



The Fitzroy Academy

Suspension and Permanent Exclusion policy



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1. Aims

We are committed to following all statutory procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

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

A note on off-rolling

Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the student, to:

- Remove a student from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Encourage a sixth-form student not to continue with their course of study, or]
- Retain a student on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a student 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 \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

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

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

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

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 Student referral units in England, including Student movement](#)

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011

- The School Discipline (Student 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 Students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

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'.

Permanent exclusion – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'. New Reflexions/Fitzroy Academy do not use permanent exclusion.

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

Managed move – 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.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. New Reflexions Care do not use permanent exclusion but will work flexibly to offer a programme that the student can safely access in agreement with all parties.

A decision to suspend a student will be taken only:

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

Before deciding whether to suspend a student, 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 student to give their version of events
- Consider the students' special educational needs (SEN)
- Consider the students' vulnerabilities.
- Consider whether alternative solutions may support the situation more effectively

The headteacher will consider the views of the student, in light of their age and understanding, before deciding to suspend, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

Informing parents (or the student where they are 18 or older)

If a student is at risk of suspension the headteacher will inform the parents/student as early as possible, 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 headteacher decides to suspend a student, the parents/student will be informed of the period of the suspension and the reason(s) for it, without delay.

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

- The reason(s) for the suspension
- The length of the suspension
- Information about parents'/student's right to make representations about the suspension to the proprietorial board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Proprietorial board to hold a meeting to consider the reinstatement of a student, and that parents (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- That parents/carers/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the 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, the following information will be included, if possible:

- The start date for any provision of full-time education or alternative provision 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 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 at a later date, without delay and 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 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' consent.

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

Informing the Proprietal board

The headteacher will, without delay, notify the proprietarial board of:

- Any suspension which would result in the student being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension which would result in the student missing a National Curriculum test or public exam

The headteacher will notify the proprietarial board once per term of any other suspensions of which they have not previously been notified through the provision of the board report.

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

If a:

- **Student with a social worker** is at risk of suspension, the headteacher will inform **the social worker** as early as possible
- **Student who is a looked-after child (LAC)** is at risk of suspension, 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 headteacher decides to suspend 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 the student
- The reason(s) for the decision

- The length of the suspension
- The suspension 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 proprietarial board about the suspension. This is so they can provide advice on how the student's background and/or circumstances may have influenced the circumstances of their suspension. The social worker should also help ensure safeguarding needs and risks and the student's welfare are taken into account.

Cancelling suspensions

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

- The parents (or the student if they are 18 or older) and proprietarial board will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents (or the student if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation
- As referred to above, the headteacher will report to the proprietarial board once per term on the number of cancellations
- The student will be allowed back in school 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 student 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.

Providing education during the first 5 days of a suspension

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as Google Classroom or Oak Academy may be used for this. If the student has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online pathways.

4.2 The proprietarial board

Considering suspensions and permanent exclusions

The proprietarial board has a duty to consider parents' representations about a suspension. It has a duty to consider the reinstatement of a suspended student (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the proprietarial board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the proprietarial board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions data

The proprietarial board will challenge and evaluate the data on the school's use of suspension, off-site direction to alternative provision and managed moves. They will do this for each case in a bespoke manner due to the nature of our students.

4.3 The local authority (LA)

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

5. Considering the reinstatement of a student

The proprietarial board will consider and decide on the reinstatement of a suspended Student within 15 school days of receiving the notice of the suspension if:

- It is a suspension which would bring the student's total number of days out of school to more than 15 in a term; or
- It would result in a student missing a public exam or National Curriculum test

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

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

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

- Parents, or the student if they are 18 or over (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 headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after

The proprietorial 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.

The board can either:

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

In reaching a decision, the board will consider:

- Whether the decision to suspend was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the proprietorial board

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

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

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

- The parents, or the student, if they are 18 or older
- The headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after

6. Returning from a suspension

8.1 Reintegration strategy

Following suspension, the school will put in place a strategy (recorded as a BSP) to help the student reintegrate successfully into school life and full-time education.

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

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties.

8.2 Reintegration meetings

The school will explain the reintegration strategy to the student where appropriate in a reintegration meeting before or on the student's return to school. During the meeting the school will communicate to the student where appropriate that they are getting a fresh start and 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 school, however re-building relationships is an important step and students are expected to engage with staff to reflect and find better ways of moving forward as detailed in our Reflective Therapeutic Intervention.

7. Monitoring arrangements

The school will collect data on the following:

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

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 Students are identified by this analysis, the school will review its policies in order to tackle it.

8. Links with other policies

This exclusions policy is linked to our:

- Positive Behaviour policy
- SEN policy
- Curriculum intent and implementation policies

Approved by:	Jacqui Brooks	Date: 15//11/2022
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