

NEW FOREST CARE EDUCATION

Suspensions & Permanent Exclusions Policy

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This policy applies to all areas of New Forest Care Education’s business, including Registered Independent Schools, Alternative Provisions, Farms, Post-16 and all other Educational Services.

1. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. All New Forest Care Education Schools and Alternative Education Provisions will follow this guidance where appropriate.

Our schools and Alternative Education Provisions aims to:

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

A note on off-rolling

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

“The practice of removing a student 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 student.”

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend our schools:

- Without following the statutory procedure, contained in the [School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and student referral units in England, including student movement - from September 2023](#).

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

3. Definitions

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a student 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 board of a maintained school requires a student 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 student 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.

4. Roles and responsibilities

4.1 The Headteacher

Deciding whether to suspend or exclude

Only the Headteacher, or acting Headteacher, or Head of Alternative Education can suspend or permanently exclude a student from school or Alternative Education on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school or Alternative Education Provision. The Headteacher or Head of Alternative Education will only use permanent exclusion as a last resort.

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

- In response to serious or persistent breaches of the School's or Alternative Education behaviour policy, **and**
- If allowing the student to remain in school or accessing an Alternative Education Provision would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a student, the headteacher or Head of Alternative Education 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 student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the student is especially vulnerable (e.g. the student 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 Headteacher or Head of Alternative Education will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to express them through an advocate, such as a parent or social worker.

The Headteacher or Head of Alternative Education will not reach their decision until they have listened to the student and will inform the student of how their views were taken into account when making the decision.

Informing parents (or the student where they are 18 or older)

If a student is at risk of suspension or exclusion, the headteacher will inform the parents/student as early as possible, in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher or Head of Alternative Education decides to suspend or exclude a student, the parents/student will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents/student will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents'/student's right to make representations about the suspension or permanent exclusion to the governing board and, where the student is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a student, and that parents/the student have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/the student have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the student is of compulsory school age, the Headteacher or Head of Alternative Education will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- 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, if possible:

- 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 the student needs in order to identify the person they should report to on the first day

If the Headteacher or Head of Alternative Education does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the Headteacher or Head of Alternative Education cancels the suspension or permanent exclusion, they will notify the parents/student without delay, and provide a reason for the cancellation.

Informing the Schools Governing Board or Director of Education if Alternative Provision

The Headteacher will, without delay, notify the governing board of or in the case of Alternative Provision the Head of Alternative Education will notify the Director of Education:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student

- Any suspension or permanent exclusion which would result in the student being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the student missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

Informing the local authority (LA SEN Team)

The Headteacher or Head of Alternative Education will notify the LA SEN Team of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher or Head of Alternative Education will also, without delay, inform the student's 'home authority' of the exclusion and the reason(s) for it. This will also apply to Alternative Education Provisions.

The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Informing the student's social worker and/or virtual school head (VSH)

If a:

- **Student with a social worker** is at risk of suspension or permanent exclusion, the Headteacher or Head of Alternative Education will inform **the social worker** as early as possible
- **Student who is a looked-after child (LAC)** is at risk of suspension or exclusion, the Headteacher or Head of Alternative Education will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the student's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher or Head of Alternative Education decides to suspend or permanently exclude a student with a social worker/a student who is looked after, they will inform the student's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the student
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the student's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the Governing Board or with the Director of Education if the student was attending an NFCE Alternative Education Provision about the suspension or permanent exclusion. This is so they can provide advice on how the student's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the student's welfare are considered.

Cancelling suspensions and permanent exclusions

The Headteacher or the Head of Alternative Education may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents (or the student if they are 18 or older), Governing Board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The Governing Board's duty or Director of Education to hold a meeting and consider reinstatement ceases
- Parents (or the student if they are 18 or older) will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The student will be allowed back in school without delay

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 student 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.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the student is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the student. Online pathways such as NFS-VLE may be used for this. If the student has a special educational need or disability, the headteacher will make reasonable adjustments to the provision where necessary.

NFCE Alternative Education Provisions will not provide work in these cases.

If the student is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the student, including the use of online pathways.

4.2 The Director of Education in conjunction with Governing Board

Considering suspensions and permanent exclusions

The Governing Board or Director of Education has a duty to consider parents'/the student's (if they are 18 or older) representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see sections 5 and 6) in certain circumstances.

For any suspension of more than 5 school days, the Director of Education in conjunction with the Headteacher, will arrange suitable full-time education for the student where resource available. This provision will begin no later than the sixth day of the suspension.

The Director of Education does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Governing Board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves. The Director of Education will undertake this role for all Alternative Education Provisions.

The Governing Board or Director of Education will consider:

- How effectively and consistently the School's or Alternative Education behaviour policy is being implemented
- The School and Alternative Education register and absence codes
- Instances where students receive repeat suspensions
- Interventions in place to support students at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded students, and why this is taking place
- Whether the placements of students directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that students are benefiting from it

5. Considering the reinstatement of a student

The following does not apply to New Forest Care Education Alternative Provisions.

The Director of Education in conjunction with the Governing Board for New Forest Care Educations registered schools will consider and decide on the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the student's total number of days out of school to more than 15 in a term; or
- It would result in a student missing a public exam or National Curriculum test

Where the student has been suspended, and the suspension does not bring the student's total number of days of suspension to more than 5 in a term, Director of Education in conjunction with the Governing Board must consider any representations made by parents/the student (if they are 18 or older). However, it is not required to arrange a meeting with parents/the student and it cannot direct the headteacher to reinstate the student.

Where the student has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/student make representations to Director of Education they will consider and decide on the reinstatement of a suspended student within 50 school days of receiving notice of the suspension. If the parents/student do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the student.

The following parties will be invited to a meeting with Director of Education and may include the Chair of Governors where appropriate and allowed to make representations or share information:

- Parents, or the student if they are 18 or older (and, where requested, a representative or friend)
- The student, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after

This meeting can be held remotely at the request of parents, or students if they are 18 or older. See section 9 for more details on remote access to meetings.

The Director of Education will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Director of Education in conjunction with the Chair of Governors can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Director of Education in conjunction with the Chair of Governors will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair

- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the student's educational record, and copies of relevant papers will be kept with this record.

The Director of Education will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the student if they are 18 or older
- The headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The local authority
- The student's home authority, if it differs from the school's

Where an exclusion is permanent and the Director of Education has decided not to reinstate the student, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful 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. Also, that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

6. School registers

Making a return to the LA/SEN Team

Where a student's name is to be removed from the school admissions register because of a permanent exclusion, the school will write formally to the LA SEN Team. The return will include:

- The student's full name
- The full name and address of any parent with whom the student normally resides
- At least 1 telephone number at which any parent with whom the student normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)

This return must be made as soon as the grounds for removal is met and no later than the removal of the student's name. This may be completed through an emergency EHCP Review meeting.

7. Returning from a suspension

7.1 Reintegration strategy

Following suspension, or cancelled suspension or exclusion, the school or Alternative Education Provision will put in place a strategy to help the student reintegrate successfully back to their education setting.

Where necessary, the School or Head of Alternative Provision will work with third-party organisations to identify whether the student has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the student:

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back
- Daily contact in with a designated staff member

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents, and other relevant parties.

7.1 Reintegration meetings

The school will clearly explain the reintegration strategy to the student in a reintegration meeting before or on the student's return to school. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school or alternative education community.

The student, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning students and their parents to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

8. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of student referral units, off-site directions and managed moves
- Anonymous surveys of staff, students, governors other stakeholders on their perceptions and experiences

The data will be analysed every half-term by the Head's of School and by the Head of Alternative Education and will report back to the Executive Headteacher for the area of responsibility.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The following will not apply to NFCE Alternative Education Students

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of students are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the Director of Education & Executive Headteacher every year. At every review, the policy will be approved by the governing board and the Director of Education.

9. Links with other policies

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report