



Suspensions and Permanent Exclusions Policy

Suspensions and Permanent Exclusions Policy		Author	J Cutler
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1. Aims

Our school aims to ensure that:

- The suspensions/exclusions process is applied fairly and consistently
- The suspensions/exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

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

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 suspended/excluded students
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Students) (England) (Amendment) Regulations 2014

This policy complies with our funding agreement and articles of association.

3. The decision to suspend/exclude

Only the headteacher, or deputy headteacher, can suspend a student 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 student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student."

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

A decision to suspend/exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and
- If allowing the student to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend/exclude a student, 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 suspension/exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

4. Definition

For the purposes of suspensions/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.

5. Roles and responsibilities

5.1 The Headteacher

Informing parents

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

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

The headteacher will also notify parents by the end of the afternoon session on the day their child is suspended/excluded that for the first 5 school days of a suspension/exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this. If alternative provision is being arranged, the following information will be included when notifying parents of a suspension/exclusion:

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

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

Informing the governors and local authority

The headteacher will immediately notify the governors and the local authority (LA) of a permanent exclusion, including when a suspension is made permanent or of exclusions which would result in the student missing a public examination

If a student receives more than 15 days of suspension in a term, governors will be notified and then convene a governor's disciplinary panel. The outcome of this panel should identify clear actions to attempt to improve the student's future behaviour and reduce the chances of further suspensions.

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

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

5.2 The Governing Body

Responsibilities regarding suspensions is delegated to the Governing Body (disciplinary panel) consisting of 2-3 governors.

The disciplinary panel has a duty to consider the reinstatement of a suspended student (see section 6).

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

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

5.3 The Local Authority

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

6. Considering the reinstatement of a student

The Governing Body will consider the reinstatement of a suspended/excluded student within 15 school days of receiving the notice of the suspension/exclusion if:

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

If requested to do so by parents, the Governing Body will consider the reinstatement of a suspended/excluded student within 50 school days of receiving notice if the student would be suspended/excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension/exclusion would result in a student missing a public examination, the Governing Body will consider the reinstatement of the student 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/exclusion independently and decide whether or not to reinstate the student.

The Governing Body can either:

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

In reaching a decision, the Governing Body will consider whether the suspension/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 suspend/exclude.

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

The 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 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 student's SEN are considered to be relevant to the suspension/exclusion
 - That, regardless of whether the suspended/excluded student has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

7. An independent review

An independent review can be undertaken as an appeal against the decision of the governor's disciplinary panel. The Local Authority and/or academy trust has a key role and the following information comes directly from Cheshire West and Chester guidance:

- The purpose of the appeal is normally to consider whether the suspension/exclusion is appropriate and whether the pupil should be reinstated. If you decide to appeal, you will have the opportunity to request an independent review panel. You may at your own expense, appoint someone to make written and/or oral representations to the panel and you may also bring a friend to the review. You may also wish your child to tell his or her side of the story.
- The Independent Review Panel will have three members, which will comprise of one serving or recently retired (within the last five years) head teacher, one serving or recently serving experienced governor/management committee members and one lay member who will be the Chairman.
- Regardless of whether your child has a recognised special educational need, you have the right to require the Local Authority/Academy Trust to appoint a special educational need (SEN) expert to attend the review. There is no cost to school for this appointment.

The SEN expert will provide impartial advice to the panel on how special educational needs might be relevant to the suspension/exclusion, whether the school's policies or application of these policies were legal, reasonable and fair and whether the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any special educational needs.

You must make clear if you wish for an SEN expert to be appointed in your written notice when requesting an independent review panel.

The panel will review the governing body's decision not to reinstate a permanently excluded pupil. Following its review the panel can decide to:

- Uphold the decision to permanently exclude
- Recommend that the governing body reconsiders their decision; or
- Quash the decision and direct that the governing body considers the exclusion again. The Panel's decision is binding and ends the process.

8. School registers

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

- 15 school days have passed since the parents were notified of the panel's decision to not reinstate the student 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 student's name from the register.

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

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

9. Returning from a suspension

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

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

- A restorative approach should be adopted and the student should be given the opportunity to reflect on what went wrong and what they have learnt from this suspension. It is important that the student's voice is heard.
- Agreeing and signing up to a set of targets as part of a readmission contract, outlining actions to be taken, by who and by when; a copy of which will be added to the student's records as an action following the incident/incidents which led to the suspension
- This may involve putting a student 'on report' – parents are made explicitly aware of the expectations of this report.

10. Monitoring arrangements

The Deputy Headteacher monitors the number of suspension/exclusions every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for suspended/excluded students.

This policy will be reviewed by Deputy Headteacher every 2 years. At every review, the policy will be shared with the Governing Body.

11. Links with other policies

This policy is linked to our:

- Behaviour Policy
- SEN Policy