



BURGHFIELD ST. MARY'S C.E. PRIMARY SCHOOL SUSPENSIONS AND PERMANENT EXCLUSIONS POLICY

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Legislation, Statutory Requirements and Statutory Guidance.

- 1.1 This policy is based on statutory guidance from the Department of 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 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](#)

Aim of this policy

- 2.1 Burghfield St. Mary's is committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

- 2.2 Our school aims to:

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

- 2.3 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 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 pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- 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 to encourage them to remove their child from the school.

We will always make every effort to avoid suspending or excluding any pupil who has special educational needs and/or a disability (SEND) and will only ever do so if the school is genuinely unable to provide them with the support that they need.

Definitions

- 3.1 Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.
- 3.2 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’.
- 3.3 Off-site direction – when a local governing board requires a pupil to attend another education setting temporarily, to improve their behaviour.
- 3.4 Parent – any person who has parental responsibility and any person who has care of the child.
- 3.5 Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Roles and responsibilities

4.1 Headteacher

4.1.1 Deciding whether to suspend or exclude

Only the Headteacher, or acting Headteacher, can suspend a pupil from school on disciplinary grounds or permanently exclude a pupil from school once this has been approved by the Chair of Governors. The decision can be made in respect of behaviour inside or outside of school. Permanent exclusion will only be used as a last resort.

A decision to suspend or 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 suspend or exclude a pupil, the Headteacher and Chair of Governors will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow the pupil to give their version of events.
- Consider whether the pupil has special educational needs/disability (SEND).
- 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 off-site direction or managed moves.

The Headteacher and Chair of Governors 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 or social worker.

The Headteacher and Chair of Governors 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.

4.1.2 Informing parents

If a pupil is at risk of suspension or exclusion, the Headteacher will inform the parents 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 a pupil or the Chair of Governors approves the exclusion of a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion.
- The length of the 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 local governing board and how the pupil may be involved in this.
- How any representations should be made.

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

The Headteacher will also notify parents 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 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 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' consent.

4.1.3 Informing the Governing Board

The Headteacher will, without delay, seek approval from the Chair of Governors and 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 which 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 which would result in the pupil missing a National Curriculum test or public exam

The 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.

4.1.4 Informing the local authority (LA)

The 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 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.

4.1.5 Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or with the approval of the Chair of Governors, cancel a permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the local governing board.

Where there is a cancellation:

- The parents, the governing board and LA will be notified without delay.
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation.

As referred to above, the Headteacher will report to the Governing once per term on the number of cancellations.

The pupil will be allowed back in school.

4.1.6 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 and marked for the pupil. Online pathways such as Google Classroom or Oak Academy 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.

Governing Board

5.1 Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to the Chair of Governors.

The Chair of Governors has a duty to consider parents' representations about a suspension or permanent exclusion. They have a duty to consider the reinstatement of a suspended or permanently excluded in certain circumstances.

5.2 Monitoring and analysing suspensions and exclusions data

The governing board will 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 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 which 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.

5.3 Considering the reinstatement of a pupil

The Chair of Governors 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 which 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 Chair of Governors must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, Chair of Governors will consider and decide on the reinstatement of a suspended pupil within 5 school days of receiving notice of the suspension. If the parents 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 Chair of Governors 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 Governors 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.
- The pupil if 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 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 Chair of Governors 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 Chair of Governors 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 local 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 pupil's educational record, and copies of relevant papers will be kept with this record.

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

- The parents.
- The Headteacher.
- The pupil's social worker, if they have one.
- The local authority.
- The pupil's home authority, if it differs from the schools.

Where an exclusion is permanent and the Chair of Governors 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' 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).
- 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/disability (SEND) are considered to be relevant to the permanent exclusion.
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the school to appoint a SEND expert to advise the review panel.
- 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 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.

5.4 Independent Review

If parents apply for an independent review within the legal timeframe, the school 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 Chair of Governors 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.

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 governor category and 2 members will come from the 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.
- 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 employed by the excluding school.
- Are the Headteacher of the excluding school, or have held this position in the last 5 years.
- Have, or at any time have had, any connection with the school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality.

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 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 SEND expert is present, the panel must seek and have regard to the SEND expert's view of how SEND 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.

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 local 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.

School Registers

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

- 15 school days have passed since the parents were notified of the Chair of Governors' 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 within 15 school days, the local 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.

6.2 RETURNING FROM A SUSPENSION

6.2.1 Reintegration Strategy

Following suspension, 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.

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 pupil back to school.

- Contact in school with a designated pastoral professional.
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the pupil, parents 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 pupil, parents, and other relevant parties.

6.2.2 Reintegration Meetings

The school will 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.

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

The meeting can proceed without the parents in the event that they cannot or do not attend. The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

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, pupils, governors, trustees and other stakeholders on their perceptions and experiences.

The data will be analysed every term by the Headteacher who will report back to the governing board. 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.