

# Suspensions and Exclusion Policy



**ST CLARE**

Catholic Multi Academy Trust



**St Thomas of Canterbury School**

Mission Statement: To nurture curiosity for every child, every day, within a community acting as a beacon of the Catholic faith.

**GB Date of Approval: 30 November 2022**

**Planned Review: December 2023**

**Review Date: December 2023**

**Next Review: December 2024**

## 1. Aims

Our school aims to ensure that:

The exclusions and suspensions process is applied fairly and consistently

The exclusions and suspensions process is understood by governors, staff, parents and pupils

Pupils in school are safe and happy

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

## 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](#)

and the DFE guidance [Behaviour in schools: Advice for headteachers and school staff](#)

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

Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)

[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

Section 579 of the [Education Act 1996](#), which defines 'school day'

The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

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

## 3. The decision to suspend or exclude

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

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

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

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 permanently exclude a child, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events.
- Consider if the pupil has special educational needs (SEN) and whether reasonable adjustments were in place to support the child.

## 4. Definitions

For the purposes of suspensions, a 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.

**Misbehaviour** is defined as:

- Disruption in lessons, in corridors between lessons, and at break and lunchtimes
- Refusal to complete classwork despite support
- Poor attitude
- Name calling / inappropriate language
- Physically hurting other pupils

**Serious misbehaviour** is defined as:

- Repeated breaches of the school rules
- Any form of bullying
- Physically assaulting or threatening to assault a member of staff or pupil. Verbal assault of a member of staff or another pupil.
- Sexual assault, which is any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation
- Vandalism
- Theft
- Fighting
- Racist, sexist, homophobic or discriminatory behaviour
- Possession of any prohibited items. These are:
  - Knives or weapons
  - Drugs, including alcohol or tobacco,
  - Any article a staff member reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the pupil)

Serious incidents or persistent incidents of inappropriate behaviour may result in exclusion.

## 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 or excluded pupil:

- 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 governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is suspended or excluded that, for the first 5 school days of 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.

The headteacher will check with the parent(s) that they understand the content of the letter.

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 a suspension or exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

#### Informing the governing board and local authority

The headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is made permanent
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions or suspensions which would result in the pupil missing a public examination

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

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

## 5.2 The Local Academy Committee

The LAC has a duty to consider the reinstatement of a suspended or excluded pupil (see section 6).

Responsibilities regarding suspensions and exclusions will be delegated to a review committee. This review committee may be made up of external governors.

## 5.3 The LA

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

# 6. Considering the reinstatement of a pupil

The governing board 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

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

Where a suspension or exclusion would result in a pupil missing a public examination, the strategy committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the strategy committee will consider the suspension or exclusion and decide whether or not to reinstate the pupil.

The governing board 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 strategy committee 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 in relation to the decision to suspend or exclude.

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

The governing board 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 board'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

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**

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer

School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or head teachers during this time

Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

Are a director 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

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

Uphold the governing board's decision

Recommend that the governing board reconsiders reinstatement

Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

## **8. School registers**

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

15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or

The parents have stated in writing that they will not be applying for an independent review panel

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

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

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

## **9. Returning from a fixed-term suspension**

Following a fixed-term suspension, a re-integration meeting, which may be minuted, will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

When a pupil returns from a fixed-term exclusion, we will use a monitoring system to ensure the support in place is effective and sufficient. This system will either be done through a home/school book or through a suitable online platform, whichever is the parents' preference. It will aim to capture teacher, parent voice and pupil voices on a regular basis and will enable us to change support as needed to support the pupil.

## **10. Monitoring arrangements**

The headteacher monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the governing body annually.

## **11. Links with other policies**

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report
- Anti-Bullying policy

## Appendix 1: Possible areas for discussion in a re-integration meeting

- What led to the child's negative behaviour? The meeting will be used to find out any context that we weren't previously aware of. For example:
  - What makes you worry in school/at home?
  - How do you feel about the support you're receiving?
  - Who do you talk to when you're feeling upset or angry?
  - What support did you find helpful when you were away from school?
  
- Target Setting
  - Where appropriate, we will involve the pupil in setting their own targets will give them ownership over the situation.
  - Discuss and adapt the targets that you/external partners have set
  - Let the pupil suggest one of their targets themselves, and work with them to shape it into a workable goal
  
- Support to be put in place
  - For example:
  - Strategies and interventions
  - In-house pastoral services, like counselling or behaviour management
  - Specialist SEN support
  - Which staff members will be working with the pupil and how they'll be helping
  
- Support Available outside of School
  - We will direct parents/carers to support that they can access e.g:
  - Support schemes run by your LA
  - Local mentoring groups
  - Support available through the NHS, like mental health provision
  
- SEN Support
  - We will explain what SEN support will involve, and how we will deliver it:
    - Using simple language and avoiding jargon
    - Backing up your points with evidence
    - Framing the conversation around how extra support will boost their child's achievement