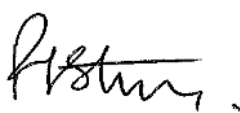


## Suspension and Permanent Exclusion Policy

*Our vision for Barncroft Primary School is to be a hive of learning where everybody challenges themselves and is nurtured to become confident and respectful members of the community with the skills they need to achieve their dreams*

| Document Information                                                                                                  |             |                  |          |
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### 1.0 Aims

Our school aims 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

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

### 2.0 Legislation and statutory guidance

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

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 Suspensions and Reviews](#)) (England) Regulations 2012

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](#)

### **3.0 The decision to suspend or exclude**

Only the headteacher, or acting headteacher, can suspend 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 suspension and exclusion 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 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/ exclusion were provoked

Allow the pupil to give their version of events

Consider if the pupil has special educational needs (SEN)

Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))

### **4.0 Definitions**

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

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'.

Off-site direction – when governors of a maintained school require a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

For the purposes of suspensions, 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.

## **5.0 Roles and responsibilities**

### **5.1 The headteacher**

### **Informing parents**

The headteacher will immediately 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 suspension, 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

How any representations should be made

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 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.

### **Informing the governors**

The Headteacher will, without delay, notify the governors 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 governors 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.

### **Informing the local authority (LA)**

The Headteacher or Head of School 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.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- Pupil with a social worker is suspended or at risk of permanent exclusion, the Headteacher will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is suspended or at risk of permanent exclusion, the Headteacher will inform the VSH as early as possible

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)

The social worker / VSH will be invited to any meeting of the governors about the permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

### **Cancelling suspensions and permanent exclusions**

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governors. Where there is a cancellation:

- The parents, governors and LA will be notified without delay
- Where relevant, any social worker and VSH 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 governors once per term on the number of cancellations
- The pupil will be allowed back in school

### **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 provision (AP), the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as 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. If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## **5.2 The governors**

### **Considering suspensions and permanent exclusions**

Responsibilities regarding suspensions and permanent exclusions are delegated to the Governors' Discipline Committee consisting of at least 3 governors. The Governors' Discipline Committee has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6) in certain circumstances. The governors have a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see section 6) in certain circumstances. Within 14 days of receiving a request, the governors will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months. For any suspension of more than 5 school days, the governors will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

## **Monitoring and analysing suspensions and exclusions data**

The governors will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves. The governors 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
- 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.

### **5.3 The local authority (LA)**

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion. For pupils who are LAC or have social workers, the LA and the school will work together arrange suitable full-time education to begin from the first day of the exclusion.

### **6.0. Considering the reinstatement of a pupil**

The Full Governing Body of Barncroft Primary School will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the suspension 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

If requested to do so by parents, The Governing Body 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.

Where a suspension would result in a pupil missing a public examination, The Governing Body 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 Governing body 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 governing body 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 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 body will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing body 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 Local Authority to appoint an SEN expert to attend the review.

## **7.0 An independent review**

If parents apply for an independent review, the Local Authority 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 Body 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 Local Authority, 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 Local Authority, 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 Local Authority, 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.

## **8.0. 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 panel's decision to not reinstate the pupil and no application has been made for an independent review panel.

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.

### **9.0 Returning from a fixed-term suspension**

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, and a member of senior staff.

Reintegration strategies may include:

- Welcoming the student back to school
- Daily contact in school with a designated pastoral professional
- Regular reviews with the student and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the student, parents and staff of potential external support

### **10.0 Monitoring arrangements**

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

This policy will be reviewed by the headteacher every two years. At every review, the policy will be shared with and ratified by the Full Governing Body.

### **11.0 Links with other policies**

This suspensions policy is linked to our:

- Behaviour policy
- SEND policy and information report