



Suspension & Permanent Exclusion Policy

December 2023

We are a Rights Respecting School with No Outsiders.

1. Aims

Our school aims to ensure that:

- The suspension and permanent exclusion process is applied fairly and consistently
- The suspension and permanent exclusion 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)

Article 28: Every child has the right to an education.

Article 29: Education must encourage the child's respect for human rights.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Exclusion from maintained schools, academies and pupil referral units (PRUs) in England. (September 2023).

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

- Suspensions & Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement (September 2023)
- 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 permanently excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'

3. The decision to suspend

Only the Executive Headteacher, or Head of School, can suspend / permanently 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 exclusions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to suspend or permanently exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and/or**
- 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 pupil, the Executive Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or permanent exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of 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 Executive Headteacher

Informing parents

The Executive Headteacher will immediately provide the following information, in writing, to the parents of a suspended or permanently excluded pupil:

- 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
- Information about parents' right to make representations about the suspension or permanent 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 Executive Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended or permanently excluded that for the first 5 school days of a suspension, 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:

- 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 an 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 Executive Headteacher will immediately notify the governing board and the local authority (LA) of:

- A suspension or permanent exclusion, including when a suspension is made permanent

- Suspensions which would result in the pupil being out of school for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a suspension or 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 suspension or permanent exclusion and the reason(s) for it without delay.

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

5.2 The governing board

Responsibilities regarding suspensions and permanent exclusions is delegated to the Suspension & Permanent Exclusion Committee, consisting of at least 3 governors and/or Trustees.

Suspension & Permanent Exclusion Committee has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA with information about any suspensions or permanent exclusions in the last 12 months.

For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

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 permanent exclusion.

6. Considering the reinstatement of a pupil

Suspension & Permanent Exclusion Committee will consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or permanent exclusion if:

- The exclusion is permanent
- It is a 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 Suspension & Permanent Exclusion 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 would result in a pupil missing a public examination, the Suspension & Permanent Exclusion Committee will consider the reinstatement of the pupil 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 independently and decide whether or not to reinstate the pupil.

The Suspension & Permanent Exclusion Committee 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 Suspension & Permanent Exclusion Committee will consider whether the suspension 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 permanently 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 Suspension & Permanent Exclusion Committee 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 Exclusion Committee'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 permanent exclusion
 - That, regardless of whether the permanently excluded pupil 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 permanent 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 LA 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 Suspension & Permanent Exclusion Committee 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 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 a member of the LA 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 LA 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 LA, 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)

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 Suspension & Permanent Exclusion Committee 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 a permanently excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where permanently excluded pupils 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 pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a suspension:

- Agreeing a behaviour contract
- Providing a pupils with a Home / School Book
- Internal isolation
- Alterations to break and lunch times

10. Monitoring arrangements

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

This policy will be reviewed by The Executive Headteacher every year. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusions policy is linked to our

- Relationship policy
- SEND policy and information report

Appendix I: Independent review panel training

The LA 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 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 2: Example of letter for suspension

Date

Pupil Name (Pupil DOB)

Dear (Names of parents)

I am writing to inform you of my decision to suspend (Pupil name) for a fixed period of (time of suspension in days) which begins on (date) at (time) and ends on (date) at (time).

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend (Pupil name) has not been taken lightly. Our rules are Ready, Respectful, Safe. Today, (pupil name) behaved (details of the behaviour with specifics of incidents).

You have a duty to ensure that your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for (Pupil name) to be completed on the days specified in the previous paragraph as a school day during the period of his/her suspension when you must ensure that he/she is not present in a public place without reasonable justification. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make representations about this decision to the governing body/management committee. If you wish to make representations please contact Mr Gareth Blunden on g.blunden@acornswitley.co.uk as soon as possible. Whilst the governing body/management committee has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the exclusion has occurred as a result of discrimination then you may make a claim 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. Such a claim must be lodged within 6 months of the date (pupil's name) was suspended. <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

You and (Pupil name) are requested to attend a reintegration meeting with myself at (date & time) at school. The purpose of the meeting is to discuss how best your child's return to school can be managed.

You also have the right to see a copy of (Pupil's name) school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of the school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parents on state education matters. They can be contacted **on** 0300 3305485 **or on** <http://www.childlawadvice.org.uk/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

Other alternative links to relevant services which you may find useful are:

Statutory guidance on exclusions can found by visiting [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/611222/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)

Information Advice and Support Service: (formerly known as the Parent Partnership Service) <http://www.westcheshirelocaloffer.co.uk/>

Telephone: 0300 1237001

Email: iasservice@cheshirewestandchester.gov.uk

Traveller Education service

Telephone: 01606 2 71540

Email: Antoinette.vanommen@cheshirewestandchester.gov.uk

If you require further guidance on any of the advice mentioned in our letter please contact: Mrs Wendy Williams at Tarvin Meadow Professional Centre, Meadow Close, Tarvin, Cheshire, CH3 8LY, telephone 01244 972825 or email

Exclusions@cheshirewestandchester.gov.uk

(Pupil's name) suspension expires on (date & time) and we expect him/her to be back in school.

Yours sincerely

Mrs H Broom
Executive Headteacher

cc. Child's school file & CWAC exclusions inbox exclusions@cheshirewestandchester.gov.uk

Appendix 3: Example of letter for permanent exclusion

Date

Pupil Name (Pupil DOB)

Dear (Names of parents)

I regret to inform you of my decision to permanently exclude (name) with effect from (date). This means that (name) will not be allowed in this school unless he is reinstated by the local governing board.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude (name) has not been taken lightly. Our rules are Ready, Respectful, Safe. Today, (pupil name) behaved (details of the behaviour with specifics of incidents).

You have a duty to ensure that your child is not present in a public place in school hours during the first 5 school days of this exclusion, i.e. (date from and to) unless there is reasonable justification. You could be prosecuted or receive a penalty notice if your child is present in a public place during school hours on those dates. It will be for you to show reasonable justification.

Alternative arrangements for (name's) education to continue will be made. For the first five school days of the exclusion we will set work for (name) and would ask you to ensure this work is completed and returned promptly to school for marking. From the sixth school day of the exclusion onwards — i.e. (date) the local authority, Cheshire West and Chester will provide suitable full-time education. You will be notified of these arrangements in a further letter.

As this is a permanent exclusion the local governing board must meet to consider it. You have the right to make representations at this meeting and be accompanied by a friend or representative. The latest date on which the local governing board can meet is (date up to 15 school days from this day). If you wish to make representations please contact Mrs Liz Roberts, Clerk to the local governing board, as soon as possible on / at 01942 939031 e.roberts@rt.education.

The local governing board have the power to:

- i. reinstate your child immediately or from a specified date, or
- ii. they have the power to uphold the exclusion – which decision you may request is reviewed by an independent review panel.

You will, whether you choose to make representations or not, be notified by the Clerk to the local governing board of the time, date and location of the meeting. Please let us know if you have a disability or special need which would affect your ability to attend the meeting. Also, please inform the clerk if it would be helpful for you to have an interpreter present at the meeting.

If you think this exclusion relates to a disability your child has, and you think discrimination has occurred, you may raise the issue with the governing board.

You may also make a claim 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. Such a claim must be lodged within 6 months of the date (name) was permanently excluded <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>.

You have the right to see a copy of (name's) school record. Due to confidentiality restrictions, you must notify me in writing if you wish to be supplied with a copy of (name's) school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may also find it useful to contact the Coram Children's Legal Centre. They aim to provide free legal advice and information to parent/carers on state education matters. They can be contacted **on** 0300 3305485 **or on** <http://www.childlawadvice.org.uk/>. The advice line is open from 8am to 8pm Monday to Friday, except Bank Holidays and 24th December to the 1st January.

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Information Advice and Support Service:

<http://www.westcheshirelocaloffer.co.uk/>

Telephone: 0300 1237001

Email: iasservice@cheshirewestandchester.gov.uk

If you require further guidance on any of the advice mentioned in our letters please contact: Mrs Wendy Williams at Education Access Team, Cheshire West and Chester Council, Ellesmere Port Portal, Wellington Road, Ellesmere Port. CH65 0BA. Telephone 01244 972825 or email Exclusions@cheshirewestandchester.gov.uk

Yours sincerely

Mrs H. Broom

Executive Headteacher

Copies to: Child's school file

CW&C exclusions inbox exclusions@cheshirewestandchester.gov.uk

Appendix 4: Reintegration form, post suspension



Suspension Reintegration Meeting Record



Pupil				DoB		
Primary Need	Communication and Interaction	Cognition and Learning	Social, Emotional, Mental Health		Physical and / or Sensory	
Suspension History – not to refer to	Nature			Period		
	Nature			Period		
	Nature			Period		
	Nature			Period		
In Attendance at Reintegration meeting						
Suspension Period			Work Completed to Expected High Standard		Yes	No
Conduct and Resulting Impact						
Outcome of Reflective Reintegration				Pupil Voice		
				Parent Voice		
				Leader Voice		
Agreed Consequence if Repeated				Behaviour Plan		
				Agent Referral		
				SEND Update		
Signed	Child		Parent		Senior Manager	