



Ascent Academies' Trust

SUSPENSION AND EXCLUSION POLICY

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SUSPENSION AND EXCLUSION POLICY

1. Introduction

The purpose of this policy is to ensure that Ascent Academies' Trust demonstrates a fair and responsive approach to exclusions. The Trust is committed to valuing diversity and to equality of opportunity. We aim to create and promote an environment in which our young people, parents and Trust colleagues are treated fairly and with respect and feel able to contribute to the best of their abilities.

We aim to ensure that:

- The exclusions process is applied fairly and consistently.
- The exclusions process is understood by trustees, colleagues, parents, and young people.
- Young people within the Trust are safe and happy.
- Young people do not become NEET (not in education, employment, or training)

Ascent Academies' Trust will work in partnership with parents to ensure that expectations and strategies we use with young people are clear and parents can reinforce them with their child. This includes ensuring that parents are kept informed about decisions made in response to a young person's behaviour so that we can work together with the best interests of the young person to ensure expectations for behaviour are made clear.

This policy should be read in conjunction with the following Trust policies and with individual academy procedures as appropriate.

- Behaviour Regulation Policy
- Anti-Bullying Policy (Academy Specific)

This policy will be regularly reviewed, and amendments can only be made following the approval of the Ascent Academies' Trust Central Team, known as Trust Central Team.

This policy applies to the Trust and to all individual academies. This policy should be read by all colleagues involved in promoting positive behaviour and keeping our young people safe in education.

Instances of non-compliance with this policy will be reviewed by the individual academy and may be reported to the CEO and/or the Standards Committee.

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.](#) (September 2023)

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 2023

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](#)

The role of Trustees is set out within the following policy. It should be noted that Trustees may delegate aspects of their role(s) in line with the Trust's Articles of Association.

3. The decision to exclude

A decision to exclude any young person is taken extremely seriously. Instances are rare and should only be used as a means of last resort. Our Academies are committed to equal opportunity for all. It is felt that exclusions of young people from the academies, whether fixed term (suspension) or permanent, are damaging to both the young person and the whole school community. Consequently, a young person will only be excluded when other strategies have not been effective over time in dealing with persistent breaches of the behaviour and regulation policy, or when there has been a single, clear and serious breach of discipline, or if allowing the young person to remain in the school would seriously harm the education or welfare of the young person or other young people in the school.

Only the Head of Academy (HoA), or a person acting with the HoA's authority, can exclude a young person from school. The HoA will always consider a young person's special educational needs and disabilities (SEND) when taking the decision to exclude. A permanent exclusion will be taken as a last resort.

A decision to exclude a young person will be taken only:

- After a discussion with the CEO of the trust has taken place
- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the young person to remain in school would seriously harm the education or welfare of others. Before deciding whether to exclude a young person, either permanently or for a fixed period, (suspension) the HoA will:
- With the agreement of the CEO

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked.
- Consider any safeguarding concerns for the young person or their family resulting from a potential exclusion and ensure these have been discussed and shared with the wider multi professional team involved.
- Allow the young person to give their version of events.

The school will take due regard to the SEND Code of Practice, ensuring that any special educational needs and disabilities (SEND) when considering whether or not to exclude a young person. The HoA will ensure that reasonable steps have been taken to respond to a young person's SEND so they are not treated less favourably for reasons related to their individual needs. Reasonable steps will include:

- Differentiation in the Trust Behaviour and Regulation Policy
- Developing strategies to promote the right choices for a young person.
- Request support from colleagues across the Ascent Academies' Trust including the Multi-Disciplinary Team
- Requesting external help with the young person
- Colleague training

4. Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or academy training days do not count as a school day.

5. Roles and responsibilities

5.1 The Head of Academy

Informing parents

We aim to have good relationships with all our parents and any action will always be followed up with a conversation to ensure reasons for action taken are understood and give opportunities for discussion which will include any support required.

The HoA will immediately provide the following information, in writing, to the parents of an excluded young person:

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the exclusion to the Standards Committee and how the young person may be involved in this.

- Where there is a legal requirement for the Standards Committee to meet to consider the reinstatement of a young person, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend. Parents if appropriate can attend a meeting using remote access although they are encouraged to attend face to face wherever possible.

The HoA will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- 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 young person to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

If a young person has a social worker or is looked after, the HoA will notify the social worker and/or VSH (Virtual School Head) as applicable.

Informing social workers and VSHs about an exclusion

The HoA will inform the social worker and the VSH, if the young person has one if the decision has been made to suspend or permanently exclude a young person.

The social worker and/or VSH will also be informed to when the Standards Board will be meeting so they can attend if they wish to. If not able to attend in person, the provision will be made to attend via remote access.

Informing the Board of Trustees and local authority

The HoA will immediately notify the Chair of the Board, C.E.O and the local authority (LA) without delay regardless of the lengths of the suspension.

The HoA should consult the CEO around plans for permanent exclusion. The CEO should inform the Chair of the Board and the LA of:

- A permanent exclusion, including when a suspension is made permanent.

For a permanent exclusion, if the young person lives outside the LA in which the school is located, the HoA will also immediately inform the young person's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the HoA will notify the Trustees and LA once a term.

5.2 The Board of Trustees

Responsibilities regarding exclusions is delegated to the Chair of the Board and the CEO

The delegated committee (Standards) has a duty to consider the reinstatement of an excluded young person (see section 6).

Provision does not have to be arranged for young people in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

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

6. Cancelling a young person's exclusion

The HoA after careful consideration of the initial decision to exclude can cancel any exclusion that has begun if the Standards Committee have not yet met. The HoA will need to inform the CEO, parents, trustees, LA and the young person's social worker and VSH without delay, providing the reason for the cancellation.

The Standards Committee duty to reconsider a reinstatement will then cease and there is no requirement to hold a meeting to consider a reinstatement.

The HoA will continue to work in partnership with parents and they will be invited to attend a meeting to discuss the circumstances that led to the young person being excluded. The young person will be allowed back into school without any further delay.

Any days that the young person has spent out of school as result of an exclusion will count towards the maximum of 45 school days in any school year.

The HoA is unable to cancel a permanent exclusion if the young person has been excluded for more than 45 days in a school year or if they will have reached the 45 days by the time a cancellation takes effect.

7. Considering the reinstatement of a young person

The Standards Committee will consider and decide on the reinstatement of a suspended or permanently excluded young person 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 young person's total number of school days of exclusion to more than 15 in a term; or
- It would result in a young person missing a public examination or National Curriculum test.

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

Where an exclusion would result in a young person missing a public examination, the Standards Committee will consider the reinstatement of the young person before the date of the examination. If this is not practicable, the Standards Committee will consider the exclusion and decide whether or not to reinstate the young person.

The Standards Committee can either:

- Decline to reinstate the young person, or
- Direct the reinstatement of the young person immediately, or on a particular date.

In reaching a decision, the Standards Committee will consider whether the exclusion was lawful, reasonable, and procedurally fair and whether the HoA 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 will be kept. The outcome will also be recorded on the young person's educational record.

The Standards Committee will notify, in writing, the HoA, parents, the LA, the social worker and/or the VSH of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Standards Committee's 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 young person's SEND are considered to be relevant to the exclusion

- That, regardless of whether the excluded young person has recognised SEND, parents have a right to require the LA/Ascent Academies' Trust to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment.
- That parents must make clear if they wish for an SEND 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.
- That 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 6 months of the date on which the discrimination is alleged to have taken place.

8. An independent review

If parents apply for an independent review, the LA/Ascent Academies' Trust will arrange for an independent panel to review the decision of the Standards Committee not to reinstate a permanently excluded young person.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Standards Committee of its decision to not reinstate a young person.

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 trustees' category and 2 members will come from the HoA category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a trustee or volunteer.
- School trustees who have served as a trustee for at least 12 consecutive months in the last 5 years, provided they have not been teachers or HoAs during this time.
- HoAs or individuals who have been a HoA within the last 5 years A person may not serve as a member of a review panel if they:
- Are a member/director of the LA/Ascent Academies' Trust, or trustee of the excluding school.
- Are the HoA of the excluding school, or have held this position in the last 5 years.
- Are an employee of the LA/Ascent Academies' Trust, or the board of trustees, of the excluding school (unless they are employed as a HoA at another school)
- Have, or at any time have had, any connection with the LA/Ascent Academies Trust, academy, Board of Trustees, parents or young person, 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 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the trustees' decision.
- Recommend that the Standards Committee reconsiders reinstatement.
- Quash the Standards Committee'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.

9. School registers

A young person'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 young person 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 Standards Committee will wait until that review has concluded before removing a young person's name from the register.

Where alternative provision has been made for an excluded young person and they attend it, code B (education offsite) or code D (dual registration) will be used on the attendance register.

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

10. Returning from a suspension

Following suspension, a re-integration meeting will be held involving the young person, parents, a senior colleague and other trust colleagues, where appropriate.

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

- *Agreeing a behaviour plan- Every effort will be made to ensure young people are involved in this process or where a young person does not have capacity to understand the plan the multi professional team around the child will be involved as advocates.*
- *Accessing intervention*
- *Close supervision*

- *Review of Pastoral Planning with the team around the child using the “solution circle” approach and ensuring the “voice of the child” is considered.*

11. Monitoring arrangements

The Executive Head monitors the number of exclusions during each term and reports back to the SEN Team Briefings, HoA and Trustees on a regular basis. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Ascent Academies’ Trust every 2 years or sooner if legislation changes. At every review, the policy will be shared with the Board of Trustees.

Link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/641418/20170831_Exclusion_Stat_guidance_Web_version.pdf

Appendix 1: independent review panel training

The LA/Ascent Academies’ Trust 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 HoAs, governing boards and the panel under the Equality Act 2010

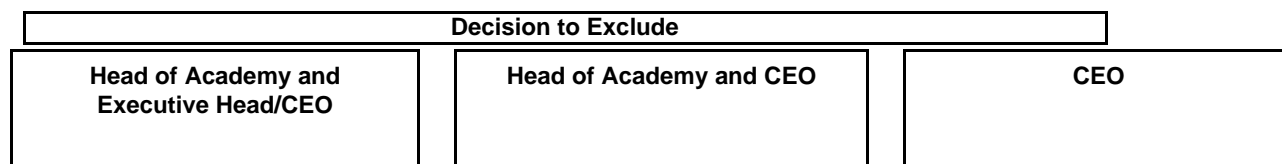
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

Appendix 2: Reasons for Exclusion

Reasons for Exclusion	
Serious breach of school rules	Serious risk of harm to the education or welfare of the young person or others in the school

Type of Exclusion

Internal Exclusion	Suspension	Permanent Exclusion
An internal exclusion is a discretionary measure, where a young person's behaviour is escalating, and more serious measures need to be taken but there are not yet grounds for an external / suspension. This should trigger a solution circle if this has not recently been completed.	Exclusion for a period of time from half a day to five school days for persistent or cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies.	This will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious or persistent breach of school rules and policies.



Appealing a Fixed Term Exclusion

If a parent* wishes to appeal a fixed term exclusion the appeals process is outlined in the exclusion notification letter.

A parent can ask the Standards Committee to consider the decision to exclude if either:

- The young person has been excluded for more than 5 school days.
- The exclusion means that the young person will miss a public examination or national curriculum test

If the exclusion is for five school days or fewer, the Standards committee will consider representation but cannot direct reinstatement.

Appealing a Permanent Exclusion

If a parent wishes to appeal a permanent exclusion, the appeals process is outlined in the exclusion notification letter.

The parent will be invited to an appeal meeting with the Standards Committee within 15 school days of receipt of the notification of appeal.

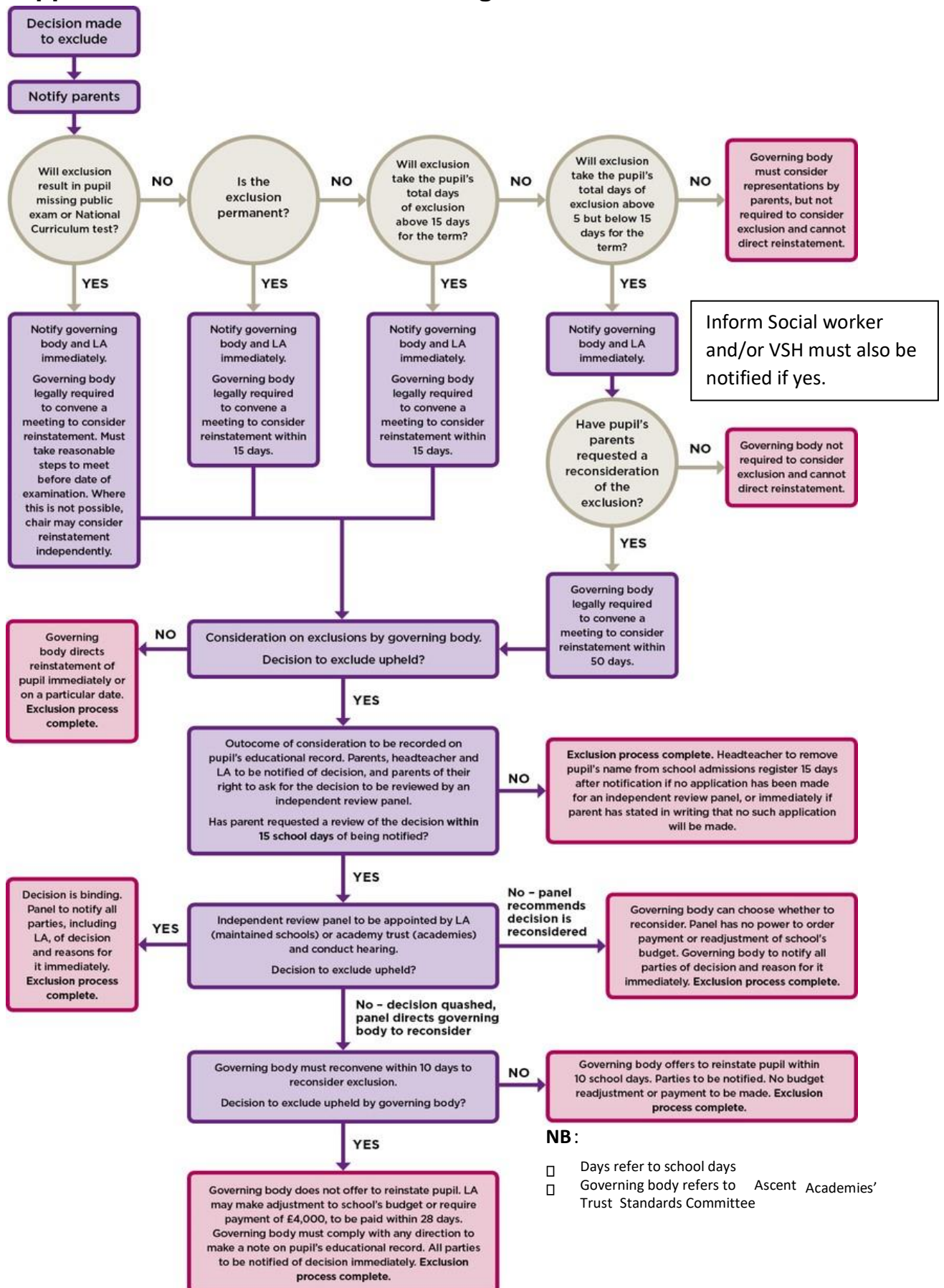
If the parent should remain dissatisfied, they can ask the academy to arrange an independent review.

Discrimination and other complaints

That 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 6 months of the date on which the discrimination is alleged to have taken place.

* The term 'parent' refers to the legal guardian of the child which can include carer, grandparent etc.

Appendix 3: Decision to Exclude diagram.



Appendix 4: A summary of the board of trustee’s duties to review the head of academy’s exclusion decision.

