

# SUSPENSION AND EXCLUSION POLICY

**Date of issue:** 01/09/2023

## 1. What this policy covers

This policy reflects the DfE guidance and outlines the practice for all academies within The Two Counties Trust in respect of student suspensions and exclusions.

Academies within The Two Counties Trust will only use suspension and exclusion as a final sanction, where all other strategies have been tried, without lasting success or where the student has committed a serious one-off incident.

This policy must be read in conjunction with the DfE's Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - Guidance for maintained schools, academies, and pupil referral units in England. September 2023.

The Suspension and Exclusion Policy should also be read in conjunction with the Behaviour Policy.

## 2. Definition of exclusion

Permanent exclusion means the student is expelled from the academy where they are on roll.

A fixed term suspension is for a specific period of time. A student may be suspended for one or more fixed periods up to a maximum of 45 school days in any one academic year.

## 3. Who can exclude and under what circumstances

Normally, only the Headteacher can permanently exclude a student.

Exceptionally, in the longer-term absence of the Headteacher, the CEO of the Trust may delegate this duty to the Deputy Headteacher.

The Headteacher and the Deputy Headteacher have the authority to issue a fixed term suspension.

It would be usual for a Headteacher (or their Deputy where appropriate) to discuss with the Chief Executive Officer or the Executive Headteacher of The Two Counties Trust before any decision to issue a permanent exclusion is made. The decision to issue a permanent exclusion is for the Headteacher to make.

A decision to exclude a student permanently will only be taken:

- in response to a serious breach or persistent breaches of the school's Behaviour Policy, and;
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others in the academy.

On permanently excluding/suspending a student, the Headteacher must inform the parent and local authority without delay. Where appropriate, the social worker and Virtual School Headteacher should also be informed without delay.

## 4. Governors' responsibility to review the Headteacher's use of exclusion and suspension

Governors have a duty to review the Headteacher's use of exclusion and suspension. All permanent exclusions and fixed term suspensions amounting to over 15 days in a term (cumulatively or singly), will be considered by a Governors' Discipline Committee (GDC).

The quorum for the GDC is three Governors from any academy within The Two Counties Trust. A Trustee may also sit on the GDC in place of a Governor. A suitably trained Governance Professional will be in attendance to act as Clerk.

The Headteacher and relevant staff members will attend the meeting in an advisory capacity only and will not form part of the GDC or play any part in the decision making.

Except for in exceptional circumstances, the meeting will be held within 15 school days of the date of the decision to exclude.

In the case of a fixed-term suspension which does not bring the student's total number of days of suspension to more than five in a term, the Local Governing Body (LGB) will consider any representations made by parents/carers at their next ordinary LGB meeting, but it cannot direct reinstatement and is not required to arrange a meeting with parents. Following the meeting, the Governance Professional will notify parents/carers of the Governors' findings without delay.



Following the suspension of a student for more than five but less than 15 school days in any one term, the GDC must consider any representation from parents/carers within 50 school days of parents receiving the notice of exclusion and consider whether the excluded student should be reinstated. If the GDC consider it necessary, they may invite parents to attend this meeting.

For suspensions of more than five but less than 15 school days, in the absence of any representations from the parents/carers, the GDC is not required to meet and cannot direct the reinstatement of the student.

## 5. Missing a public examination

Where an exclusion will result in a student missing a public examination or national curriculum test, the Governors will, so far as is reasonably practicable, consider these before the date of the examination or test. This can be delegated to the Chair of the LGB if it is not practicable to convene a meeting of the GDC.

## 6. Decision making

In the light of its consideration, the GDC can either:

- decline to reinstate the student; or
- direct reinstatement of the student immediately or on a particular date

## 7. Procedure for permanent exclusions

If a Headteacher considers permanent exclusion is their only option, they will discuss this with the CEO of The Two Counties Trust or the Executive Headteacher before taking any action. This is not necessary in the case of fixed-term suspensions.

The Headteacher will take all necessary steps to gather witness statements and evidence. When establishing the facts in relation to an exclusion decision the Headteacher must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

A Headteacher may determine that evidence is available to issue a fixed term suspension, but further investigation is required.

In some instances, the investigation and deliberation process may continue after the fixed term suspension has been given. The Headteacher will offer an opportunity for the student who has been given a fixed term suspension to meet with the Headteacher and give their comments on the investigation and evidence that has been gathered.

The Headteacher may then review the information and evidence and may:

- withdraw the original suspension;
- progress with re-integration and retain the original suspension;
- apply either a further fixed term suspension or;
- determine that a permanent exclusion is the appropriate outcome.

### Timeline for permanent exclusions.

School day 1

Once a decision has been reached, the Headteacher will telephone parents/carers to inform them. If the student is still on the academy premises, parents/carers will be asked to collect their child. The decision will be followed up in writing on the day of the permanent exclusion or the following school day if the school day has ended.

Between school day 2 and school day 10

The Headteacher will notify the Chair of Governors of the exclusion, via the Governance Professional, who will convene a GDC meeting. Where possible, Governors from the excluding academy will be invited to form the committee. Where this is not possible, the Governance Professional will seek support from the Lead Governance Professional who will approach other Governors and Trustees from within the Trust.

The Headteacher will begin the process of collating information for the GDC meeting, which will be circulated to all parties, no later than five school days before the date of the GDC meeting. The agenda for the GDC will be circulated to all parties ahead of the meeting.



By school day 10

Parents/carers will be invited to the GDC meeting and given as much notice as possible of the date and time, and as a minimum, five school days' notice. The Governance Professional will take into account the parent/carer's availability when setting the date and time. Once scheduled, the meeting will only be rearranged in extreme circumstances with consultation of the Chair of the GDC. Reasons will be provided and documented in the event of any postponement.

The Headteacher has the authority to cancel a permanent exclusion before the governing board has met to consider whether the pupil should be reinstated. If this occurs, the parents, the GDC and the local authority, must be notified and, if relevant, the social worker and Virtual School Headteacher.

The GDC meeting will be held in a private room and unless there are good reasons not to, the meeting will be held within the school. If the parents / carers or the student require special access arrangements, these will be accommodated when planning the location.

Parents/carers will be advised verbally of the committee's decision, which the Governance Professional will confirm in writing as soon as is reasonably practicable, but in all instances within two school days. The Governance Professional will send a copy of the letter to the Local Authority and notify the Lead Governance Professional of the outcome.

## **8. Fixed Term Suspensions which require a GDC meeting**

### **Timeline**

School day 1

Once a decision has been reached to suspend a student for more than 15 school days in any one term, parents / carers and the Governance Professional will be notified. Any member of staff nominated by the Headteacher may carry out this action, but it is the Headteacher's responsibility to ensure this step is actioned.

Between school day 2 and school day 10

The Governance Professional will convene a GDC meeting. Where possible Governors from the academy will be invited to form the GDC. Where this is not possible, the Governance Professional will seek support from the Lead Governance Professional who will approach other Governors and Trustees from within the Trust.

The Headteacher is responsible for beginning the process of collating information for the GDC meeting. This must be compiled no later than 5 school days before the date of the GDC meeting to enable the documentation to be circulated to all parties by the Governance Professional. The agenda for the GDC will be circulated to all parties in advance of the meeting by the Governance Professional.

School day 10

Parents/ carers will be invited to the GDC by the Governance Professional who will have given as much notice as possible of the date and time, and, as a minimum, 5 school days notice will be given. The Governance Professional will take into account the parent' carers availability when setting the date and time of the meeting. Once scheduled, the meeting will only be rearranged in exceptional circumstances and in consultation with the Chair of the GDC. Reasons will be documented and provided to all parties in the event of a postponement.

The GDC will be held in a private room, and unless there are good reasons not to, the meeting will be held within the academy. If parents / carers or the student require special access arrangements, these will be accommodated when planning the location.

Parents/carers will be advised verbally of the committee's decision, which the Governance Professional will confirm in writing as soon as is reasonably practicable, but in all instances within two school days.

## **9. Reintegration following fixed-term suspension**

A re-integration meeting will be held with parents/carers and the student following a fixed-term suspension. The failure of parents/carers to attend a re-integration meeting does not extend the suspension period.

## **10. Police proceedings**

The Headteacher need not postpone taking a decision on a suspension solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should consider any additional steps they may need to



take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make. Where the Governing Board is required to consider a reinstatement in these circumstances, it cannot postpone its meeting and must decide whether or not to reinstate the student on the evidence available.

## **11. Independent Review Panel (IRP)**

If applied for by parents/carers within the legal time frame, The Two Counties Trust will arrange for an Independent Review Panel to review the decision of the GDC not to reinstate a permanently excluded student.

The deadline for an application for an IRP is 15 school days of notice being given to the parents/carers by the GDC of its decision not to reinstate the permanently excluded student. This date will be shown in the GDC decision letter. Where an application is made outside of this timeframe it cannot legally be accepted.

Parents/carers must notify the Lead Governance Professional, in writing by the date given in the GDC decision letter if they require an Independent Review Panel hearing:

Mrs Sarah Hand  
Lead Governance Professional  
The Two Counties Trust  
Sutton Road  
Kirkby-in-Ashfield  
Nottingham  
NG17 8HP

E-Mail: sarah.hand@ttct.co.uk

Tel: 01623 259639

## **12. Special Educational Needs (SEN) expert**

Whether or not a school recognises a student as having SEN, all parents/carers have the right to request the presence of an SEN expert at the IRP. The SEN expert's role is to advise the review panel, orally or in writing or both, impartially, of the relevance of SEN in the context and circumstances of the review.

Parents/carers must notify the Lead Governance Professional in writing at least seven school days before the date of the IRP if they require an SEN expert to be present using the contact details set out above.

## **13. Principles of natural justice**

All decisions to exclude are based on a balance of probabilities both by Headteachers and at any subsequent review. In making a decision to exclude, a Headteacher must ensure that their decision is fair and based on the facts of the incident and do not include any elements of discrimination. Where a GDC reviews a decision to exclude, the latter issue will be tested.

Members of the GDC should be impartial, unprejudiced, have taken no previous part in the case and have no personal interest in its result.

Headteachers should not discuss individual exclusions with LGB members who will form the GDC.

Parents/carers will be informed of the case put forward by the school and have an opportunity to challenge it.

Both parties should be allowed to present their case without interruption.

Parents/carers should be able to bring a friend or adviser with them and must notify the Governance Professional at least five school days in advance of the GDC meeting of the name and status of the advisor.

All documents to be used in evidence should be distributed to all parties at least five school days before the hearing. If new material is introduced at the hearing, all parties must have time to consider it.

No party at the GDC will be in the presence of the GDC without the other party being present, save for the Governance Professional.

## **14. Other relevant legislation**

The Education Act 2002 as amended

The School Discipline Regulations 2012

The Education and Inspection Act 2006

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The Education Regulations 2007 (provision of full-time education for excluded students)

Human Rights legislation

The Equality Act 2010

SEN guidance

Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - Guidance for maintained schools, academies, and pupil referral units in England. September 2023.

## **15. General Data Protection Regulation**

All data within this policy will be processed in line with the requirements and protections set out in the Data Protection Act and UK General Data Protection Regulations. More details are available on the Trust website: <https://www.ttct.co.uk/our-trust/policies>.

