner on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

16.2 Accordingly, we will not suspend or exclude a learner unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

16.3 Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a learner has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a learner's poor academic performance, or
- Because the learner hasn't met a specific condition, such as attending a reintegration meeting

If any learner is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

17. Remote Access to Meetings

17.1 Parents/carers can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

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

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

17.4 The governing board and the Wessex Learning Trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

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

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

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

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