



## EXCLUSIONS POLICY AND PROCEDURE

### Compliance statement

Every policy is reviewed at regular intervals and where applicable, as stipulated by law.

Each policy is also available in additional formats including Braille and in additional languages upon request, within reasonable timescales as stipulated by the school.

Reviewer/s:	Danielle Ashley
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Approved by:	Full Governing Board

*'Together we can, with Christ by our side.'*

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## Introduction

We have high standards of behaviour in our Federation and as a result our children's behaviour is consistently good. We provide our children with a nurturing environment in which to learn and grow and use a range of strategies to enable our children to support them managing their behaviour. That being said, an occasion may arise where we have to suspend one of our children. As a Federation, we do all we can to ensure our children remain with us for their learning, know that they belong and feel valued, but behaviours that go against our values and policies must be addressed in order to support everyone and ensure our Federation remains a place of learning and growth.

## Aims

Our Federation's aim is to ensure that:

- The exclusion process is applied fairly and consistently
- The exclusion process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

## Legislation and Statutory Guidance

- This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion guidance September 2023](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/654232/suspension-and-permanent-exclusion-guidance-september-2023.pdf) ([publishing.service.gov.uk](https://publishing.service.gov.uk))

The following legislation, which outline schools' powers to suspend pupils, inform this policy also:

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Suspensions and Reviews\) \(England\) Regulations 2012](#)
- 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 pupils
- Section 579 of the [Education Act 1996](#), which defines 'school 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 Decision to Exclude

Only the Headteacher suspend or exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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

"...the practice of removing a pupil 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 pupil."

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

A decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**

- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend (fixed period) or permanently exclude a pupil, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)
- Consult with other members of the Leadership Team
- Consider each incident on a case by case basis

### **Definitions**

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

The word 'suspension' is used to refer to what legislation calls an exclusion for a fixed period. Suspensions and permanent exclusions are both types of exclusion, and where this guidance uses the word 'exclusion' this includes both suspensions (fixed-period exclusions) and permanent exclusions.

### **Roles and responsibilities**

#### **The Headteacher**

##### **Informing Parents**

The headteacher will immediately inform the parents/carers of a suspended pupil verbally or in person explaining the situation.

The headteacher will provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents 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, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. 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 when notifying parents of a suspension:

- 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 pupil 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 parents' consent.

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

The Headteacher will immediately notify the governing board and ensure the local authority (LA) are informed of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently suspend a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term. If the pupil's parents make representations, the governing board must consider these, but is not required to meet with the parents and cannot direct reinstatement
- For suspensions where a pupil would be suspended for more than 5 but fewer than 16 school days in a term: If the pupil's parents make representations, the governing board must consider these and decide on reinstatement within 50 days of receiving the notice of suspension. If the parents don't make representations, the governing board is not required to meet, and can't direct reinstatement
- Suspensions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the suspension and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the governing board and LA once a term.

### **Informing Children's Services**

If the suspended child has a Social Worker, the Headteacher will inform them also.

### **The Governing Board**

Responsibilities regarding exclusions are delegated to the governing board consisting of at least 3 governors.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

### **The Local Authority**

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

### **Considering the Reinstatement of a Pupil**

The Governing board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

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

Where a suspension or exclusion would result in a pupil missing a public examination, the governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension independently and decide whether or not to reinstate the pupil.

The governing board can either:

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

In reaching a decision, the governing board will consider whether the suspension was lawful, reasonable, and procedurally fair and whether the Headteacher 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.

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

The governing board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's decision will also include the following:

- a. The fact that it is permanent
- b. 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
  - 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 pupil's SEN are considered to be relevant to the suspension
  - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
  - 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 an 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

- c. That if parents believe that the suspension 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

### **An independent review**

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil. Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.

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 governors 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
- 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 of the LA, or governing board of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA, or the governing board, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the LA school, governing board, parents or pupil, or the incident leading to the suspension, 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 governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the 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.

### **Cancelling Exclusions**

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. Where an exclusion is cancelled:

- The headteacher must notify the parents<sup>19</sup>, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay<sup>20</sup>. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement<sup>21</sup> ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the • 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 (see paragraph 6).

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.

### **School Registers**

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil 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, the governing board will wait until that review has concluded before removing a pupil's name from the register.

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

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

### **Returning from a Fixed-term Suspension**

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, and the child where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Agreeing a behaviour contract
- Putting a pupil a behaviour support plan
- Internal suspension
- Phased timetable

### **Monitoring Arrangements**

SLT monitors the number of suspensions every term and reports back to the governors.

They also liaise with the local authority to ensure suitable full-time education for excluded pupils.



This policy will be reviewed by SLT every two years. At every review, the policy will be approved by the governing board.

### **Links with other Policies**

This suspensions policy is linked to our

- Behaviour policy
- SEN policy and information report
- Safeguarding Policy

### **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 suspensions, 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