



## **Suspension and permanent exclusion policy**

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Head Teacher	Ms Leah Wright

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## 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.

Our school aims to:

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

### A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

## 2. Legislation and statutory guidance

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

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil 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 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 Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines ‘off-rolling’

### 3. Definitions

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

*Permanent exclusion* – when a pupil 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 pupil to attend another education setting temporarily, to improve their behaviour.

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

*Managed move* – when a pupil is transferred to another school permanently. All parties, including parents/carers and the admission authority for the new school, should consent before a managed move occurs.

*Lunchtime suspension* – this is a form of suspension where the pupil is excluded from the school premises for one or more lunchtimes.

### 4. Roles and responsibilities

#### 4.1 The headteacher

##### Deciding whether to suspend or exclude

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

A decision to suspend a pupil will be taken only:

- In accordance with the school’s behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- In response to a serious breach or persistent breaches of the school’s behaviour policy, **and**
- Where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff and pupils in the school

Before deciding whether to suspend or exclude a pupil, the headteacher will:

- Allow and encourage the pupil to give their version of events
- Ensure that a thorough investigation has been carried out

- Consider all the evidence available to support the allegations, considering the school's behaviour and equal opportunities policies, and where applicable the Equality Act 2010 as amended
- Be satisfied that, \*on the balance of probabilities, the pupil did what he/she is alleged to have done.
- Check whether an incident may have been provoked, for example by bullying (including homophobic bullying) or by racial/sexual harassment
- Consider whether the proposed sanction is proportionate and considering the treatment of any others involved in the incident
- Consult others if necessary (being careful not to involve anyone who may later take part in the statutory review of their decision e.g., a member of the Governors Review Meeting)
- Keep a written record of the actions taken (and copies of written records made by other members of staff), including any interview with the pupil concerned. Witness statements must be dated and should be signed, wherever possible
- Be satisfied that the decision to suspend/permanently exclude the pupil was lawful, reasonable, and procedurally fair, taking account of their legal duties.
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
  - For suspensions - detentions or other sanctions listed in the behaviour policy
  - For exclusions - off-site direction or managed moves

\*The civil standard of proof i.e. is it more likely than not that a fact is true.

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker. The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

A suspension does not have to be for a continuous period: e.g., a pupil may be attending school three days a week and a Primary Centre for the other two; so, a five-day suspension from the school could be for three days in one week and two days in the next week.

### **Notifying parents/carers**

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

If the headteacher decides to suspend or exclude a pupil, the parents/carers will be informed, in person or by telephone, followed by written notification, of the period of the suspension or exclusion and the reason(s) for it, without delay.

Where a parent does not speak or have a good understanding of English, the school should arrange for all correspondence and documentation to be translated. If required, the school should arrange for an interpreter to be present at any meetings with the parent about the suspension/ permanent exclusion, including the Governors Review Meeting.

The parents/carers 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/carers' right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents/carers, 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 pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend

If the pupil is of compulsory school age, the headteacher will also notify parents/carers 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/carers 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/carers 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 pupil needs in order to identify the person they should report to on the first day

If the headteacher 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/carers' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/carers without delay, and provide a reason for the cancellation.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion that would result in the pupil 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 that would result in the pupil 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)**

The headteacher will notify the LA (including the pupil's 'home' LA if different) of all suspensions and permanent exclusions within one school day, 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 pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

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

## **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

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

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

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

- They have decided to suspend or permanently exclude the pupil
- 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 pupil'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 about the suspension or permanent exclusion. This is so they can provide advice on how the pupil'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 pupil's welfare are taken into account.

## **Cancelling suspensions and permanent exclusions**

The headteacher can 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/carers, 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 to hold a meeting and consider reinstatement ceases

- Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil 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 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

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

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

If the pupil 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 pupil, including the use of online pathways.

## **4.2 The governing board**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding suspensions and permanent exclusions will be delegated to a sub group of at least three governors, who would be available to participate in governor review meetings.

The sub group of governors has a duty to consider parents/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state and the local authority with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

### **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 governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The number of exclusions which have been cancelled including the circumstances and reasons for cancellations
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils 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 that may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place



- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

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

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

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

## **5. Considering the reinstatement of a pupil**

### **5.1 Purpose**

The governing body is responsible for reviewing the head teacher's decision to exclude a pupil permanently or for a long suspension and deciding whether to direct re-instatement, where that is a practical option. The governing body is also responsible for considering any representations made by the parents of suspended pupils following shorter suspensions.

### **5.2 The Governing Board**

The governing board will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

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

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing board must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers and it cannot direct the headteacher to reinstate the pupil.

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

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

- Parents/carers (and, where requested, a representative or friend)
- The pupil, 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 pupil's social worker, if they have one
- The VSH, if the pupil is looked after

- A representative of the local authority

Governing board meetings can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

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.

### **5.3 Clerk to the governors review meeting**

The governing board should appoint a Clerk to provide advice on the suspension/permanent exclusions process and cover the administrative arrangements of the meeting. This could be the Clerk to the whole governing board or a member of the school's administration team.

It is the duty of the Clerk to set up the Governors Review Meeting when notification of a permanent exclusion or any suspension totalling over 15 days in a term is received from the head teacher or when representations are received from the parent. The Clerk is required to set up the meeting within the prescribed timescales. Governors must invite the parents, head teacher and an LA Officer to the meeting at a time and place convenient to all parties.

Where possible, all papers relating to the case to be circulated at least five working days before the meeting to allow all parties the opportunity to acquaint themselves with the particulars of the case and give it their full consideration.

Papers circulated should include any written statements and a list of those who will be present at the meeting. If there are serious concerns that there may be any repercussions for any of the witnesses, statements may be anonymised before being copied.

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 pupil's educational record, and copies of relevant papers will be kept with this record.

### **5.4. Outcome**

The governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil 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 governing board 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 pupil 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'.

If the governors direct re-instatement the school should consider what additional support could be made available to help to ensure that the pupil is successfully re-integrated.

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

- The parents/carers
- The headteacher

- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the governing board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents/carers' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents/carers)
- 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 pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the LA to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- That, if parents/carers 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. Independent review

If parents/carers apply for an independent review within the legal timeframe, the LA will, at their own expense, 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/carers by the governing board of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

A panel of 3 members will be constituted with representatives from each of the categories below. At all times during the review process there must be the required representation on the panel.

- 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 of the LA 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/carers or pupil, 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 pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents/carers will be made aware of their right to attend and participate in the review meeting and the pupil 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 pupil'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 pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil'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 headteacher in the lead up to the permanent exclusion, or are relevant to the pupil'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 their decision
- Quash the governing board's decision and direct that they consider the exclusion again (only if it judges that the decision was flawed)

New evidence may be presented, though the school 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 pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

### **6.1 Governors being asked / directed to reconsider**

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision.

If the Review Panel either asks or directs the governors to reconsider their decision, the 3 governors must meet to reconsider within 10 school days of such notification.

The governors must notify all parties of their reconsidered decision and the reasons for it, in writing and without delay.

The reconsideration provides an opportunity for the governing board to look afresh at the question of reinstating the pupil, considering the findings of the independent review panel. There is no requirement to seek further representations from other parties or to invite them to the reconsideration meeting.

## **7. School registers**

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

- 15 school days have passed since the parents/carers were notified of the governing board's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents/carers 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 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

### **7.1 Making a return to the LA**

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

- The pupil's full name
- The full name and address of any parent/carer with whom the pupil normally resides
- At least 1 telephone number at which any parent/carer with whom the pupil 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 school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents/carers have told the school the pupil is moving to another school

- Details of the pupil's new address, including the new address, the name of the parent/carer(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents/carers have informed the school that the pupil 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 pupil's name.

## **7.2 Groups with above average rates of exclusion**

There are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent exclusion. The factors will differ for each child, and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends. In addition to approaches on early intervention, head teachers should consider what extra support might be needed to identify and address the needs of pupils to reduce their risk of permanent exclusion.

## **7.3 Pupils with disabilities and special educational needs, including those with an EHC Plan.**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

Where a school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, schools should contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school should review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current package of support.

## **7.4 Pupils with a Social Worker**

Where a pupil with a social worker is at risk of permanent exclusion or suspension, the head teacher should inform the social worker, the Designated Safeguarding Lead and the parents, to involve them all as early as possible in relevant conversations. If the pupil is permanently excluded, a copy of the letter should be sent to the allocated social worker and they should be invited to the governors review meeting.

## **7.5 Children in public care/Children Looked After (CLA)**

Where a looked after child (CLA) is at risk of suspension or permanent exclusion, the DT (Designated Teacher) should inform the local authority's VSH as soon as possible to work together to consider what additional assessment/support needs to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school should also engage with a child's social worker, foster carers, or children's home workers.

## **7.6 Previously Looked after Children**

Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

## **Day 6**

Whilst the statutory duty on governing boards or local authorities is to arrange full-time education from the sixth day of a suspension or permanent exclusion, there is an obvious benefit to the pupil in starting this provision as soon as possible. In the case of a looked-after child or child with a social worker, the school and the local authority should work together to arrange alternative provision from the first day following the suspension or permanent exclusion.

## **8. Returning from a suspension**

### **8.1 Reintegration strategy**

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

There should be a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school.

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

- Welcoming the pupil back to school
- Ensure that there is clear understanding about what behaviour the pupil is expected to improve when they return to class
- How the pupil will be supported to catch up academically
- Providing the pupils with strategies, if appropriate, to avoid further similar incidents
- Ensure the pupils know who they can go to for help and support if/ when they need it
- Informing the parents/carers of any potential external support if appropriate

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 pupil, parents/carers, and other relevant parties.

### **8.2 Reintegration meetings**

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community and their previous behaviour should not be seen as an obstacle to future success

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



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

The school expects all returning pupils and their parents/carers to attend their reintegration meeting; however a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. A suspension must not be extended if such a meeting cannot be arranged in time, or the parents do not attend.

### **8.3 Lunchtime suspension**

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period, this is a suspension counted as one half of a school day (1 session). The Secretary of State does not expect to see lunchtime suspension used for longer than a week, in the long run another strategy for dealing with the problem should be worked out. A lunchtime suspension for an indefinite period, like any other indefinite suspension, would not be lawful.

Considering the child's age and vulnerability, the head teacher should ensure that a parent/carer has been contacted and is available, if appropriate, to arrange collection and supervision of the pupil during the lunchtime suspension. Arrangements should be made for pupils who are entitled to free school meals, which may mean providing a packed lunch. The LA must be informed of the suspension without delay.

### **6<sup>th</sup> day provision**

Schools are not required to provide full-time education from day six of a lunchtime suspension.

## **9. Remote access to meetings**

Parents/carers can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the LA, should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology that will allow them to hear, speak, see and be seen
- All the participants will be able to participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently.

## **10. Monitoring arrangements**

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units (PRUs), off-site directions and managed moves



- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every year by the Behaviour and Attendance Lead, Ms. Lebiszack, who will report back to the headteacher.

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 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 pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the headteacher every year. At every review, the policy will be approved by the Teaching and Learning Committee or Full Governing Body.

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

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report

### **Appendix 1: independent review panel training**

The LA must make sure 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 and permanent exclusions on disciplinary grounds, 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

Appendix 2

**Head teacher's suspension/permanent exclusion checklist**

	Yes	No
On the balance of probabilities, did the pupil do it?		
Does the incident represent a serious breach of the school behaviour policy / the final straw incident in a series of breaches of the behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of the pupil or other pupils and staff in the school?		
Is suspension/permanent exclusion the appropriate response? Factors to Consider <ul style="list-style-type: none"> <li>• Decision to suspend/exclude not taken in the heat of the moment</li> <li>• A thorough investigation has been carried out</li> <li>• Evidence has been considered in light of policies</li> <li>• The pupil's views have been encouraged, heard, and recorded</li> <li>• Mitigating circumstances and provocation (bullying etc.) have been considered</li> <li>• Appropriate wider consultation has been considered</li> </ul>		
Has there been involvement from specialist teachers (SEND) or (primary schools only) Primary Behaviour Service or an Educational Psychologist?		
Has a pastoral support programme been tried?		
Have alternatives to suspension/permanent exclusion been considered (e.g., restorative justice, mediation, internal exclusion, school to school managed move)?		
Special Considerations		
Does this pupil have an allocated social worker? If so have you contacted them to discuss the situation?		
Does this pupil have an Education Health Care Plan [EHCP]? If so: <ul style="list-style-type: none"> <li>• Have you contacted the special needs officer?</li> <li>• Has an emergency annual review been called?</li> </ul>		
Is this pupil currently a child in the care of the Local Authority? If so, have you contacted the Head of the Virtual School and Social Worker?		
Have issues of SEN, disability, race, and care been fully considered? <i>See separate check list for considerations around the suspension/exclusion of children with SEN/disability</i>		
Has the appropriate length of suspension been considered?		

## Appendix 3

### Headteacher's checklist for pupils with SEN / disability

	Yes	No
<p>Does the pupil have an EHC Plan?</p> <ul style="list-style-type: none"> <li>• Has the Special Needs Officer been contacted?</li> <li>• Has an emergency annual review been called?</li> </ul> <p>Not all pupils with EHC Plans will have a disability but there is a significant overlap.</p>		
<p>Is this pupil on the register as SEN K (school support)? Has extra assistance from the LA been explored?</p> <p>Does the pupil have a disability?</p> <p>For example, do they have a mental or physical impairment which has a substantial, adverse effect on their ability to carry out normal day to day activities?</p> <p>In law "substantial" means more than minor or trivial In law "long term" means at least a year "Disability" includes physical disabilities, speech and language needs, memory, and ability to concentrate, perception of the risk of danger when these are adverse, long term and substantial.</p>		
<p>Has the pupil been treated less favourably?</p> <p>Would a pupil without a disability have been dealt with in the same way? You will need to consider:</p> <ul style="list-style-type: none"> <li>• What is less favourable treatment?</li> <li>• What is the reason for less favourable treatment?</li> <li>• Is the reason directly related to their disability?</li> <li>• Can less favourable treatment be justified?</li> <li>• Is the justification material and substantial?</li> </ul>		
<p>Have reasonable adjustments been made for this pupil? You will need to consider:</p> <ul style="list-style-type: none"> <li>• Would failure to make reasonable adjustments place the pupil at a substantial disadvantage?</li> <li>• Could the need to make reasonable adjustments have been anticipated?</li> <li>• Has the school reviewed policies, practices, and procedures (continuing responsibility)?</li> <li>• Does reasonable adjustment involve removal/alteration of physical features?</li> <li>• Does reasonable adjustment involve provision of auxiliary aids/services</li> </ul> <p>(SEN framework)?</p> <ul style="list-style-type: none"> <li>• Have relevant factors been explored and balanced? <ul style="list-style-type: none"> <li>▪ Need to maintain standards?</li> <li>▪ Financial resources available?</li> <li>▪ Cost of taking step.</li> <li>▪ Extent to which it is practical to take step.</li> <li>▪ Extent to which auxiliary aid/services will be provided under SEN framework?</li> <li>▪ Health and safety requirements?</li> <li>▪ Interests of other pupils/prospective pupils?</li> <li>▪ Could the school have been reasonably expected to know about the disability (confidentiality; lack of knowledge)?</li> </ul> </li> <li>▪ Can actions or omissions be materially and substantially justified?</li> </ul>		