



## **Mary Hare Policy: SCH019**

### **Suspension & Permanent Exclusion Policy**

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*Securing the future of deaf children and young people*

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## Aims

1. Mary Hare School aims to follow the statutory procedures and guidance for maintained schools and to ensure that every child receives an education in a safe and caring environment. We aim to ensure:
  - The exclusions process is applied fairly and consistently
  - The exclusions process is understood by governors, staff, parents/carers and pupils
  - Pupils in school are safe and happy
  - Pupils do not become NEET (not in education, employment or training)
  - Ensure all suspensions and exclusions are carried out lawfully

## Legislation and Statutory Guidance

2. This policy is based on statutory guidance from the Department for Education Suspension and permanent exclusion guidance from maintained schools, academies and pupil referral units in England, including pupil movement (August 2024).
3. 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
4. In addition, this 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
  - The school Inspection Handbook which defines 'off rolling'

## Definitions

### 5. Terminology

**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'.

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

**Managed move** – when a pupil 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.

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

**Governors' Discipline Committee** – a committee formed of three Governors representing the Full Governing Board.

**Off-rolling** - the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student.

## The Decision to Suspend or Exclude

6. Only the Principal, or a person acting with the Principal's authority, can suspend a pupil from school and this decision may only be made on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school.
7. If a pupil is at risk of suspension or exclusion through repeated breaches of behavioural expectations, the Principal, or person acting with the Principal's authority will inform the parents/carers/pupil (if over 18) 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.
8. A decision to suspend a pupil will be taken:
  - In accordance with the school's behaviour policy
  - To provide a clear signal of what is unacceptable behaviour
  - To show a pupil that their current behaviour is putting them at risk of permanent exclusion
  
  - Due to nature of suspensions, they can be without notice. Sometimes a suspension can take place a few days after an incident whilst it is being investigated.
  
  - A decision to permanently exclude a pupil will only be taken by the Principal and will be taken as a last resort.
  - A decision to permanently exclude a pupil will be taken:
    - In response to a serious breach or persistent breaches of the school's behaviour policy, **and**
    - If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others.
  
  - Before deciding whether to suspend or exclude a pupil the Principal will:
    - Consider all the relevant facts and evidence, using the civil standard of proof (i.e. it is more likely than not that it did happen, "on the balance of probabilities" rather than "beyond reasonable doubt") including whether the incident(s) leading to the exclusion were provoked
  
  - Consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it is not appropriate to do so.

- Consider the special educational needs (SEND) of the pupil
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored.
  
- Before deciding whether to permanently exclude a pupil the Principal will not reach their decision until they have heard from the pupil and/or the pupil's advocate and will inform the pupil of how their views were considered when making the decision.
- Mary Hare School is aware that off rolling is unlawful.

## Roles and Responsibilities

9. If a suspension or exclusion is necessary, the Principal, or a person acting with the Principal's authority, will provide the following information, in writing, to the parents (and pupil if over 18) of a suspended or excluded pupil:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The Principal, or a person acting with the Principal's authority, will also notify parents by the end of the afternoon session on the first day their child is suspended or excluded that for the duration of the suspension or until the start date of any alternative provision parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.
- Additionally for permanent exclusion the parents' right to make representations about the exclusion to the Governing Body and how the pupil may be involved in this.

10. If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion or as soon as information is available from the relevant Local Authority (LA):

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the pupil to identify the person they should report to on the first day
  
- As far as reasonably practicable, it will be checked that a pupil will be safe during any period of suspension or exclusion.
  
- If the Principal cancels the suspension or permanent exclusion, the school will notify the parents/carers/pupil (if over 18) and provide a reason for the cancellation.

## Providing Education during the first 5 days of a Suspension or Permanent Exclusion

11. During the suspension, if the pupil is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the pupil (the Principal does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit).

## Informing the Governing Body and Local Authority

12. The Principal will, without delay, notify the Governing Body of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension which would result in the pupil being excluded for more than five school days in a term
- Any suspension which would result in the pupil missing a public examination

13. For all other suspensions the Principal will notify the Governing Body once per term through the scheduled Full Governing Board meetings.

- The Principal will notify the placing Local Authority of all suspensions and permanent exclusions without delay, regardless of the length of a suspension through the sharing of details within the letter to parents.
- If the Principal cancels the suspension or permanent exclusion, the school will notify the Governing body and LA and provide a reason for the cancellation

## If a Pupil with a Social Worker or a Pupil who is a Looked After Child (LAC)

14. If a pupil with a social worker or LAC is at risk of suspension or permanent exclusion, the Principal or DSL will inform **the social worker or VSH** (Virtual School Head) as early as possible.

15. 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, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel the suspension or permanent exclusion and why (where relevant)

17. The social worker / VSH will be invited to any meeting of the Governing Board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or

circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker / VSH should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

## cancelling Suspensions and Permanent Exclusions

18. 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 Governing Board. Where there is a cancellation:

- The parents, Pupil (if over 18), Governing Board and LA will be notified without delay
- Where relevant, any social worker or VSH will be notified without delay
- Parents will be offered the opportunity to meet with the Principal to discuss the cancellation
- As referred to above, the Principal will report to the Governing Board once per term on the number of cancellations and reasons why
- The pupil will be allowed back in school without delay
- Any days spent out of school as a result of any exclusion prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.
- A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect

## Local Authority (LA)

19. For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

20. For pupils who are LAC or have social workers / VSH, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

## The Governing Body

21. Responsibilities regarding exclusions is delegated to a Governors' Discipline Committee (GDC) made up of three Governors, which has a duty to consider the reinstatement of an excluded pupil.

- The GDC has a duty to consider parents'/carers/pupil (if over 18) 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.

## Monitoring and Analysing Suspensions and Exclusions

22. The Governing Board will challenge and evaluate the data on the school's use of suspension, exclusion and managed moves.

23. 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 pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion

- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent 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 permanently excluded pupils, and why this is taking place

## Considering the Reinstatement of a Pupil

24. The GDC will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination, when the reinstatement of the pupil will be considered before the date of the examination.

25. If requested to do so by parents, the GDC will consider the reinstatement of a suspended or excluded pupil within 50 school days of receiving notice of the suspension/exclusion if the pupil would be excluded from school for more than five school days, but less than 15, in a single term. In the absence of any representation from the parents, the GDC is not required to meet and cannot direct reinstatement of the pupil.

26. The following parties will be invited to a meeting of the GDC and allowed to make representations or share information (remote meetings such as via MS TEAMS may be conducted if requested by parents and subject to certain criteria as outlined in the Suspension and Permanent Exclusion guidance Sept 2023):

- Parents, or the pupil if they are 18 or over (and, where requested, a representative or friend).
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend) are encouraged to participate at all stages of the process. Reasonable modifications to the process will be made to enable pupil participation. In this situation consideration will be given in advance of the meeting to whether the child attends all or part of the hearing. The pupil may be requested to meet the panel prior to the full hearing.
- The Principal and any school representatives such as the Head of Year, Director of Care, and the Vice Principal (Pastoral).
- The pupil's social worker if they have one.
- The VSH, if the pupil is looked after.

27. The GDC can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date.
- In reaching a decision the GDC will consider whether the decision to exclude was lawful, reasonable and procedurally fair and taking account the Principal's legal duties and the evidence presented to the panel in relation to the decision to exclude. Consideration will be given to whether the suspension/exclusion of a pupil is in their interests and also the impact of their continued placement of the care, education and welfare of others. 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'. Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

- The GDC will notify, in writing, the Principal, parents and the LA of its decision, along with reasons for its decision, without delay.
- Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the GDC 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 chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.
- Where an exclusion is permanent and the GDC has decided not to reinstate the pupil, the notification of decision will inform the parents/the pupil that if they believe that the permanent exclusion has occurred as a result 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

## School Registers

28. A pupil'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 pupil.
- 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.

## Returning from a Suspension

29. Following a suspension, and before a pupil can return to school, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff where appropriate. A representative from the LA will also be invited.
30. In the case of extraordinary or unforeseen circumstances, which mean it is not reasonably practical for the meeting to be held in person, the meeting can be held remotely.
31. Minutes will be taken, and the Parents and LA will be sent in writing a copy of the outcome from the meeting.
32. The following measures may be implemented when a pupil returns from a suspension, and the behaviour policy should be implemented in conjunction with any other measures taken to support the return of the pupil.
- A BSP (Behaviour Support Programme), with regular reviews with parents, relevant school staff and support in place for the pupil.
  - Monitoring report, reporting into Head of Year or SLT as required.
  - Making any changes to the pupil's timetable.
  - Implementation of other methods of support for pupil, such as through the school Wellbeing Team or work with external agencies such as (The Edge and DCAMHS).

### Links with other Policies

33. This exclusions policy is linked to our 'Behaviour Policy'

### Appendix 1 – Suspension flow chart

