



***Suspensions & Permanent
Exclusions Policy 2023/2024
for all
Havering Schools and
Academies***

***This policy reflects the Local Authorities responsibility for
safeguarding and promoting the welfare of children and their
educational attainment and achievement***

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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 Point 7, 7.2 Withdrawal of Permanent Exclusions to comply with the new Suspension & Permanent Exclusions Guidance - May 2023	Page 5

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 during the academic year 2023/2024. 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 May 2023
- Behaviour in Schools July 2022
- Alternative Provision January 2013

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 headteachers 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. Therefore, the government recognises that school exclusions, managed moves and off-site directions are essential behaviour management tools for headteachers, and can be used to establish high standards of behaviour in schools and maintain the safety of school.

3. Headteachers powers to use suspensions and permanent exclusions

- 3.1 Suspensions and permanent exclusions will sometimes be necessary as a **last resort** for a headteacher to maintain the school environment.
- 3.2 When suspensions and permanent exclusions are being considered, headteachers must take into account pupil's age and ability to understand the suspension or permanent exclusion process.
- 3.3 When a headteacher has made the decision to suspend or permanently exclude a pupil they must, without delay notify parents.
- 3.4 If a pupil has a social worker, or they are looked-after, the headteacher must, also without delay inform the Social Worker and VHT as outlined below:

***Section 78: Suspension & Permanent Exclusion Guidance May 2023.** Whenever a headteacher 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 VSH, if the pupil is a 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 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK (www.gov.uk), 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 need to 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.

5. Suspensions

- 5.1 Only a headteacher is able to suspend a pupil from school or withdraw a suspension.
- 5.2 A suspension, where a pupil is temporarily removed from the school, 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). A suspension 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, headteachers 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.
- 5.5 It is important that during a suspension, pupils still receive their education. Headteachers should take steps to 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 headteachers duty to notify parents, apply in all cases. Lunchtime notify 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.

6. Permanent Exclusions

- 6.1 Where a headteacher 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 between the school and the local authority. A member of the team will make contact with you (the headteacher) as soon as possible.
- 6.2 Only a headteacher is able to permanently exclude a pupil from their school.
- 6.3 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.
- 6.4 School must inform the local authority of the DfE reason for the permanent exclusion and provide an Inclusions Gateway Referral, along with a copy of the letter that was sent to the parent from the headteacher.
- 6.5 For any permanent exclusion, headteachers should 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.
- 6.6 School should make appropriate referrals to services if any concerns are identified, and inform those services who are already working with the child or family.
- 6.7 Governing boards should carefully 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.

7. Withdrawal of a Permanent Exclusions

- 7.1 Only a headteacher is able to withdraw a permanent exclusion.
- 7.2 The headteacher can cancel any 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 LA 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 headteacher 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 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.

8. Off-Rolling and unlawful exclusions

- 8.1 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.
- 8.2 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.
- 8.3 Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- 8.4 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 and regardless of whether it occurs with the agreement of parents.
- 8.5 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.
- 8.6 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.

- 8.7 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

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

From the Department for Education

How should a school record in their MIS a Permanent Exclusion after it has been issued then withdrawn 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 withdrawn it cannot be removed from the pupil's record, the pupils record must be annotated with the reason why the permanent exclusion was withdrawn.

As part of the new DfE Legislation 'Working Together to Improve School Attendance September 2022', Local Authorities must have strategic oversight of all schools attendance within their borough.

Also 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. Funding

- 10.1 **For mainstream schools**, funding will be adjusted as necessary where a pupil is permanently excluded from the school. Funding adjustments are outlined below:
- 10.2 **LA Maintained Schools**, when a child is permanently excluded at any time in the local authority's financial year, the excluding school's current year 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 and is in year 2 (infant schools), year 6 (junior/primary schools) or year 11 (secondary schools).
- 10.3 **Academies**, when a child is permanently excluded at any time in the academy's financial year, the excluding academy will be invoiced. The amount is calculated using the AWPU (age-weighted pupil unit) funding that the academy has received for the given pupil in their financial year. To calculate the invoice amount, 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 academy's financial year. The adjustment is applicable to all permanently excluded pupils, except where a pupil is excluded in the summer term and is in year 2 (infant schools), year 6 (junior/primary schools) or year 11 (secondary schools).
- 10.4 Please note that other pupil-specific funding may be impacted where relevant, such as SEN top-up funding.