

Poynton High School

School Suspensions and Permanent Exclusion Policy



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Approval Level:	Headteacher	Owner:	M Dean

Aim: To ensure that

- The suspensions process is applied fairly and consistently
- The suspensions process is understood by governors, staff, parents/carers and students
- Any permanent exclusion meets the correct standard
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)
- Students' special educational or additional needs are considered when making decisions

Scope

Student Behaviour Inside School

Students are expected to follow the rules of the school at all times. They are expected to behave in a polite and responsible manner towards all adults and each other and in a way that does not adversely affect the learning or health and safety of others. At all times, students are expected to take pride in their appearance, be considerate in their behaviour and act as ambassadors for the school.

Student Behaviour Outside School

The Rewards and Discipline procedure will be applied to all students:

- Taking part in any school-organised or school-related activity
- Travelling to or from school
- Wearing school uniform
- In some way identifiable as a student of Poynton High School

The policy will also be applied to poor behaviour at any time, whether or not the conditions above apply, that:

- Could have repercussions for the orderly running of the school
- Poses a threat to another student or member of the public

- Could adversely affect the reputation of the school. In addition, behaviour that may be criminal will be reported to the police.

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and Pupil Referral Units (PRUs) in England

<https://www.gov.uk/government/publications/school-exclusion>

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, <https://www.legislation.gov.uk/ukpga/2006/40/part/7/chapter/2> which looks at parental responsibility for excluded students
- Section 579 of the Education Act 1996, <https://www.legislation.gov.uk/ukpga/1996/56/section/579> which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 <https://www.legislation.gov.uk/uksi/2007/1870/contents/made>, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014 <https://www.legislation.gov.uk/uksi/2014/3216/contents/made>

1. The decision to exclude or suspend

Only the headteacher, or acting headteacher, can suspend a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

'The practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil.'

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

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 or to permanently exclude, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs and/or disabilities (SEND)

2. Definition

In some circumstances it may be necessary to exclude a student because their behaviour has become unacceptable. The decision will be taken by the Head Teacher. Such exclusion may take the form of internal exclusion, an off-site direction (where a student will carry out their period of suspension at one of our partner schools, including Wilmslow High School, Glossopdale School or Bramhall High School) suspension or permanent exclusion. Parents¹ will be notified and kept fully informed should such decisions become necessary.

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

Forms of Exclusion

The school adopts a number of forms of exclusion but in all cases of any period of exclusion from a student's normal educational experience a full and complete record is to be kept in order to allow for analysis against the following objectives:

- To support a return to positive conduct with key indicators demonstrating improvement in conduct.
- To continue to provide a learning experience that allows academic progress to be made.

Internal Suspension

A period of exclusion where students spend a day or more working away from their peers on the school site. The school provides work to be completed during the period of exclusion and is likely to involve work with our specialist staff in order to support a return to positive conduct.

Students with SEND needs may have access to reasonable adjustments during their time in internal suspension which may include movement breaks along with other adjustments depending on their needs.

Off Site Direction (formerly known as Temporary Transfer)

The school arranges for the student to spend a period of time at one of our partner schools. The school requires parents to acknowledge and accept full responsibility for their child's education and well-being during the school day when they are not attending Poynton High School. This includes the transportation arrangements agreed in order to ensure their child arrives and departs safely.

Suspension

¹ In cases where the suspension/exclusion is issued against students over aged 18 or over, the school must notify the student in writing.

A period of suspension from the school site that is between 1 – 45 days where parents/carers are fully responsible for their child being at home during school hours. The school provides work to be completed at home during the period of suspension via Google Classroom. A reintegration meeting takes place between the school, parents/carers and student. This is so we can look at how best to support that student's return back into school.

Permanent Exclusion

Used only in the case of very extreme negative conduct or where serious disruption to the school continues despite the implementation of a wide range of strategies to support a return to positive conduct. In the latter instance, it would be anticipated that a student would already have served a significant number of suspensions. Before a permanent exclusion is decided upon there will have been a formal meeting, involving parents/carers, the student and where appropriate a social worker which will consider any relevant information, including mitigating factors. This meeting will inform the decision of whether to pursue a permanent exclusion or to look at other options.

3. Roles and responsibilities

3.1 The Headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded or suspended student or the suspended or excluded student (if they are 18 years or older)

- The reason(s) for the suspension/ permanent exclusion
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension/permanent exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to consider whether a student should be reinstated that parents or an excluded student (if they are 18 years or older) have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

The headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first five school days of a suspension, 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 off-site direction/managed transfer:

- 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 student 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.

Informing the governing board and local authority

The headteacher will immediately notify the Local Authority of any suspension or permanent exclusion.

The headteacher will immediately notify the governing board of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the student missing a public examination

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

For all other suspensions, the headteacher will notify the governing board once a term.

3.2 The governing board

Responsibilities regarding permanent exclusions are delegated to the local governing board

The governing board has a duty to consider the reinstatement of an excluded student

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

3.3 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.

4. Considering the reinstatement of a student

The governing board will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of school days of suspension to more than 15 in a term
- It would result in the student missing a public examination.

If requested to do so by parents, the governing board will consider the reinstatement of an excluded student.

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

The governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, the governing board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher 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 kept. The outcome will also be recorded on the student's educational record.

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board'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 student's SEND needs are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the academy trust to appoint a 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 a 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 six months of the date on which the discrimination is alleged to have taken place

5. An independent review

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a student.

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 governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the academy trust, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the academy trust, or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the academy trust, school, governing board, parents or student, 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 two years

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board'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.

6. School registers

A student'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 student 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 governing board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (attending any other educational activity) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (suspended or permanently excluded) will be used. This counts as an authorised absence.

Returning from a suspension

Before a student returns to school from a suspension, a reintegration meeting will be held with the student and will involve the student's parents/carer, a member of senior staff and other staff, where appropriate. This meeting must happen before 11.00am on the day of return to school. If a student receives a second or further suspension the staff leading the meeting will change to reflect the fact that these suspensions are repeated.

The purpose of the reintegration meeting is to support a positive return to school and the meeting will include a targeted discussion with the student, including explaining what they did wrong, the impact of their actions, the work that they have completed during the suspension, how they can do better in the future and what will happen if their behaviour fails to improve. The meetings will also agree any next steps to be taken in school to educate and support the student to make positive behaviour choices. There will also be the opportunity to ascertain any circumstances that may be impacting the student and any appropriate support to be offered in this instance.

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

The points below are suggestions only and other alternative measures may be in place:

- Restorative meeting to allow for a positive and calm return to a lesson
- Putting a student 'on report' to a trusted member of staff to support and celebrate positive behaviour choices
- Creation and distribution of a 'Pupil Profile' to be shared with staff working with the student
- Risk Assessment where appropriate
- Off-site direction to a partner school
- A review with the reintegration Lead at the end of the day of return.

8. Monitoring arrangements

The Deputy Head Teacher monitors the number of exclusions every term and reports back to the headteacher and governors. They also liaise with the local authority to ensure suitable full-time education for excluded students.

9. Links with other policies

This exclusions policy is linked to our:

- Behaviour policy
- SEND policy and information report.