

SUSPENSIONS AND EXCLUSIONS POLICY

OWN TRUST



Status:	Non-Statutory	
Version:	1.0	
Committee:	Trust Board	
Approved by:	Trust Board	Date Introduced: 04.01.2022
Review Cycle/when:	Annual/Spring 1	
Last reviewed on:	1 st approval	
Next review due by:	January 2023	
Review Managed by: (drafting/checking)	G&C Manager	
Master stored:	SharePoint/Governance/Policies/Suspensions and Exclusions	
Published (where/by):	Trust Website/link on school website	
Distributed to:	All Headteachers	
Distributed by:	G&C Manager	
Inform on completion:	n/a	

REVISIONS

Version	Page/ Item No.	Description of Change	Approved On
1.0		First approval	13.12.2021

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1. Aims

1.1. All schools within OWN Trust aim to ensure that:

- The suspensions and exclusions process is applied fairly and consistently
- The suspensions and exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy

2. Legislation and statutory guidance

2.1. This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

2.2. 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

2.3. 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](#)

3. The decision to exclude

3.1. Only the headteacher, acting headteacher or interim headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

3.2. 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.”

3.3. We are committed to following all statutory suspensions and exclusions procedures to ensure that every child receives an education in a safe and caring environment.

3.4. A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school’s behaviour policy (a serious breach may be a ‘one-off’ incident that does not relate to any prior incidents), **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

3.5. 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 suspension or exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs or disability (SEND)
- Headteachers, acting Headteachers or interim headteachers will use the ‘Headteacher Checklist’ before reaching a decision (Appendix 2)

4. Definition

4.1. For the purpose of suspensions and exclusions, school day is defined as any day on which there is a school session. A school session is defined as before lunch, during lunch and after lunch.

4.2. Therefore, INSET or staff training days do not count as a school day.

5. Roles and responsibilities

5.1. The Headteacher

5.1.1. Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of a suspended or excluded pupil (Appendix 1):

- The reason(s) for the suspension or 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 exclusion to the Local Governing Body 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 Body 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 child is excluded that for the first 5 school days of a suspension or 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 or 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 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 exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

5.1.2. Informing the Trust Board, Local Governing Body and Local authority

The headteacher will immediately notify the Trust Board, the Local Governing Body and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions or exclusions that 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 and exclusions, the headteacher will notify the Trust Board, Local Governing Body and LA once a term.

5.2. The Local Governing Body (as delegated by the Trust Board)

5.2.1. Responsibilities regarding suspensions and exclusions are delegated to the Local Governing Body who will establish a Behaviour Panel **to review a suspension or exclusion**. – This panel will have three members, one of whom is external to the school. Normally this will be a local governor from another school in the Trust or may be a trustee.

5.2.2. The Behaviour Panel has a duty to consider the reinstatement of an excluded pupil (see section 6).

5.3. The LA

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

6. Considering the reinstatement of a pupil

6.1. The Behaviour Panel will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the suspension or 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 or national curriculum test

6.2. If requested to do so by parents, the Behaviour Panel will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the suspension if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

6.3. Where an exclusion would result in a pupil missing a public examination, the Behaviour Panel will consider the reinstatement of the pupil before the date of the examination. If this is not practicable the Chair of Governors, with delegated responsibility, will consider the suspension or exclusion and decide whether or not to reinstate the pupil and inform the Behaviour Panel and Board of Trustees at the earliest opportunity.

6.4. the Behaviour Panel can either:

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

6.5. In reaching a decision, the Behaviour Panel will consider whether the suspension or 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 about the decision to exclude.

6.6. 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.

6.7. The Behaviour Panel will notify, in writing, the headteacher, parents, Trust and the LA of its decision, along with reasons for its decision, without delay.

6.8. Where an exclusion is permanent, the Behaviour Panel'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 SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the academy trust 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

- 7.1. If parents apply for an independent review, OWN Trust will arrange for an independent panel to review the decision of the Local Governing Body's Behaviour Panel not to reinstate a permanently excluded pupil.
- 7.2. Applications for an independent review must be made within 15 school days of the notice being given to the parents by the Behaviour Panel of its decision to not reinstate a pupil.
- 7.3. In arranging for an Independent review Panel, OWN Trust has delegated responsibility for setting up the independent review to the Local Governing Body of the school, who must ensure that all statutory requirements for the panel are met.
- 7.4. 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's 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
- 7.5. If requested by parents/carers, the LA or Academy Trust must appoint an SEN expert to attend the panel. Parents/carers have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEN.
- 7.6. A person may not serve as a member of a review panel if they:
- Are a member of the academy trust, 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 academy trust, 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 academy trust, school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

7.7. A clerk will be appointed to the panel.

7.8. The independent panel will decide one of the following:

- Uphold the Local Governing Body's decision
- Recommend that the Local Governing Body reconsiders reinstatement
- Quash the LGB's Behaviour Panel 's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

7.9. The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

8.1. 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

8.2. Where an application for an independent review has been made, the Local Governing Body will wait until that review has concluded before removing a pupil's name from the register.

8.3. 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.

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

9. Returning from a fixed-term suspension

9.1. 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.

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

- Agreeing a behaviour contract
- Introducing or reviewing a Pastoral support plan (Appendix 3)

10. Monitoring arrangements

10.1. A Senior Leader monitors the number of suspensions and exclusions every term and reports back to the headteacher and Trust/governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

10.2. This policy will be reviewed annually.

11. Links with other policies

11.1. This Suspensions and Exclusions Policy is linked to policies relating to:

- Behaviour

- SEND

12. Independent review panel training

12.1. The academy trust 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.

12.2. 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 1 - Suspension letter for parents

Date

Name and Address

Dear Name

I am writing to inform you of my decision to exclude (name) for a fixed period of..... days.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend name has not been taken lightly. name has been suspended for this fixed period because of:

-
-

We have taken the following steps to try to avoid this suspension:

-
-

[This brings the total days suspended this term to]

This means that (name) should not attend school until

The details of this suspension were discussed during the telephone conversation with name of parent and myself, and are attached on a separate document for your information.

[We are aware of (name's) SEN. The following steps have been taken to make reasonable adjustments for this – include if appropriate

-

I will arrange for (name) to have school work during his suspension and for this work to be marked. Work will be provided via ...

[You are invited to a meeting to discuss how name will be supported on his return to school on at

I must further advise you that during the period for which your child is suspended you are responsible for ensuring that he/she is not present in a public place during school hours. If your child is found in a public place at such times without reasonable justification you may be liable to a fixed penalty notice of £60 issued by the Local Authority.

You have the right to make representations about this decision to the Local Governing Body. If you wish to make representations, please contact Name (Chair of Governors) via the school office (email contact) as soon as possible. Whilst the Local Governing Body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on name's school record.

A Local Authority officer with responsibility for suspensions and exclusions can provide you with advice on the suspensions and exclusions process and can be contacted via:

- Pupil Referral Services at Peterborough Local Authority on 01733 452668,
- Primary Unit, City Learning Centre, Williamson Avenue, PE3 6BA 01733 207150
- emailing pprs@peterborough.gov.uk.

You may also find it useful to contact The Advisory Centre for Education (ACE) – an independent national advice centre for parents of children in state schools. They offer information and support on state education in England and Wales, including on suspension or exclusion from school. They can be contacted on 0300 0115 142 or at www.ace-ed.org.uk.

Yours sincerely

Name

Head Teacher

Appendix 2 - Headteacher Checklist

Name Primary School
Headteacher Checklist
Child's Name:
Date:

It is important to give consideration to the following questions before deciding to exclude for any period of time.

	Yes	No
Did the pupil's behaviour directly result in the incident?		
Was the behaviour significantly out of line with the school's behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of pupils/others?		
Is this as a last resort following a wide range of other strategies that have been unsuccessful? (or)		
Is this a serious first or 'one off' incident?		
Factors to consider:		
Has a decision been made in the heat of the moment?		
Has a thorough exploration of circumstances been carried out?		
Has the situation been considered in light of policies and discrimination?		
Has the pupil's perspective and account of events been encouraged / heard / recorded?		
Are there any mitigating circumstances or any provocation relevant (bullying, harassment etc.)?		
Has this pupil had multiple suspensions?		
If yes, have they proved an effective intervention?		
Has there been involvement from SEND Services (Primary)?		
Has a Pastoral Support Plan been implemented?		
Have alternatives to exclusion been considered (e.g., restorative approach, mediation, internal exclusion, alternative provision, managed move)?		
Standards of proof: On the balance of probabilities, did the pupil do it?		
Special Considerations (SEN/Disability/Vulnerable Groups)		
Has the pupil been treated less favourably?		
Have reasonable adjustments been made for this pupil?		
Has your school reviewed policies, practices and procedures?		
Does this pupil have Special Educational Needs / Disabilities?		
Have issues of SEN or a disability been taken into account and reasonable adjustments put in place? (Equality Act 2010)		
Does this pupil have an EHCP?		
If yes, have you contacted the SAT Casework Officer?		
Has an emergency annual review been called?		
Is this pupil a (LAC) looked after child?		
If yes, have you contacted the social worker and Virtual School to discuss?		

Is this pupil subject to a Safeguarding or a Child in Need Plan?		
If yes, have you spoken to the Social Worker?		
Is there an Early Help Assessment (EHA) for this young person?		
Is the EH District Team or SEND Services involved?		
Is the family's first language English?		
If no, have you taken steps to ensure that the process is fully understood?		

Do you believe a Fixed Term Suspension is warranted?		
If yes, has the length of suspension been considered and is it appropriate?		
If yes, is this for the shortest possible time?		
If yes, number of days		
If no, what action will be taken?		

Have parents been informed?		

Appendix 3 - Pastoral Support Plan

Pastoral Support Plan

School:	Date of Meeting:	Name of Student:	Gender:	
			M	F
Class:		Date of Birth:		
SEN Status:		Current hours of support:		
Number of FTE in past year:		Number of Internal exclusions in last year:		
Is the child looked after?	Y N	Ethnicity:	Interpreter: Y / N Language:	
EHA	Y N			
Lead Professional:		Parent/carer:		

Teacher Assessment Levels:

	FS	1	2	3	4	5	6
Reading							
Writing							
Maths							

Other Assessment Information:

(E.g., Reading age, star reader, reading speed, phonics outcome, MTC score)

Other agencies involved:

	Name of contact:
Education Welfare Service	
Educational Psychologist	
Social Worker	
Youth Worker	
CAMHS	
Youth Offending Service	
Parent Support Advisor	
Behaviour Panel	
Inclusion Team	
NSPCC	
Barnardo's	
YMCA	

Student Strengths (school, parents/carers, student, peers, others)
Current concerns as identified by school:
Strategies used to date:

Plan:

Key targets for improvement: (maximum of 4) 1.
Support to be provided by the school:
Support to be provided by parent/carer:
This PSP is set up for ____ weeks. Review date:

Print name	Signature
School lead:	
Parent/carer:	
Student (if suitable):	
Education Inclusion Officer:	

Pastoral Support Plan Review:

Name of student:		Date of review:	
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Progress on targets:	Met	Working towards	Little or no progress
Target 1: Comment:			
Target 2: Comment:			

Target 3: Comment:			
Target 4: Comment:			

Current (or ongoing) issues:

New Targets:

Print name	Signature
School lead:	
Parent/carer:	
Student (if suitable):	
Education Inclusion Officer:	