



Suspensions and Exclusions Policy (Ref 23MPTSE)



Mosaic Partnership Trust

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History of most recent Policy changes

Version	Date	Page	Change	Origin of Change
V1.0	01/02/2024	Whole Document	Adoption by the Mosaic Partnership Trust and Implementation	New Academy Trust requirement of a Suspensions and Exclusions Policy



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1.0 Introduction

This policy covers the management and administration of suspensions and permanent exclusions across schools in the Mosaic Partnership Trust (The Trust). It is strongly recommended that this policy is read in conjunction with the Trust's Behaviour Principles Written Statement, the individual School Behaviour Policy, the Trust's Equality and Diversity Policy and the guidance set out in the Department for Education: [Suspension and permanent exclusion guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/121212/suspension-and-permanent-exclusion-guidance-august-2024.pdf) August 2024 and its parallel document: [Behaviour in Schools - Advice for headteachers and school staff Feb 2024 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/121213/behaviour-in-schools-advice-for-headteachers-and-school-staff-feb-2024.pdf) February 2024.

The Trust strives to ensure that each of its schools present a safe and enjoyable place in which to learn, encompassing equality, diversity and inclusion throughout the school community. It is expected that teachers, children and parents/carers will work together with integrity, respect and in harmony in order to grow and maintain this culture.

Behaviour which breaches the requirements of the School Behaviour Policy will not be accepted and consequently there may, regrettably, be occasions when children must be suspended or excluded from their school. A child's behaviour outside of school can also be considered grounds for suspension or permanent exclusion.

The decision to suspend a child for a fixed period of time or to permanently exclude a child, will only be taken as a last resort and:

- In response to serious or persistent breaches of the school's Behaviour Policy
- If allowing the child to remain in the school would seriously harm the education or welfare of another child or children in the school.

A Headteacher or Executive Headteacher are the only members of staff in a school who can decide to suspend a child from the premises. A Headteacher or Executive Headteacher are the only members of staff in a school who can decide to permanently exclude a child from the premises and only after consultation with either the Chief Executive Officer and/or the Director of Education of the Trust.

This policy has been written following the 2024 guidelines outlined in the Department for Education and relates to the following legislation:

- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusion 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



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The Department for Education's Guidance for parents is available at: [A guide for parents on school behaviour and exclusion - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

2.0 Decision Making:

Before reaching a decision to suspend or permanently exclude, the Headteacher will:

- consider all relevant facts and such evidence as may be available to support the allegations made, taking into account the Trust's Behaviour Principles Written Statement, the School's Behaviour Policy and the Trust's Equality and Diversity Policy;
- allow the child to give their version of events;
- check whether the incident may have been provoked for example, by bullying or other harassment in relation to a Protected Characteristic;
- take account of any contributing factors that are identified after an incident for example, if a child has been subject to bullying (even if not immediately prior to the incident), suffered trauma or a bereavement or has mental health issues;
- consider the impact of exclusion on certain vulnerable groups, including children with SEND, 'Children in Care', Children known to social care, disadvantaged children and previously Looked After Children;
- consider whether exclusion would be consistent with other decisions made in response to similar breaches of the behaviour policy, and if not, be clear about the mitigating circumstances which justify the different decision.
- consult others where appropriate which is a pre-requisite with any permanent exclusion (whilst not using the child's name), including the Chief Executive Officer and/or the Director of Education, being careful not to involve anyone who may have a role in any statutory review of the decision, for example, members of the local Academy Community Council.
- keep a written record of the actions taken, including any interview with the child, discussion with parents/carers, and record on CPOMs. Witness statements must be dated and should be signed, wherever possible;
- establish the facts in relation to the suspension or exclusion, applying the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'
- ensure that the decision to exclude is made in line with the administrative law i.e. that it is:
 - Lawful (with respect to the legislation relating directly to exclusions and the school's wider legal duties, including the European Convention of Human Rights);
 - Rational;
 - Reasonable;
 - Fair; and
 - Proportionate



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No Trust school may use 'informal' or 'unofficial' suspensions where children are sent home, even with the agreement of their parents/carers, for a 'cooling off' period. Any suspension of a child must follow the formal process in order to be lawful.

The Headteacher is responsible for the safeguarding of all children on roll during the school day. The only times they are not responsible are:

- During authorised absences, e.g. if the child is ill and has been kept at home or is attending a medical appointment; or
- During a formal exclusion when the responsibility is with the parents/carers.

Elective Home Education (EHE) should never be referred to or encouraged by the Headteacher or any member of staff at the school as an alternative to exclusion.

3.0 Alternatives to Exclusion

Our schools are committed to using exclusion only as a last resort. Alternatives will always be considered and may include:

- the use of the Early Help process (Local Authority Front Door to services or equivalent), working with external agencies and parents/carers to provide support;
- the use of external partners such as equality-based organisations depending on the nature of the incident;
- restorative justice processes;
- behaviour advice and support from within the Trust;
- the use of either Wiltshire or South Gloucestershire based 'alternatives to suspension and exclusions' including potential support from the Local Authority Pupil Referral Unit outreach or behaviour support services where appropriate;
- Regulation and reflection space (where appropriate, in line with school's Behaviour Policy);
- Another sanction in school, in line with school behaviour policy – (this could include an internal isolation if part of your behaviour policy);
- Access to the Local Authority High Risk Group (South Gloucestershire) or the Targeted Education Team (Wiltshire), external agencies such as an Educational Psychologist and statutory SEND services (Please see SEND Key Contacts posters);
- A managed move (only where a child is at risk of permanent exclusion), in line with the locally agreed protocol (contact Local Authority for their locally agreed protocols).

4.0 Suspensions

In this section "a Term" means a full term, i.e. Autumn, Spring or Summer.

Suspension may be used to provide a clear signal of what is unacceptable behaviour as part of a school's behaviour policy. The Headteacher may suspend a child for up to a maximum of 45 days in any one academic year. No suspension may be given for an unspecified period of time.



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A suspension does not have to be for a continuous period and can be for parts of the school day.

The law does not allow for extending a suspension or 'converting' a suspension to a permanent exclusion. In exceptional cases, usually where more evidence has come to light indicating more serious breach of the Behaviour Policy, or indicating further breaches, a further suspension or a permanent exclusion may be issued relating to the same incident. Before issuing a further suspension or permanent exclusion the Headteacher should follow the same process set out above, ensuring that the child and their parents / carers are given the opportunity to respond to the new evidence and taking into account the same questions and considerations.

It is important that during a suspension children still receive their education. Headteachers should take steps to ensure that work is set and marked for children during the first five school days of a suspension. The school's legal duties to children with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support a child with a disability or SEN during this period.

Procedures for review and appeal of suspensions

Suspensions of up to 5 days in a Term.

In this Section, a "Term" means a full term, i.e. Autumn Term, Spring Term or Summer Term.

In this section and subsequent sections we refer to Academy Community Council Review panels these comprise of a minimum of three Academy Community Councillors.

A suspension which does not bring the child's total number of days of suspension to more than five in a term will not usually be reviewed by a review panel of the Academy Community Council unless a written request is submitted by a parent/carer within 50 school days of receiving the notice of the suspension. If such a request is received, the Academy Community Council Review Panel will review the suspension but cannot direct reinstatement, because of this the parents and others e.g. social worker, virtual school head are not invited to attend.

Suspensions of more than 5 days but not more than 15 days in a Term.

If a child is suspended for more than five days (but not more than 15) in a single Term, the Academy Community Council Review Panel will review the suspension if requested to do so by the parent/carer in writing, within 50 school days of receiving the notice of the Suspension. In such cases the Panel may direct the reinstatement of the child.

Suspensions of more than 15 days in a Term.

If a child is suspended for 15 days or more in one Term, the school's Academy Community Council Review Panel will meet to consider the reinstatement of a child



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as soon as reasonably practical and in any event within 15 school days of the suspension.

Suspensions during Statutory Assessment.

If, as a result of a suspension, the child will miss a National Curriculum test, the Academy Community Council Review Panel will meet to consider the suspension before the date of the test. If it is not possible for the Panel to meet, the Chair of the Local Academy Community Council may consider the suspension independently and decide whether or not to reinstate the child.

Cancellation of Suspension by Headteacher

A Headteacher may cancel a suspension as long as the decision has not been considered by the Academy Community Council Review Panel (or Chair of the Local Academy Community Council in the case of Statutory Assessment). In relation to a suspension, it cannot be cancelled if the total time the child was suspended that academic year would be over 45 days at the point of the decision to cancel the suspension.

If this occurs, parents, the Academy Community Council and the local authority should be notified immediately by the Headteacher, and if relevant, the social worker and Head of the Virtual School (see paragraph 13 of DfE statutory guidance about the actions that should take place after a suspension has been cancelled).

Children approaching 45-day limit

Where a child has received multiple suspensions or is approaching the legal limit of 45 days the Headteacher will consider whether suspension is providing an effective sanction and will discuss this with the Chief Executive and/or the Director of Education of the Trust.

Suspension of a Child in Care

When suspending a child who is, or was previously, looked after by Local Authority ("a Child in Care"), the Headteacher will ensure that the appropriate 'home' Local Authority Officer is informed immediately, contacting the child's social worker and Virtual School Headteacher (VSH).

5.0 Permanent exclusions

Permanent exclusions will normally be used only as a last resort when a range of other strategies have been exhausted.

In exceptional circumstances, where a serious breach of the School's Behaviour Policy has occurred, the Headteacher will consult with the CEO/Director of Education and Local Authority statutory services, to permanently exclude a child for a first or one-off incident.

Such circumstances might include child on child abuse so serious that it amounts to criminal behaviour (or would do were the child old enough to have criminal



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responsibility) and were the child to return to school the other child or children involved could not reasonably be expected to feel safe.

A Headteacher should, as far as possible, avoid excluding permanently any child with an Education and Health Care Plan (“EHCP”) or a ‘Looked After Child’. Before making the decision to permanently exclude a child who is a ‘Looked After Child”, the Headteacher must discuss with the appropriate ‘home’ Local Authority Officer the availability of a suitable, alternative appropriate school or provision elsewhere.

If the Headteacher decides to exclude a child permanently they must inform the Local Authority immediately. If the child lives outside the Local Authority area in which the school is located the Headteacher will also advise the child’s ‘home authority’ of the exclusion without delay.

Review of Permanent Exclusion

Following permanent exclusion, the Academy Community Council Review Panel is required to review the Headteacher’s decision. This review is to be carried out within 15 school days of the exclusion.

The school must provide the Academy Community Council Review Panel (a panel of a minimum of three Academy Community Councillors is required for this) with a full account of the reason(s) leading up to the permanent exclusion. The parent/carer, Chief Executive Officer, Director of Education and an invited Local Authority representative should also receive all this information. The panel review meeting is a formal meeting and must be taken seriously. This meeting will be Chaired by one of the panel of three Academy Community Councillors.

From day six of a permanent exclusion the Local Authority becomes responsible for the child’s education and may involve a Pupil Referral Unit or a form of Alternative Provision (please refer to the Wiltshire and South Gloucestershire guidance).

Following any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for children during the first five school days where the child will not be attending alternative provision. (Paragraph 8 of DfE guidance provides further guidance on utilising online pathways and the potential significance of SEND law)

6.0 Process for notification of a suspension of more than five consecutive days

A Headteacher must, without delay, notify the Academy Community Council, the Chief Executive Officer, Director of Education and the Local Authority of:

- a permanent exclusion (including where a suspension is made permanent)
- suspensions which would result in the child being suspended for more than five school days (or more than ten lunchtimes) in a term
- suspensions which would result in the child missing a Statutory Assessment



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7.0 Procedures for review and appeal of permanent exclusions

The Academy Community Council Review Panel will consider the reinstatement of an excluded child within 15 school days of receiving the notice of the exclusion and invite the following parties to attend, circulating to them any written evidence and information received, within five school days in advance of the meeting:

- Parents/Carers;
- the Headteacher;
- An invited representative of the Local Authority

During the meeting, the Panel will consider the interests and circumstances of the excluded child, including the circumstances in which the child was excluded, and have regard to the interests of other children and people working at the school.

The Panel, when establishing the facts in relation to the exclusion, must apply the civil standard of proof i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'. In light of their consideration, the Panel can either:

- uphold the exclusion; or
- direct reinstatement of the child immediately or on a particular date.

The Panel are legally required to notify the parents/carers, the Headteacher and the Local Authority of their decision, and the reasons for their decision, in writing and without delay.

The Panel will notify the parents/carers of the date by which an application for an Independent Review Panel must be made, which is 15 days from the date of the notice in writing. The Independent Review Panel is only used to appeal permanent decisions and cannot be pursued to appeal suspensions.

If parents/carers apply for an Independent Review Panel within the legal time frame, the Academy Community Council/Academy Trust will arrange for a hearing to take place, within 15 days of the parental notification, to review the decision of the Review Panel not to reinstate a permanently excluded pupil. Further information on the IRP process is available in the DfE Suspension and Permanent Exclusion guidance.

Any Academy Community Council review of a suspension or exclusion decision and/or an IRP meeting may be conducted remotely where the parents request for it to be conducted remotely and the meeting can be fairly held remotely, with all participants having access and are able to make representations. A meeting may also take place remotely where there is an extraordinary event or unforeseen circumstance that means it's not reasonably practicable to hold the meeting in person. Such events can include, but are not limited to, floods, fire, and an outbreak of an infectious disease. In addition, where a child's social worker or the virtual school head are due to attend a meeting, they may join an in-person meeting remotely as long as it can be fairly accessed, the technology is available, and everyone would be able to make representations. Further information about remote



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meetings is available in Part 11 of the Suspension and Permanent Exclusion guidance August 2024.

8.0 “Managed Move”

A managed move may be arranged where a child is at risk of permanent exclusion and should be considered as an alternative to a permanent exclusion. Under the Fair Access Protocol, the Local Authority will identify another school able to accept the child who will then attend that school for an agreed period of time.

In the case of directing a child off-site to alternative provision, the aim of any direction is for it to be used as a short-term measure as part of the school's behaviour management strategy to improve a child's behaviour where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate. While parental consent is not needed, discussions would take place with parents to share their views about the options.

For a managed move to take place there needs to be agreement between the school, the parents and the new school that a managed move should occur. Before a managed move is agreed to, the child will attend the new school for a fixed period as a direction off-site to ensure that the new school would be suitable for them. Any relevant Information will be shared with the new school and checks will be made regarding an integration strategy. At the end of this direction period, the relevant parties (including the parents) will review the placement before a decision is taken about whether the move becomes permanent.

9.0 “Off Rolling”

Off-rolling is the practice of removing a child from the school roll without a formal, permanent exclusion or managed move. Off-rolling includes encouraging a parent/carer to remove their child from the school roll, when the removal is primarily in the interests of the school but may not be in the best interests of the child. All Headteachers and Academy Community Councillors must follow policy robustly, with the best interests of the child at the heart of all we do. The Mosaic Partnership Trust does not tolerate “off rolling”, which is unlawful. The threat of exclusion must never be used to influence parents/carers to remove their child from the school.

A “managed move”, strictly in accordance with the Local Authority's policy and procedure, is the only acceptable alternative to permanent exclusion which may be encouraged by the school.

10.0 Equality and Exclusions

The Trust and all of our schools have a duty to monitor the impact of our policies and procedures on those with Protected Characteristics listed in the Equalities Act and those that are disadvantaged. The Trust will review, at least annually, whether any group with a Protected Characteristic and/or disadvantaged pupils are disproportionately affected by exclusion (suspension or permanent), including “managed moves”, and consider what positive action might be taken to address that imbalance. Each school will also review, at least annually, whether any group with a



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Protected Characteristic and/or disadvantaged pupils are disproportionately affected by exclusion (suspension or permanent), including “managed moves”, and consider what positive action might be taken to address that imbalance.

11.0 LA contacts for suspensions and exclusion notification

Pupils with an Education, Health and Care Plan (EHCP) should not be permanently excluded. If a child has an EHCP, before any decision to exclude is taken, the Headteacher should contact the Chief Executive Officer and Director of the Trust and the Local Authority SEND team to discuss and call a Team Around the Child meeting.

South Gloucestershire Council

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