



# Suspensions and Exclusions Policy

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## 1. Aims

For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

Our school aims to ensure that:

- The suspensions process is applied fairly and consistently
- The suspensions process is understood by governors, staff, families
- Students in school are safe and happy
- Students do not become NEET (Not in Education, Employment or Training)

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#).

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996;
- and 7 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.

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 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](#)

## 3. The decision to Internally/Externally suspend

The decision to suspend a student is taken as a last resort, and will only be taken when all forms of strategies and layers of intervention have been exhausted.

Only the Head of School can suspend a student from school. A permanent suspension will be taken as a last resort.

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

“...the practice of removing a 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 are committed to following all statutory suspensions and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to externally suspend a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and/or**
- If allowing the student to remain in school would seriously harm the education or welfare of others, **and/or**
- If the student has been unsuccessful whilst in an Internal Suspension session

Before deciding whether to suspend/exclude a student, either permanently or for a fixed period, the Head of School will:

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

Wherever possible we will use our Internal Suspension system to deal with breaches of the school rules. The Internal Suspension, like an External Suspension, can be issued for multiple days/periods depending on the severity of the issue.

The Internal Suspension room is where students are in school, but not in school circulation. Whilst in the Internal Suspension room students complete work from the lessons that they should be attending. During the day, the students will also be offered interventions with our Student Support Officer, to understand the behaviour choices made by the student with suggesting and implementing intervention strategies to improve behaviour for future events.

## 4. Definition

For the purposes of Suspensions, school day is defined as any day on which there is a school session. Therefore, INSET, school closure, or staff training days do not count as a school day.

## 5. Roles and responsibilities

### 5.1 The Head of School

#### Informing families

The Head of School will immediately provide the following information, in writing, to the family of a suspended/excluded student:

- The reason(s) for the suspension
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the families rights to make representations about the suspension/exclusion to the Local Governing Board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Local Governing Board to meet to consider the reinstatement of a student, and that families have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Head of the School will also ensure the family are notified by the end of the afternoon session on the day their child is suspended that for the first 5 school days of a suspension, or until the start date of any alternative provision where this is earlier, families are legally required to ensure that their child is not present in a public place during school hours without a good reason. Families may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying family of a suspension/exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension, in which case the information can be provided with less than 48 hours' notice with the families consent.

### **Informing the Local Governing Board and Local Authority**

The Head of School will immediately notify the Local Governing Board and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being suspended for more than 5 school days in a term
- Suspensions which would result in the student missing a public examination

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

For all other suspensions, the Head of School will notify the Local Governing Band and Local Authority once a term.

## **5.2 The Local Governing board**

Responsibilities regarding suspensions/exclusions are delegated to the Pupils Discipline Committee (PDC).

The Pupils Discipline Committee has a duty to consider the reinstatement of a suspended student (see section 6).

For a fixed-period suspension of more than 5 school days, the Local Governing Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

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

## **5.3 The Local Authority (LA)**

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

# **6. Considering the reinstatement of a student**

Pupil Discipline Committee will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by the family, Pupil Discipline Committee will consider the reinstatement of an excluded student within 50 school days of receiving notice of the exclusion if the student would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension would result in a student missing a public examination, Pupil Discipline Committee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Pupil Discipline Committee will consider the suspension and decide whether or not to reinstate the student.

Pupil Discipline Committee can either:

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

In reaching a decision, Pupil Discipline Committee will consider whether the suspension/exclusion was lawful, reasonable and procedurally fair and whether the Head of School followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend/exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the student's educational record.

The Pupils Discipline Committee will notify, in writing, the Head of School, Families and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, Pupil Discipline Committee's decision will also include the following:

- The fact that it is permanent
- Notice of families right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND are considered to be relevant to the exclusion
  - That, regardless of whether the excluded student has recognised SEND, the family have a right to require the LA to appoint an SEND expert to attend the review
  - Details of the role of the SEND expert and that there would be no cost to the family for this appointment
  - That families must make clear if they wish for an SEND expert to be appointed in any application for a review
  - That families may, at their own expense, appoint someone to make written and/or oral representations to the panel, and the family may also bring a friend to the review
- That if the family believe that the suspension/exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

## 7. An independent review

If the family apply for an independent review, the LA will arrange for an independent panel to review the decision of the Local Governing Board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the family by the Pupil Discipline Committee of its decision to not reinstate a student.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor's category and 2 members will come from the principal category.

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

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

- Are a member of the LA, or Local Governing board of the excluding school
- Are the Head teacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the Local Governing Board, of the excluding school (unless they are employed as a Head teacher at another school)
- Have, or at any time have had, any connection with the LA, school, Local Governing Board, the family, 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Local Governing Board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the Local Governing Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

## 8. School registers

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the family were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The family have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Local Governing Board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

## 9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the family, a member of senior staff and other staff, where appropriate.

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

- Putting a student 'on report' to a member of the senior leadership team
- Agreeing any support measures that need implementing
- Student to complete a successful period in an Internal Suspension before reintegrating back into school

## **10. Monitoring arrangements**

The Assistant Principal (Behaviour & Attitudes) monitors the number of suspensions every term and reports back to the Head of School. They also liaise with the Local Authority to ensure suitable full-time education for suspended/excluded students.

This policy will be reviewed by the Assistant Principal (Behaviour & Attitudes) every year. At every review, the policy will be approved by the Local Governing Board.

## **11. Links with other policies**

This exclusions policy is linked to our

- Behaviour Policy
- SEND Policy
- SEND 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 Head teachers, Local 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