



London Design & Engineering UTC

Suspensions and Permanent Exclusions Policy

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Version Control Table

Version	Date	Amended by	Rationale
1.1	12/09/2020	Geoffrey Fowler	Revised draft following scheduled review.
2.0	24/09/2020		Version approved by the Board of Directors
2.1	14/09/2022	Kenan Drugzani	Policy updated to bring in line with new DfE guidance. Change in language - fixed term exclusions now called suspensions
3.0	22/09/2022		Version approved by the Board of Directors

Guidance on version Control:

The above is an example of how to complete the Version control table.

Versions are 0.1, 0.2 etc until such point as the document is approved. Then it becomes version 1.0.

Subsequent edited versions become 1.1, 1.2, or if it's a major update, 2.0. Do not worry about the numbers going up and up its about getting the policy right – it's all fine.

SUSPENSION AND PERMANENT EXCLUSIONS POLICY

Policy Coverage

THE POLICY APPLIES OR COVERS THE FOLLOWING GROUPS			
Type of Learner	Tick (✓)	Type of Stakeholder	Tick (✓)
Key Stage 3 (KS3) Carousel	✓	Teaching Staff	✓
Key Stage 4 (KS4) GCSE	✓	Education Support Staff	✓
Key Stage 5 (KS5) Level 2	✓	Administrative Support Staff	✓
Key Stage 5 (KS5) Level 3	✓	Directors	✓
Key Stage 5 (KS5) A Levels	✓	Employers	
Apprentices		Visitors / Contractors	

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1. Policy Aims

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

Our college aims to:

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

2. A Note on Off-Rolling

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

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

We will not suspend or exclude learners unlawfully by directing them off site, or not allowing learners to attend college:

- Without following the statutory procedure 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 college 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 college

3. 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](#).

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded learners

- Section 579 of the [Education Act 1996](#), which defines the ‘school/college day’
- 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy also complies with our Funding Agreement and Articles of Association.

4. Definitions

Suspension – when a learner is removed from the college for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.

Permanent exclusion – when a learner is removed from the college permanently and taken off the college roll. This is sometimes referred to as an ‘exclusion’.

Off-site direction – when a governing board of a maintained college requires a learner to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a learner is transferred to another college permanently. All parties, including parents and the admission authority for the new college, should consent before a managed move occurs.

5. Roles and Responsibilities

5.1 The Principal

Deciding whether to suspend or exclude

Only the Principal, or Acting Principal, can suspend or permanently exclude a learner from college on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of college. The Principal will only use permanent exclusion as a last resort.

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

- In response to serious or persistent breaches of the college’s behaviour policy, **and**
- If allowing the learner to remain in college would seriously harm the education or welfare of others

Before deciding whether to suspend or exclude a learner, the Principal 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 learner to give their version of events
- Consider whether the learner has special educational needs (SEN)

- Consider whether the learner is especially vulnerable (e.g. the learner 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 Principal will consider the views of the learner, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

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

The Principal will not reach their decision until they have heard from the learner, and will inform the learner of how their views were taken into account when making the decision.

Informing parents

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

If the Principal decides to suspend or exclude a learner, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

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

- The reason(s) for the suspension or exclusion.
- The length of the suspension, for a permanent exclusion, the fact that it is permanent.
- Information about parents' right to make representations about the suspension or permanent exclusion to the Board of Directors and how the learner may be involved in this.
- How any representations should be made
- Where there is a legal requirement for the Board of Directors (i.e. the governing body) to hold a meeting to consider the reinstatement of a learner, and that parents (or the learner if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend.

The Principal will also notify parents without delay and by the end of the afternoon session on the day their child is suspended or permanently excluded, that:

- for the first 5 college 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 college 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, when notifying parents:

- 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 learner to identify the person they should report to on the first day.

If the Principal does not have the all the information about the alternative provision 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 college reserves the right to provide the information with less than 48 hours' notice with parents' consent.

Informing the Board of Directors

The Principal will without delay, notify the Board of Directors (i.e. the governing body) of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a learner.
- Any suspension or permanent exclusion, which would result in the learner being suspended or permanently excluded for a total of more than 5 college days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion which would result in the learner missing a public examination.

The Principal will notify the Board of Directors once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The Principal will notify the LA 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 learner lives outside the LA in which the college is located, the Principal will also, without delay, inform the learner's 'home authority' of the exclusion and the reason(s) for it.

Informing the learner's social worker and/or virtual college head (VSH)

If a:

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

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

If the Principal decides to suspend or permanently exclude a learner with a social worker / a learner who is looked after, they will inform the learner's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the learner
- 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 learners ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the learner's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the learner's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Principal may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the Principal to discuss the cancellation
- As referred to above, the Principal will report to the governing board once per term on the number of cancellations
- The learner will be allowed back in college

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

During the first 5 days of a suspension, if the learner is not attending alternative (AP) provision, the Principal will take steps to ensure that achievable and accessible work is set and marked for the learner. Online pathways such as Google Classroom or Oak Academy may be used for this. If the learner has a special educational need or disability, the Principal will make sure that reasonable adjustments are made to the provision where necessary.

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

5.2 The Board of Directors

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions will be delegated by the Board of Directors to the Learner Disciplinary Committee made up of three Directors.

The Learner Disciplinary Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded learner (see sections 5 and 6) in certain circumstances.

Responsibilities regarding exclusions are delegated to Learner Disciplinary Committee

The Learner Disciplinary Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded learner (see sections 6 and 7) in certain circumstances.

Within 14 days of receipt of a request, the Board of Directors will provide the Secretary of State with information about any exclusions in the last 12 months.

For any suspensions of more than 5 college days, the Board of Directors will arrange suitable full-time education for the learner. This provision will begin no later than the sixth day of the exclusion.

The Board of Directors does not have to arrange such provision for learners in the final year of compulsory education who do not have any further public examinations to sit.

Monitoring and analysing suspensions and exclusions data

The Board of Directors will challenge and evaluate the data on the college's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The Board of Directors will consider:

- How effectively and consistently the college's behaviour policy is being implemented
- The college register and absence codes
- Instances where learners receive repeat suspensions
- Interventions in place to support learners 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 learners, and why this is taking place
- Whether the placements of learners directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that learners are benefiting from it
- The cost implications of directing learners off-site

5.3 The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth college day after the first day of the exclusion.

For learners who are LAC or have social workers, the LA and the college will work together arrange suitable full-time education to begin from the first day of the exclusion.

6. Considering the Reinstatement of a Learner

The Learner Disciplinary Committee will consider the reinstatement of a suspended or permanently excluded learner within 15 college days of receiving the notice of the suspension or exclusion if:

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

Where the learner has been suspended, and the suspension does not bring the learner's total number of days of suspension to more than 5 in a term, the Learner Disciplinary Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Principal to reinstate the learner.

Where the learner has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Learner Disciplinary Committee will consider and decide on the reinstatement of a suspended learner within 50 college days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Principal to reinstate the learner.

Where a suspension or permanent exclusion would result in a learner missing a public exam or National Curriculum test, the Learner Disciplinary Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the learner before the date of the exam or test. If this is not practicable, the Learner Disciplinary Committee may consider the suspension or permanent exclusion and decide whether or not to reinstate the learner.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents, or the learner if they are 18 or over (and, where requested, a representative or friend)
- The learner, 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 Principal
- The learner's social worker, if they have one
- The VSH, if the learner is looked after
- A representative of the local authority

The governing board 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 Learner Disciplinary Committee can either:

- Decline to reinstate the learner, or
- Direct the reinstatement of the learner 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 Learner Disciplinary Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Principal followed their legal duties
- The welfare and safeguarding of the learner and their peers
- Any evidence that was presented to the governing board

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 of evidence considered kept. The outcome will also be recorded on the learner's educational record, and copies of relevant papers will be kept with this record.

The Learner Disciplinary Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay.

- The parents, or the learner, if they are 18 or older
- The Principal
- The learner's social worker, if they have one
- The VSH, if the learner is looked after
- The local authority
- The learner's home authority, if it differs from the college's one.

Where an exclusion is permanent, and the Learner Disciplinary Committee has decided not to reinstate the learner, the notification of 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 (15 college days from the date on which notice in writing of the governing board's decision is given to parents).
 - The name and address to which an application for a review and any written evidence should be submitted.
 - That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the learner's SEN are considered to be relevant to the permanent exclusion.
 - That, regardless of whether the excluded learner has recognised SEN, parents have a right to require the academy trust to appoint a SEN expert to advise the review panel.

- Details of the role of the SEN expert and that there would be no cost to parents for this appointment.
 - That parents must make clear if they wish for a SEN 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 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.

7. An Independent Review

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the Board of Directors not to reinstate a permanently excluded learner.

Applications for an independent review must be made within 15 college days of notice being given to the parents by the Learner Disciplinary Committee of its decision to not reinstate a learner, or, if after this time, within 15 college days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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 governor's 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.
- Current or former 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 or Director of the LDE UTC academy trust.
- Are the Principal of the LDE UTC, or have held this position in the last 5 years.
- Are an employee of the LDE UTC academy trust, or are on Board of Directors of the LDE UTC (unless they are employed as a headteacher at another school).
- Have, or at any time have had, any connection with the LDE UTC, its Board of Directors, parents or learners, 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 2 years (see Appendix 1 for what training must cover)

The panel must consider the interests and circumstances of the learner, including the circumstances in which the learner was permanently excluded, and have regard to the interests of other learners and people working at the college.

Taking into account the learner's age and understanding, the learner or their parents will be made aware of their right to attend and participate in the review meeting and the learner should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the learner's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the learner's experiences, needs, safeguarding risks and/or welfare may be relevant to the learner's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the Principal in the lead up to the permanent exclusion, or are relevant to the learner's permanent exclusion.

Following its review, the independent panel will decide to do 1 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 if it judges that the decision was flawed)

New evidence may be presented, though the college cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the learner within 10 college days

- Any information that the panel has directed the governing board to place on the learner's educational record

8. College Registers

A learner's name will be removed from the college admissions register if:

- 15 college days have passed since the parents were notified of the exclusion panel's decision to not reinstate the learner 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 within 15 college days, the Board of Directors will wait until that review has concluded before removing a learner's name from the register.

While the learner's name remains on the college's admission register, the learner's attendance will still be recorded appropriately. Where alternative provision has been made for an excluded learner and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded learners are not attending alternative provision, code E (absent) will be used.

Making a return to the LA

Where a learner's name is to be removed from the college admissions register because of a permanent exclusion, the college will make a return to the LA. The return will include:

- The learner's full name
- The full name and address of any parent with whom the learner normally resides
- At least 1 telephone number at which any parent with whom the learner 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)
- Details of the new college the learner will attend, including the name of that college and the first date when the learner attended or is due to attend there, if the parents have told the college the learner is moving to another college
- Details of the learner's new address, including the new address, the name of the parent(s) the learner is going to live there with, and the date when the learner is going to start living there, if the parents have informed the college that the learner is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the learner's name.

9. Returning from a Suspension

9.1 Reintegration strategy

Following suspension, the college will put in place a strategy to help the learner reintegrate successfully into college life and full-time education.

Where necessary, the college will work with third-party organisations to identify whether the learner 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 college life:

- Maintaining regular contact during the suspension or off-site direction and welcoming the learner back to college
- Daily contact in college with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the learner and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the learner, parents and staff of potential external support

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 learner, parents, and other relevant parties.

9.2 Reintegration meetings

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

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

10. Monitoring Arrangements

Gloria Gold, Vice Principal – Personal Development, will monitor the number of exclusions every term and reports back to the Principal. They will also liaise with the local authority to ensure suitable full-time education is in place for excluded learners.

The Principal will keep the Board of Directors regularly informed about the number of exclusions at the College

This policy will be reviewed by the Principal every two years. At every review, the policy will be shared with the Board of Directors.

11. Links with Other Policies

This policy is linked with the following policies:

- Behaviour for Learning Policy
- SEN policy and SEN Information Report

Appendix 1: Independent Review Panel Training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act