# Suspension and Permanent Exclusion Policy

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| **Policy Created by;** | L.Wordsworth |
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## Our Mission Statement

*Together we grow in faith, knowledge and love.*

*Together we show respect, kindness and confidence.*

*Together our community shines.*

**Our Mission Statement highlights the power of unity and shared values in fostering growth and positive relationships within a community. At St Anne's we work together with respect, kindness and confidence to truly make a difference. We aim to meet the needs of every child through a challenging, enriched curriculum. Providing a safe, secure and stimulating learning environment. We know when we come together our community thrives and shines**

## Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions 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:
**https://www.gov.uk/government/publications/school-suspensions-and-permanent-exclusions**

**Our Policy aligns with KCSIE.**

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

- Section 52 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 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, or acting headteacher, can exclude a pupil from school. A permanent exclusion 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 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 exclusions procedures to ensure that every pupil receives an education in a safe and caring environment.

**A decision to exclude 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 exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs and or disability (SEND)
- Consider whether the behaviour leading to the potential suspension/ exclusion is linked to an unmet Special Educational Need or

Disability or a safeguarding/ child on child abuse issue.

- Ensure that all other avenues of support, intervention or action have been explored and put into place before the decision to exclude is taken.

**Definition**

For the purposes of exclusions, 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.

**Reasons and Recording an exclusion:**

The reasons below are examples of the types of circumstances that may warrant a fixed term suspension or permanent exclusion:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying (documented)
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Making, holding or sharing nudes/ semi-nudes (including AI-generated explicit material)
- Child on child abuse - including harmful sexual behaviour, sexual harassment, misogyny and hate/ prejudice-based abuse)

**Roles and responsibilities**

***The Headteacher:***

**Informing parents**

The headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the suspension or permanent exclusion
- 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 or permanent exclusion to the governing board and how the pupil may be involved in this
- 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 pupil is suspended that for the first 5 school days of an suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their pupil 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 an 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 an suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

***Informing the other professionals***

The headteacher will immediately notify the governing board, the social worker (where appropriate), virtual school head, and the local authority (LA) of:

● A permanent exclusion, including when a fixed-period suspension is made permanent

● Suspension which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

● Suspension 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 exclusion and the reason(s) for it without delay.

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

**The governing board**

Responsibilities regarding suspension or permanent exclusion are delegated to a panel of governors consisting of at least 3 governors.

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

Within 14 days of receipt of a request, the governing board will provide the secretary of state *and the LA* with information about any suspension or permanent exclusion in the last 12 months.

For a fixed-period 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.

The governing body should:

- Analyse data for patterns, e.g. where a large number of pupils with specific characteristics are affected by pupil moves, and when this has happened
- Consider the cost implications of educating pupils off-site
- Review whether the data reflects that the school's behaviour policy is being implemented effectively and consistently
- Monitor interventions in place to support pupils at risk, to prevent suspensions and exclusions
- Analyse any variation in the rolling average of permanent exclusions to understand why it's happening and what can be done to prevent it
- Make sure that pupils that are moved off-site are reviewed at regular intervals

Parents may request remote/ virtual meetings for the governing board hearings.

**The 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.

**<u>Considering the reinstatement of a pupil</u>**

The Governing Body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the suspension or permanent exclusion if:

● The exclusion is permanent

● It is a fixed-term suspension 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

If requested to do so by parents, the Governing Body 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 would result in a pupil missing a public examination, [the governing board/name of committee of 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 Body 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 Body will consider whether the suspension or permanent exclusion 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 exclude.

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 Body 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 Body's 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
- 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 SEND are considered to be relevant to the suspension or permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the Local Authority 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 parents for this appointment
- That parents must make clear if they wish for an SEND 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 suspension or permanent 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

**An independent review**

If parents apply for an independent review, the Local Authority 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 Body 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 or permanent exclusion , which might reasonably be taken to raise doubts about their impartially
● 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

**Reintegration**

- We have a reintegration strategy that offers the pupil a fresh start and helps them re-engage with their learning
- During the return to school meeting, a Pastoral Support Plan is completed with parents and pupil, alongside staff from school
- Where necessary, we work with multi-agency partners to identify any SEND and/or health needs
- We would only use a transition (part time timetable) where one is appropriate, it will be for the shortest time possible and reviewed regularly
- We consider a range of measures - academic, pastoral, internal and external - to support the pupil's successful reintegration based on need
- Child on child abuse incidents must be gtreated as safeguarding concerns first, ensuring pastoral supprot and risk assessments are conducted alongside any response.

**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. Code E for suspended/ excluded pupils.

Where excluded pupils are not attending alternative provision, code E (absent) will be used 9. 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, where appropriate.

Off-rolling is illegal and part time timetables must remain exceptional, time-limited and agreed upon with parents and the LA.

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

- *Agreeing a behaviour contract*
- *Putting a pupil 'on report'*
- *Internal isolation*
- *Any suitable measures agreed at the re-integration meeting to support the pupil being able to access education*

**Monitoring arrangements**

The Headteacher monitors the number of suspension or permanent exclusion every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the Headteacher every year. At every review, the policy will be shared with the governing board.

**Links with other policies**

| Policy | Why |
|---|---|
| Safeguarding Policy | Child protection/ KCSIE |
| Online Safety and Acceptable Use Policy | Cyber bullying and online safety |
| PSHE/RSE | Strategies to support positive behaviours, Acceptance |
| Respectful Relationships and Behaviour Management Policy | Behaviour systems and processes<br>Types of bullying, strategies to support, reporting |
| Complaints Policy | Guidelines to make a complaint if families are not happy with the school's response to negative consequence behaviour, Fixed term suspension, Exclusions |

The Local Authority 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

**Appendix : Template** suspension or permanent exclusion **letter**

Dear ,

I am writing to inform you of my decision to exclude ??? for a fixed period of ??? **day**. This means that he will not be allowed in school for this period of time. The suspension begins today, ??? at ??? and ends ??? at ???

I realise that this suspension may well be upsetting for you and your family, but the decision to exclude ??? has not been taken lightly. ??? has been excluded for this fixed period because ???

You have a duty to ensure that your pupil is not present in a public place in school hours during this suspension from **the dates outlined above- unless there is reasonable justification for this. I must warn you that you may be prosecuted or receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.**

We will set work for ??? to be completed on the days specified in the previous paragraph. Please ensure that work set by the school is completed and returned to us promptly for marking on his return.

You have the right to make written representations about this decision to the governing body. If you wish to make representations please contact **Mrs P. Ganley, Chair of Governors, c\o St Anne's RC Primary School, Moss Bank, Crumpsall, Manchester M8 5AB** as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

Excluded pupils should be enabled and encouraged to participate at all stages of the suspension process, taking in to account their age and understanding. You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to make a claim to the First-tier Tribunal -
http://www.justice.gov.uk/tribunals/send/appeals

**You and your child are requested to attend a reintegration interview with me on** ??? **at** ???**. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.** You also have the right to see a copy of your child's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of t**his** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact **the Manchester Local Authority**, who can provide advice. You may also find it useful to contact the local parent partnership, the Advisory Centre for Education (ACE), www.ace-ed.org.uk and the Children's Legal Centre, 08088 020 008, http://www.childrenslegalcentre.com

Statutory guidance on suspension from school can be found at https://consumption.education.gov.uk/publications

Your child's suspension expires on ??? and we expect **him** to be back in school on **this day at** ???. Yours sincerely

Headteacher