

Suspensions & Permanent Exclusions Policy 2024/2025

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Policy Version Control

Updates	Point
2022/2023 Exclusions Policy – Complete review to comply with the new Suspension & Permanent Exclusions Guidance - July 2022	All points
2023/2024 7.2 Withdrawal of Permanent Exclusions to comply with the new Suspension & Permanent Exclusions Guidance - May 2023	Point 7
2024/2025 Complete review of policy	All points

1. Introduction

- 1.1 This document sets out the suspensions and permanent exclusion arrangements which will be operated by the London Borough of Havering in partnership with its schools and academies.
- 1.2 This policy should be read in conjunction with the following DfE publications.
 - Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement September 2023
[School suspensions and permanent exclusions - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1152222/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement_September_2023.pdf)

2. Principles of the Suspensions & Permanent Exclusions Policy

- 2.1 This policy sets out the principles to be followed by all providers of education within the Borough of Havering in compliance with current legislation. This policy aims to clarify a 'common approach' for Havering's head teachers when considering either a suspension (for a fixed period) or permanent exclusion and will be reviewed on an annual basis.
- 2.2 This policy reflects the government's ambition to create high standards of behaviour in schools so that children and young people are protected from disruption and can learn and thrive in a calm, orderly, safe and supportive environment.
- 2.3 Good behaviour in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The government recognises that school exclusions, off-site directions and managed moves are essential behaviour management tools for head teachers, and can be used to establish high standards of behaviour and maintain safety in schools.

3. Head teacher powers to use suspensions and permanent exclusions

- 3.1 Suspensions and permanent exclusions will sometimes be necessary as a **last resort** for a head teacher to maintain the school environment.
- 3.2 When suspensions and permanent exclusions are being considered, head teachers must take into account pupil's age and ability to understand the suspension or permanent exclusion process.
- 3.3 When a head teacher has made the decision to suspend or permanently exclude a pupil they must without delay notify the parents / carer.
- 3.4 Whenever a head teacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the Virtual School Head (VSH), if the pupil is a Looked After Child (LAC), of the period of the suspension or permanent exclusion and the reason(s) for it.

4. Duties under the Equality Act 2010 and Children and Families Act 2014

- 4.1 Under the Equality Act 2010 schools must not discriminate against, harass, or victimise pupils because of sex, race, disability, religion or belief; sexual orientation, pregnancy / maternity or gender reassignment.
- 4.2 For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:
 - eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act
 - advance equality of opportunity between people who share a relevant protected characteristic and people who do not, and

- foster good relations between people who share a relevant protected characteristic and people who do not share it.
- 4.3 These duties must be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.
- 4.4 The governing board must also comply with their statutory duties in relation to pupils with Special Educational Needs (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings), using their 'best endeavors' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.
- 4.5 Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an Education Health Care Plan (EHCP) 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.
- 4.6 Where a pupil has an EHCP, schools should contact sen@haverling.gov.uk about any behavioural concerns at an early stage and consider an early annual review.

5. Suspensions

- 5.1 Only a head teacher is able to suspend a pupil from school or withdraw a suspension.
- 5.2 A suspension is where a pupil is temporarily removed from the school and is an essential behaviour management tool that should be set out within a school's behaviour policy.
- 5.3 A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), and does not have to be for a continuous period.
- 5.4 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, head teachers should consider whether suspension alone is an effective sanction, and whether additional strategies need to be put in place to address the pupils behaviour.
- 5.5 It is important that during a suspension, pupils still receive their education. Head teachers must ensure that work is set and marked for pupils during the

first five school days of a suspension. This can include utilising online pathways.

- 5.6 The school's legal duties to pupils with disabilities or special educational needs 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 this should always be recorded as a suspension.
- 5.7 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 school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the head teachers duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.
- 5.8 The law does not allow for extending a suspension or 'converting' a suspension 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.
- 5.9 Schools can use the 'E' code for attendance whilst the pupil is suspended.
- 5.10 If a head teacher is going to issue a suspension of 3 days or more, they could consider a referral to inclusions@haverling.gov.uk, by completing a Gateway Referral Form, requesting access to the 5 Day Direction. This programme is designed to address pupil's behaviors and should prevent further suspensions being issued. The pupil can be 'B' coded whilst attending the programme.

6. Permanent Exclusions & DFE Exclusion Codes

- 6.1 Only a head teacher is able to permanently exclude a pupil from their school.
- 6.2 The LBH Off-site Direction and Managed Move policy 2023-2024 should be considered to avoid a permanent exclusion.
- 6.3 Head teachers should carefully consider the level of pupil moves and the characteristics of a pupil who is to be permanently excluded, to ensure the sanction is only used when necessary as a last resort.
- 6.4 Where a head teacher believes that a permanent exclusion is imminent, they should notify the local authority via email inclusions@haverling.gov.uk outlining the incident to ensure there is a clear audit trail between the school and the local authority. A member of the team will make contact with the head teacher as soon as possible.
- 6.5 A permanent exclusion is when a pupil is no longer allowed to attend a school (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 school's behaviour policy; **and**
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

- 6.6 Head teachers must inform the local authority of the DfE reason for the permanent exclusion and provide an Inclusions Gateway Referral form, along with a copy of the letter that was sent to the parent from the head teacher.
- 6.7 Head teachers must ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.
- 6.8 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.

6.9 DfE suspension & exclusion codes

Description	Code
Physical assault against a pupil	PP
Physical assault against an adult	PA
Verbal abuse / threatening behaviour against a pupil	VP
Verbal abuse / threatening behaviour against an adult	VA
Use or threat of use of an offensive weapon or prohibited item	OW
Bullying	BU
Racist abuse	RA
Abuse against sexual orientation and gender identity	LG
Abuse relating to disability	DS
Sexual misconduct	SM
Drug and alcohol related	DA
Damage	DM
Theft	TH
Persistent disruptive behaviour	DB
Inappropriate use of social media or online technology	MT
Wilful and repeated transgression of protective measures in place to protect public health	PH

7. Cancelling Permanent Exclusions

- 7.1 Only a head teacher is able to withdraw a permanent exclusion.
- 7.2 The head teacher can cancel a permanent exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.
- 7.3 Parents, the governing board, and the local authority should be notified without delay and, if relevant, the social worker and Virtual School Head (VSH) if pupil is a Looked After Child (LAC). The notification must also provide the reason for the cancellation.
- 7.4 The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.
- 7.5 Parents should be offered the opportunity to meet the head teacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay.
- 7.6 The pupil must be allowed back into the school from which they were excluded without delay.
- 7.7 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.
- 7.8 A permanent exclusion cannot be cancelled if the pupil has already been suspended for more than 45 school days in a school year, or if they will have been so by the time the cancellation takes effect.

8. Off-Rolling and unlawful exclusions

- 8.1 Parents must **not** be advised to apply for a new school when a pupil's behaviour is a cause for concern. Schools should consider the reasons behind the pupil's behaviour and refer to appropriate services for assistance.
- 8.2 Telling or forcing a pupil to leave school or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, 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.
<https://www.legislation.gov.uk/ukxi/2012/1033/made>
- 8.3 Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.
- 8.4 Any exclusion of a pupil, even for short periods, must be formally recorded. It would be unlawful to exclude a pupil simply because they have SEN or a

disability that the school feels it is unable to meet. Reason such as academic attainment / ability, or the failure of a pupil to meet specific conditions before they are reinstated.

- 8.5 If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process, regardless of whether it occurs with the agreement of parents.
- 8.6 A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.
- 8.7 If a parent feels pressured into electively home educating their child or that the suspension or permanent exclusion procedures have not been followed, they can follow the school's complaints procedure with the governing board and in the case of a maintained school, the local authority.
- 8.8 Ofsted considers any evidence of off-rolling and is likely to judge a school as inadequate if there is evidence that pupils have been removed from the school roll without a formal permanent exclusion or by the school encouraging a parent to remove their child from the school, and leaders have taken insufficient action to address this.

9. Attendance registers and coding for cancelled suspensions & permanent exclusions

- 9.1 In line with advice with the Department for Education the Attendance coding for cancelled permanent exclusions is as follows:

Recording of Permanent Exclusions in school's systems after they have been issued then cancelled before it goes to a governors hearing.

It is important to note that a school attendance register, and a formal record of a permanent exclusion are separate records. The attendance register should be an accurate record of a pupil's actual attendance and absence twice each day.

If at the time the attendance register was taken the reason for pupil's absence was because they were excluded (and no alternative provision was made), they should be recorded using code E.

If a permanent exclusion is cancelled it cannot be removed from the pupil's record, the pupils record must be annotated with the reason why the permanent exclusion was cancelled.

As part of the DfE Legislation 'Working Together to Improve School Attendance August 2024', Local Authorities **must** have electronic access to attendance data for all schools within their borough.

Schools have a duty to ensure the Local Authority is:

Notified every time a pupil is added or deleted from their school register within 5 days as outlined in The Education (Pupil Registration) (England) Regulations 2006. This applies to all schools, including Independent Schools and Alternative Provisions.

- 9.2 Queries around SIMS and the recording of Cancelled Permanent Exclusions can be emailed to Data.Manager@havering.gov.uk

10. Governors Disciplinary Committee Meeting

- 10.1 The Governing board of a school have a key responsibility in considering whether suspended and/or permanent excluded pupils should be reinstated. This forms part of their wider role to hold head teachers and executive leaders to account for the lawful use of exclusion.
- 10.2 The governors must decide whether to reinstate the pupil in school. When making their decision, they must:
- consider the interests and circumstances of the excluded pupil
 - have regard to the interests of other pupils and people working at the school

Governors will look at the facts on balance of probabilities and consider whether the head's decision was lawful, reasonable and procedurally fair.

The governors have two options - they can either:

- decide not to reinstate the pupil in school or
 - direct reinstatement of the pupil immediately or on a particular date
- 10.3 Governors Disciplinary Committee meetings must be held within 15 school days from the date the permanent exclusions was issued.
- 10.4 Meetings must be held face to face unless the parent has requested they wish for the meeting to be held virtually.
- 10.5 The excluding school must prepare the Governors Disciplinary Committee Meeting papers (pack) and distribute to parents and Governors no later than 5 school days prior to the meeting taking place.
- 10.6 The Local Authority are able to make representation at the Governors Disciplinary Committee Meeting only if invited to do so by the parent and granted by the Governors.
- 10.7 If the school is an Academy the parent/carer may ask for a local authority representative to be invited to the meeting. The local authority will not be invited if the parent does not ask for it and governors will need to agree if the local authority can make representations or just observe the meeting.

11. Independent Review Panels (IRP)

- 11.1 If a parents wishes to request an IRP a request must be made to the Education Appeals Service within **15 days** of the date that the parent was informed of the outcome of the Governors Disciplinary Committee. To request an IRP <https://www.educationappeals.com/>
- 11.2 Education Appeals Service provide an advice booklet which can be downloaded and viewed at www.edap.link/myPEXbook. Parents should read this booklet

before they submit the form at www.edap.link/myPEXappealform to lodge an IRP.

11.3 Additionally, if parents want independent advice about the IRP process they can also contact the Education Appeals Service via 0203 151 0400.

11.4 If a pupil has a disability, whether formally diagnosed or not, which affected the exclusion, parents / carers can make a claim to the First-Tier Tribunal for Special Educational Needs and Disability (SEND). The tribunal will look at the disability aspects of the exclusion. This is not just a review of the governing body decision. The tribunal has the power to reinstate the pupil, even if their name has already been removed from the school roll. Claims must be lodged within 6 months of the exclusion.

12. Funding

12.1 **For all mainstream schools**, funding will be adjusted as necessary where a pupil is permanently excluded from the school. Funding adjustments are outlined below:

12.2 **LA Maintained Schools**, when a pupil is permanently excluded at any time in the local authority's financial year (April to March), the excluding school's current year's budget is reduced. The adjustment is calculated using the AWPU (age-weighted pupil unit) funding that the school has received for the given pupil in the financial year of the permanent exclusion. To calculate the funding reduction, this total is divided by 52 weeks and then multiplied by the number of full weeks between the permanent exclusion date and the end of the financial year. The adjustment is applicable to all permanently excluded pupils, except where a pupil is excluded in the summer term due to these being cohort transition years:

Year 2 – transition to infant school

Year 6 – transition to secondary schools

Year 11 – transition to post 16 education

12.3 **Academies**, when a pupil is permanently excluded at any time in the academy's financial year, the excluding academy will be invoiced. With the funding reduction amount being calculated based on the same criteria as LA Maintained schools see point 12.2 above.

12.4 Please note that other pupil-specific funding may be impacted where relevant, such as SEN Education Health Care Plan (EHCP) top-up funding.