



Exclusion/Suspension Policy

**'We are safe
We are kind
We are hardworking'**

Last reviewed on:

03/2023

Next review due by:

03//2024

RECORD OF AMENDMENTS

When Was the Plan last Updated?		
Date	Name	Detail (changes made)
March 2022	Sacha Schofield	Amendments to include change of name Exclusions to Suspensions
March 2023	Aileen Hosty	

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1. Aims

Our school aims to ensure that:

The exclusions process is applied fairly, consistently and lawfully

The exclusions process is understood by governors, staff, parents/carers and students

Students in school are safe and happy

Students do not become NEET (not in education, employment or training)

A note on off-rolling

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/carer 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 will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent/carer to encourage them to remove their child from the school

2. Legislation and statutory guidance

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

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

- 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 students
- 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](#)

3. Definitions

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

Permanent exclusion – when a student 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 student to assist engaged learning.

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

Managed move – when a student 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.

For the purposes of suspensions and 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.

4. The decision to suspend or exclude

Use of Suspension

Only the Co-Headteacher can make the decision to suspend a student. This will only be considered when it is deemed unsafe or disruptive for the student to be in school.

Bents Green School recognises the potentially detrimental impact of suspensions and consequently tries to avoid using any form of suspension in response to behaviour that challenges us. In order to avoid exclusions, we:

- Identify and try to meet the need being communicated through a behaviour at the earliest opportunity (rather than using sanctions to reduce the behaviour)
- Use restorative conversations alongside the child or young person to reflect on triggers, thoughts, feelings and what might help in the future
- Use a relational approach to behaviour management
- Providing co-regulation and to support a student to understand their emotions
- Work with parents/carers and other professionals to develop and adjust approaches and levels of support

On the rare occasions that suspension is used, we will:

- Use Restorative Practice to structure reintegration meetings and reduce blame
- Hold a reflective discussion for staff involved in supporting the student
- Place the students (and parents/carers) voice at the heart of each step of the process.
- Look at what support and interventions we need to put in place to support the student
- Consider what alterations we may need to make to reduce stress and anxiety in the student

- Work with families/carers and make referrals to relevant external support agencies

Where there are repeated suspensions consideration will be given to calling an Emergency Annual Review, where all relevant people can review the needs and provision detailed in the EHCP and adjust where necessary.

Use of Permanent Exclusion

Only the Co-Headteacher can make the decision to permanently exclude a student (this is where a student is no longer allowed to attend school). This will be a last resort, and after considerable liaison with parents/carers and all professionals involved. A permanent exclusion should only be taken when:

- In response to a serious breach or persistent breaches of the school's behaviour policy; and
- Where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in school

Students can only be permanently excluded for disciplinary reasons: they cannot be excluded because school cannot meet their needs or for something which their parents/carers did or did not do.

The Local Authority have a responsibility to provide suitable full-time education beginning on the sixth school day after the first day the permanent exclusion took place.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Co-Headteacher will:

Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion/suspension were provoked

Allow the student to give their version of events

Consider if the student has special educational needs (SEN)

5. Roles and responsibilities

5.1 The Co-Headteacher

Informing parents/carers

The Co-Headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded student:

The reason(s) for the exclusion/suspension

The length of a suspension or, for a permanent exclusion, the fact that it is permanent

Information about parents/carers' right to make representations about the exclusion to the governing board and how the student may be involved in this

How any representations should be made

Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Co-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 student needs in order to identify the person they should report to on the first day

If the Co-Headteacher does not have the 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.

Informing the governing board

The Co-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 student

➤ Any suspension or permanent exclusion which would result in the student 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 which would result in the student missing a National Curriculum test or public exam

The Co-Headteacher will notify the governing board once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the local authority (LA)

The Co-Headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

➤ The reason(s) for the suspension or permanent exclusion

➤ The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

Informing the student's social worker and/or virtual school head (VSH)

If a:

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

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

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

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

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the student'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 student's welfare are taken into account.

Cancelling suspensions and permanent exclusions

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

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

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

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

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

5.2 The Governing Board

Responsibilities regarding suspensions and permanent exclusions are delegated to an exclusion panel consisting of at least 3 governors.

The exclusion panel 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 student (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 LA with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the LA will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension. For Y11 and Y14 students this will be up to and including the official leaving date of school, which differs from all other year groups.

The governing board does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

5.3 The Local Authority (LA)

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

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

6. Considering the reinstatement of a student

The governing board will consider the reinstatement of an excluded/suspended student within 15 school days of receiving the notice of the exclusion if:

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

Where the student has been suspended, and the suspension does not bring the student'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 Co-Headteacher to reinstate the student.

Where the student has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents/carers make representations to the board, the governing board will consider and decide on the reinstatement of a suspended student 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 Co-Headteacher to reinstate the student.

Where a suspension or permanent exclusion would result in a student missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the student 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 student.

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

- Parents, or the student if they are 18 or over (and, where requested, a representative or friend)
- The student, 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 Co-Headteacher
- The student's social worker, if they have one
- The Virtual School Head, if the student is looked after
- A representative of the local authority

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The governing board can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student 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 Co-Headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the student's educational record, and copies of relevant papers will be kept with this record.

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

- The parents/carers, or the student, if they are 18 or older
- The Co-Headteacher
- The student's social worker, if they have one
- The VSH, if the student is looked after
- The local authority
- The student'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 student, 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 student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEN, parents 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 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

7. An independent review

If parents/carers 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 student.

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 a student **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.

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 Co-Headteacher category. 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

- 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 Co-Headteachers during this time
- Co-Headteachers or individuals who have been a Co-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 Co-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 Co-Headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, governing board, parents/carers or student, 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 student, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Taking into account the student's age and understanding, the student or their parents/carers will be made aware of their right to attend and participate in the review meeting and the student 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 student'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 student's experiences, needs, safeguarding risks and/or welfare may be relevant to the student'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 Co-Headteacher in the lead up to the permanent exclusion, or are relevant to the student's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

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

8. School registers

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

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

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

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

Making a return to the LA

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

going to start living there, if the parents/carers have informed the school that the student 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 student's name.

9. Returning from a suspension

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

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

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

- Maintaining regular contact during the suspension or off-site direction and welcoming the student back to school
- Daily contact in school with a member of the safeguarding/behavior/intervention team
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the student and parents/carers to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents/carers and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the student, parents/carers, and other relevant parties.

Reintegration meetings:

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

The student, 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 students and their parents/carers to attend their reintegration meeting, but students who do not attend will not be prevented from returning to the classroom.

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, students, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by Assistant Headteachers (behavior and wellbeing). Assistant Headteachers will report back to the Co-Headteachers and Governors.

The data will be analysed from a variety of perspectives including:

- At school level
- By class
- 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 students are identified by this analysis, the school will review its policies in order to tackle it.

11. Links with other policies

This exclusions policy is linked to our

- Alternative Provision Policy
- Behaviour policy
- SEN policy and information report
- Peer on peer abuse
- Online safety policy
- Bullying policy

Appendix 1: Independent review panel training

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 Co-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