

Suspension and Exclusion Policy

Review Date: June 2024

Review by: Pastoral, Safeguarding, Wellbeing Committee

Final Approval: Pastoral, Safeguarding, Wellbeing Committee

1. Context

The Core Values which relate specifically to this policy state that we are working together to form relationships based on:

- **Justice** – everyone is entitled to be treated fairly and to promote the self-esteem of others.
- **Responsibility** – everyone is expected to understand the consequences of their actions.
- **Truth** – everyone is required to be honest and to communicate in a positive manner.
- **Compassion** – everyone is encouraged to be generous in their concern for others

These values contribute to our common purpose of “Striving for high quality education with a strong Christian ethos”, and as such underpin the Academy’s approach to wellbeing.

Our shared aims are to challenge all students to achieve their potential and prepare them for adult life and future learning.

2. Data Protection

Any personal data processed in the delivery of this policy will be processed in accordance with the Academy Data Protection policy.

3. Definitions

Exclusion: permanent exclusion

Suspension: an exclusion for a fixed period

Exclusions Process: the decision to either permanently exclude or suspend a student

Academy Day: any day on which there is an academy session. Professional Development days do not count as an academy day. Off-rolling: “...the practice of removing a student from the academy roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the academy roll, when the removal is primarily in the interests of the academy rather than in the best interests of the student.”

Virtual School/s: agency responsible for the education and welfare of looked after children

4. Aims

This policy aims to ensure that:

- the exclusions process is applied fairly and consistently;
- the exclusions process is understood by parents, students, governors and staff;
- the academy is compliant with the legislation and statutory guidance pertaining to suspension and exclusion (See 4 below);
- Students do not become NEET (not in education, employment or training);
- Students are supported effectively to return from suspension.

5. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [School suspensions and permanent exclusions](#), and with specific reference to [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](#)

It is based on the following legislation:

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- 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

This policy should be read in conjunction with:

- [Behaviour in schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [Bishop Stopford School - Safeguarding Policies](#)

This policy complies with our Funding Agreement and Articles of Association.

6. The Decision to Exclude

Only the Headteacher, or a Deputy acting in their place, can exclude a student from the academy. A permanent exclusion will always be considered as a last resort. Off-rolling is unlawful and will never be used.

A decision to permanently exclude a student will be taken only:

- in response to a serious breach or persistent breaches of the academy's Behaviour Expectations, **and**
- if allowing the student to remain in the academy would seriously harm the education or welfare of others in the community.

Before deciding whether to exclude a student, either permanently or for a fixed period, the Headteacher will:

- consider all the relevant facts and evidence, to establish 'on the balance of probabilities' (the civil standard of proof) that something is more likely to have happened than not;
- allow, whenever possible the student to give their version of events and inform the student about how their views have been factored in to the decision made;
- consider if the student has special educational needs or a disability (SEND) and if this has any bearing on the context.

During a suspension, work will be provided by the academy unless alternative provision is arranged. The conditions include:

- the requirement for education at statutory school age (11-16);
- after 5 days of suspension (known as 'Day 6'), alternative provision must be established;
- for students in Year 11, no provision is required at the point of study leave.

7. Roles and responsibilities

7.1 The Headteacher

- **Informing parents**

When a decision to suspend or permanently exclude has been taken, the Headteacher will arrange for parents to be notified as soon as possible, and the following will be confirmed in writing:

- The reason(s)
- 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 a suspension or permanent exclusion to the governing board and how the student may be involved in this
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a student, 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 legal requirement for parents to ensure that their child is not present in a public place during academy hours without good reasons, and that parents may be issued with a fixed penalty notice or prosecuted if they fail to do so. (This is for the first five days of suspension or permanent exclusion, or until the start date of any alternative provision where this is earlier.)

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If alternative provision is being arranged, the following information will be included when notifying parents of an suspension or permanent exclusion:

- The start date for any provision of full-time education which 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 student to identify the person to whom they should report on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the day, 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 and Virtual School

The Headteacher will promptly notify the governing body, the local authority (LA) and Virtual School/s of:

- a permanent exclusion;
- suspension which would result in the student being excluded for more than 5 academy days (or more than 10 lunchtimes) in a term;
suspensions or permanent exclusions which would result in the student missing a public examination;
- for a permanent exclusion, if the student lives outside the LA in which the academy is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it.

For all other suspensions, the Headteacher will notify the governing body and LA once a term.

7.2 The Governing Body

- To review suspensions and permanent exclusions
- To assign one Committee to this work (Pastoral, Safeguarding and Wellbeing)
- To provide a panel to consider the reinstatement of an excluded student (See section 7).

7.3 The Local Authority (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.

8. Considering the reinstatement of a student

Governors will consider the reinstatement of a student within 15 academy days of receiving the notice of the exclusion if:

- the exclusion is permanent
- it is a fixed-term exclusion which would bring the student's total number of academy days of exclusion to more than 15 in a term
- it would result in a student missing a public examination
the academy suspends for 6-15 days in a term and parents request a hearing. (This must take place within 50 academy days of being informed of the suspension.)

Reinstatement cannot be considered if the total number of days is 5 or fewer in a term, but governors must consider representation by parents in these cases.

Where a suspension or permanent exclusion would result in a student missing a public examination, governors will consider the reinstatement of the student before the date of the examination. If this is not practicable, the delegated authority will be passed to the Chair of Governors.

Governors can either:

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- decline to reinstate the student, or
- direct the reinstatement of the student immediately, or on a particular date

In reaching a decision, Governors will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact on which exclusion is based is true ‘on the balance of probabilities’.

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

Governors 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 Governors’ 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 student’s SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student 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

9. 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 student.

Applications for an independent review must be made within 15 academy days of notice being given to the parents by Governors of its decision to not reinstate a student.

A panel of 3 or 5 trained 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 academy governors’ category and 2 members will come from the headteacher category:

- a lay member to chair the panel who has not worked in any academy in a paid capacity, disregarding any experience as an academy governor or volunteer;
- academy 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/director of the Academy trust, or governing board of the excluding academy;

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- are the Headteacher of the excluding academy, or have held this position in the last 5 years;
- are an employee of the Academy Trust, or the governing board, of the excluding academy (unless they are employed as a Headteacher at another academy);
- have, or at any time have had, any connection with the Academy Trust, academy, governing board, parents or student, 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 (Appendix 2.)
- A clerk will be appointed to the panel.
- Parents have the right to request a SEN Expert to advise the Independent Review Panel. (The advice can be given orally or in writing or both to indicate the relevance of SEN in the context and circumstances of the review.)
- A representative of the Virtual School should be present in the case of a looked after child.

The independent panel will:

- 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.

10. Academy Registers

A student’s name will be removed from the academy admissions register if:

- 15 academy days have passed since the parents were notified of the exclusion panel’s decision to not reinstate the student 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 student’s name from the register.

Where alternative provision has been made for a suspended student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where suspended students are not attending alternative provision, code E (absent) will be used.

11. Returning from a Suspension

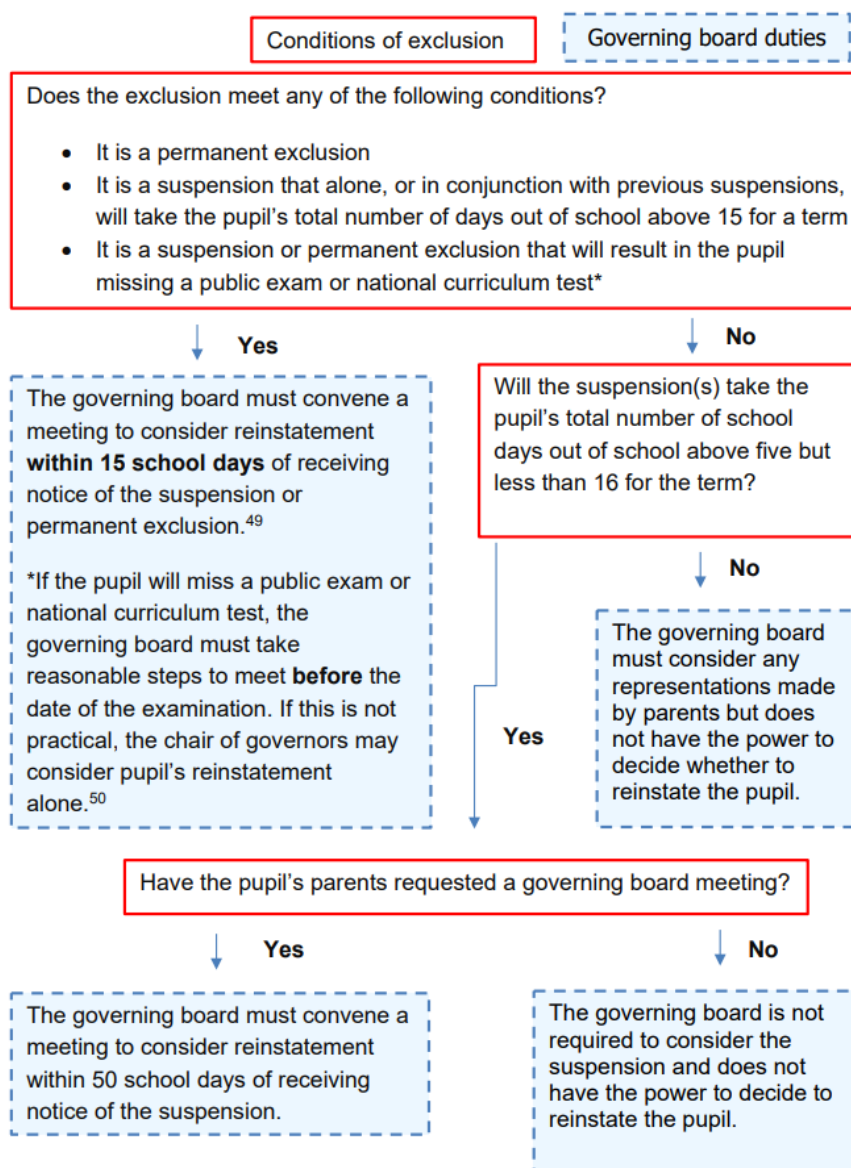
Following a suspension, a re-integration meeting will be held involving the student, parents, a member of senior staff and other staff, where appropriate.

The following measures, amongst others, may be implemented when a student returns:

- Agreeing a behaviour contract
- Putting a student ‘on report’
- Internal isolation
- Agreeing specific follow up work relating to the particular incident for which the student was excluded

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Appendix 1: Summary of the Governing Body’s Duties to Review the Headteacher’s Exclusion Decision



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ The ability for a chair to review in the case of public exams refers only to maintained schools.

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Appendix 2: Independent Review Panel Training

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.

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

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