



# **The Park Federation Academy Trust**

**Exclusion Policy  
2023 - 2025**

## Approval

<b>Approved by CEO and Federation Principal on behalf of the Board of Directors</b>	Dr. Martin Young
<b>Date of approval</b>	September 2023
<b>Date of review</b>	August 2025.

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## The Park Federation Academy Trust Suspensions and Permanent Exclusion Policy

This is the Suspensions and Exclusion Policy for all academies in The Park Federation.

It is the policy of The Park Federation to try to deal with all behavioural issues in an active, supportive and positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of suspension and permanent exclusion. (See each academy's Behaviour Policy).

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

Our academies aim to:

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

### *Purpose of this Policy*

A policy was designed to briefly outline the Federation's approach to exclusions within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2017. 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 - from May 2023](#).

The 2023 guidance has replaced that of 2017.

Main Changes to Note from previous guidance (terminology changed to fit into language used by the academy):

- Principals may cancel an exclusion that has not been reviewed by the Academy Council, Chair of the Academy Council or CEO. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the academy council and the local authority should be notified, and if relevant, the social worker and Virtual School Heads (VSH). Actions as set out in the 2023 guidance should then be followed in such cases.
- Academy Council reinstatement meetings and Independent Review Panel (IRP) meetings can now be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.
- When Principals suspend or permanently exclude a pupil they must, without delay, notify parents. Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the principal must now, also without delay after their decision, notify the social worker and/or VSH, as applicable.

- When principals suspend or permanently exclude a pupil, they must also notify the local authority, without delay. Legislative changes mean that this must be done regardless of the length of a suspension.
- Guidance on the role of a social worker and VSH, during Academy Council meetings and Independent Review Panel (IRP) meetings.
- Guidance on managed moves, what they are and how they should be used.
- Clarified guidance on the use of off-site direction as a short-term measure that can be used as part of a school's behaviour management strategy.
- Further guidance on the practice of involving pupils so that any excluded pupil is enabled and encouraged to participate at all stages of the suspension. The legal requirements and statutory guidance relating to this power are set out in guidance on alternative provision: <https://www.gov.uk/government/publications/alternative-provision>
- Guidance for the Academy Council to ensure that they review data to consider the level of pupil moves and the characteristics of pupils who have been permanently excluded to ensure the sanction is only used when necessary, as a last resort.

The principal legislation to which the guidance and this policy relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and
- 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.

#### *Principles and Practice*

The decision to exclude a pupil must be lawful, reasonable and fair. Behaviour in Schools guidance will be utilised by each academy:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1101597/Behaviour\\_in\\_schools\\_guidance\\_sept\\_22.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101597/Behaviour_in_schools_guidance_sept_22.pdf)

#### **Definitions:**

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'.

Off-site direction – when a Governing Body of a maintained school / Academy Council of an Academy requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – 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.

The Park Federation recognises its statutory duty to not discriminate against pupils based on protected characteristics, such as disability or race and that particular consideration is

provided to the fair treatment of pupils from groups who are vulnerable to exclusion. Where an academy in The Park Federation has concerns about a pupil's behaviour, it will try to identify whether there are any causal factors and intervene early to reduce the need for a subsequent suspension. In this situation, the academy would consider whether a multi-agency assessment that goes beyond the pupil's educational needs is required.

1) Suspension and permanent exclusion is a sanction used by the Federation only in cases deemed as serious breaches of each Federation academy's Behaviour Policies. A pupil may be at risk of suspension from a Federation academy for (examples):

- Verbal or physical assault of a pupil or adult;
- Persistent and repetitive disruption of lessons and other students' learning;
- Use, or threat of use, of an offensive weapon
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions inside or outside of the academy.

### **Deciding whether to suspend or exclude**

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

In response to serious 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 others

Before deciding whether to suspend or exclude a pupil, the Principal 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 pupil to give their version of events

Consider whether the pupil has special educational needs (SEN)

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, such as off-site direction or managed moves

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

Pupils 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.

The Principal will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

2) A suspension from a Federation Academy can only be authorised by the Principal or one of the senior leaders (Deputy or Vice Principal) acting on behalf of the Principal. If the decision was being made by a senior leader, he or she must try to contact the Principal or Chief Executive Officer to discuss. However, if this was not possible, the Deputy or Vice Principal would have the authority to use this sanction. The local authority would be notified in all cases.

3) In the case of a Permanent Exclusion this can only be authorised by the Principal after full consultation with and guidance from the Federation's Chief Executive Officer. Moreover, if there is the intention to permanently exclude, the Chair of the Academy Council and the Chair of the Federation's Board of Directors must be consulted. It is

crucial to state that all reasonable efforts would be taken to avoid a permanent exclusion, including the possibility of a managed move to another school. If a permanent exclusion or a managed move was being considered for a child with an Educational Health and Care Plan or a Looked After Child, the Local Authority would be consulted. The local authority would be notified in all cases.

4) The Federation seeks to reduce the number of incidents leading to suspensions and exclusions by promoting a positive atmosphere of mutual respect and discipline within its academies.

5) The Federation regularly monitors the number of suspensions and exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

### *Suspensions*

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, Principals and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. After five consecutive days, there is a statutory duty to ensure the pupil receives full time education in an alternative provision.

However, pupils will still receive their education within the first five days of a suspension. Principals will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This would use online pathways such as Google Classroom or Oak National Academy. The academy's legal duties to pupils with disabilities or special educational needs would remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways would always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the academy's premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the principal's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether an Academy Council meeting: see appendix 2 is triggered (15 days plus in a term).

Parents will be notified as soon as possible of the decision to suspend a pupil and the reason for the suspension. This will be done on the day of the suspension being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension will be sent to parents the same day.

The Principal also without delay will provide parents with the following information in writing:

- the reason(s) for the suspension;

- the period of the suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension to the Academy Council (governing body) and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the Academy Council (local governing body) to consider the suspension (see appendix 2), that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Where a suspended pupil is of compulsory school age, the Principal will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of a suspension (or until the start date of any alternative provision or the end of the exclusion where this is earlier).

Where suspensions are becoming a regular occurrence for a pupil, the Principal and the CEO will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

The academy will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. A reintegration strategy will offer the pupil a fresh start; help the pupil to understand the impact of their behaviour on themselves and others; teach the pupils how to meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. It is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

A part-time timetable will not be used to manage a pupil's behaviour and if in place, only be in place for the shortest time necessary. A pastoral support programme or other agreement will have a time limit by which point the pupil is expected to attend full-time, either at the academy or alternative provision. There will be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, an academy has agreed to a pupil being absent for part of the week or day and therefore must treat absence as authorised.

A suspension cannot be 'converted' into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### *Permanent Exclusion*

A permanent exclusion is when a pupil is no longer allowed to attend the academy (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the academy's behaviour policy; and
- where allowing the pupil to remain in the academy would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, principals will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will be considered.

The Principal may cancel any exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Chair of the Academy Council and CEO.

Where an exclusion is cancelled, then:

- Parents and the LA will be notified without delay and, if relevant, the social worker and VSH;
- Parents will be offered the opportunity to meet with the principal to discuss the circumstances that led to the exclusion being cancelled;
- Academies will report to the academy council once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling the academy council to have appropriate oversight and;
- The pupil will be allowed back into the academy.
- 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.

Principals will consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), academy council and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days

### *Gaming and 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 pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or



- Retain a pupil 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 pupil 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.

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

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

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

Telling or forcing a pupil to leave the academy, or not allowing them to attend, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave the academy, or forbidden from attending, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

The Park Federation will not off-roll. An Academy will not exercise undue influence over a parent to remove their child from the academy under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another academy place. If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they should follow the academy's complaints procedure.

### *Managed Moves*

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves are voluntary and agreed with all parties involved, including the parents and the admission authority of the new school. If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction should be used. Managed moves only occur when it is in the pupil's best interests.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan

Managed moves will not be offered as part of a planned intervention. The original academy should be able to provide evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. The new school will be provided with an effective integration strategy.

*Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)*

Schools must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Schools should engage proactively with parents in supporting the behaviour of pupils with additional needs. Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.

For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

*Pupils who have a social worker, including looked-after children, and previously looked-after children*

For the majority of children who have a social worker, this is due to known safeguarding risks at home or in the community: over half are in need due to abuse or neglect.

For children with a social worker, education is an important protective factor, providing a safe space for children to receive support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. Principals should balance this important reality with the need to ensure calm and safe environments for all pupils and staff, so should devise strategies that take both of these aspects into account.

Where a pupil has a social worker, e.g. because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Principal should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is

being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs can be an effective way for VSHs to check on this.

Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

#### *Monitoring and Review*

- 1) The impact of this policy will be reviewed by the Academy Council in each academy and by the Chief Executive Officer on behalf of the Federation's Board of Directors.
- 2) The Principal will provide the Academy Council with regular monitoring reports which will help it to evaluate the effectiveness of the policy and procedures.
- 3) The policy and procedures will be reviewed and amended in the light of such evaluation and in consultation with representatives of all key stakeholders.

## *Appendix 1*

Taken directly from May 2023 Guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement.

### Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on- child abuse)

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following an Academy Council review, it is likely that there will be complex and difficult decisions that need to be made. It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to Keeping Children Safe in Education

Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

Section 5 of Keeping Children Safe in Education sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case-by-case basis." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in Keeping Children Safe in Education.

## *Appendix 2*

A summary of the Academy Council's duties to review the Principal's exclusion decision

### 1. Is It a Permanent Exclusion?

If the answer is yes, the Academy Council must convene a meeting to consider reinstatement within 15 school days of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

### 2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the Academy Council must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension.

If the answer is no, go to step 3.

### 3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the Academy Council must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or permanent exclusion

The Academy Council must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider the pupil's reinstatement alone.

If the answer is no, go to step 4.

### 4. Will the Suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the Academy Council must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

### 5. Have the pupil's parents requested an Academy Council meeting?

If the answer is yes, the Academy Council must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The Academy Council is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

The Academy Council may delegate its functions to consider an exclusion to a designated committee.

The ability for a chair to review in the case of public exams refers only to maintained schools.