



**St Francis Xavier Catholic Primary**

# Suspension and Permanent Exclusion Policy

**APPROVED BY: GOVERNING BODY**

**DATE APPROVED: JANUARY 2020**

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## 11. Aims

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

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

### A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent/carer to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

Although discouraged, if a parent chooses to take their child from the school then we are not legally able to prevent them doing so. For example, a parent meets with the headteacher about a behaviour incident (Level 3, or Level 4) and then chooses to remove the child and take them home without a formal sanction being imposed.

This is not deemed a suspension because the school has not sanctioned this but this will be an unauthorised absence.

## 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](#).

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- In addition, the policy is based on:
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)
- The [School Inspection Handbook](#), which defines 'off-rolling'

### 3. 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 a governing board of a maintained school requires 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.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

### 4. Roles and responsibilities

#### 4.1 The headteacher

##### Deciding whether to suspend or exclude

Only the Executive headteacher, or Head of School, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Executive headteacher will be informed before a decision is made when considering a permanent exclusion, and is used as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to 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, the Executive headteacher and Head of School will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether 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))
- Consider whether all alternative solutions have been explored, such as:
  - For suspensions, detentions or other sanctions provided for in the behaviour policy
  - For exclusions, off-site direction or managed moves

The views of the pupil will be taken into account, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent/carer or social worker.

Depending on the situation, and age of the pupil, the head of school will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### **Informing parents**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent

- Information about the parents' right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- A penalty notice may also be issued where parents allow their child to be present in a public place during school hours without reasonable justification, during the first 5 days of a suspension or exclusion (where the school has notified the parents that the pupil must not be present in a public place on that day).

If alternative provision is being arranged, the following information will be included, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents without delay, and provide a reason for the cancellation.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board 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
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

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

The headteacher 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.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

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

If a:

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

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

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)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how

the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

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

The headteacher may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

### **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 (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Teams 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 isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

## **4.2 The governing board**

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

Responsibilities regarding suspensions and permanent exclusions are delegated to Permanent Exclusion Committee consisting of at least 3 governors.

The Permanent Exclusion Committee has a duty to consider parents/carers' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the LA with information about any suspensions or exclusions within the last 12 months.

For any 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.

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

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

The governing board 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
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- 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
- The cost implications of directing pupils off-site

### **4.3 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 looked after 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.

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

The governing board will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or

- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing board must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents make representations to the board, the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing board will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The following parties will be invited to a meeting of the governing board and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- A representative of the local authority

Governing board meetings can be held remotely at the request of parents.. See section 9 for more details on remote access to meetings.

The governing board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The governing board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the governing board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.  
The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The governing board will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents/carers
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the governing board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to advise the review panel
- 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 unlawful 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. Also that any 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

## **6. Independent review**

If parents apply for an independent review within the legal timeframe, the LA will, at their own expense, 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 the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

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 category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- 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
- Current or former 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 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)

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 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 if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

## **7. School registers**

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

- 15 school days have passed since the parents were notified of the governing board'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 within 15 school days, the governing board will wait until that review has concluded before removing a pupil's name from the register.

While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

### **Making a return to the LA**

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

## **8. Returning from a suspension**

### **8.1 Reintegration strategy**

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

The points below are suggestions only and should be adapted to your school's specific circumstances.

- Welcome the pupil back to school

- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

## **8.2 Reintegration meetings**

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

## **9. Remote access to meetings**

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

The governing board and the LA should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

## **10. Monitoring arrangements**

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed yearly by Executive Headteacher. The Executive Headteacher will report back to the governors.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

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

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report

## **Appendix 1: independent review panel training**

The LA must make sure 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 suspensions and permanent exclusions on disciplinary grounds, 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 – Witness Statement

Before writing your statement, please read the guidelines below. Please ask if you are unsure about any point. Ensure statements are scanned into CPOMs as soon as practicably possible

1. Be as clear and as concise as possible.
2. Keep to the facts – add times and dates, if known.
3. Only comment upon what you have actually **seen** or **heard yourself**.
4. Consider, **where were you, who else was there, did you have any direct involvement or were you a bystander?**
5. Be honest and tell the whole story – do not leave out information because you are worried it may cause trouble for a friend or yourself.

A proforma of what needs to be included is found on the next page

**Pupil/staff:**

**Year group [if applicable]:**

**Date of statement:**

**Date, time and location of incident:**

**Witness number (use to anonymise if required):**

**Witness statement - What follows are the facts from my point of view and as far as I know them. (if hand written please use additional sheets as required. Please number your pages)**

**Signed:**

**Date:**

If pupil statement, staff sign below if present at statement recording, include position in school.

Staff:

Any Prompted questions please add below:

## Appendix 3 – One Minute Guide

- **Notify these people 'without delay'**

As soon as possible following the decision to suspend or permanently exclude a pupil, notify:

- Parents/carers
- Your LA (and the pupil's home LA if they're permanently excluded)
- The pupil's social worker or virtual school head (VSH), if they have one
- Your governing board, if it's a:
  - Permanent exclusion
  - Suspension that will result in the pupil missing more than 5 days (or more than 10 lunchtimes) in a term
  - Suspension that will result in the pupil missing a public examination or National Curriculum test

- **You must notify the same people when a suspension or exclusion is cancelled**

The headteacher can cancel a suspension or exclusion that has already begun (or one that has not yet begun) but has not yet been reviewed by the governing board. This is also known as withdrawing or rescinding a suspension or permanent exclusion.

See the section below for a template you can use to inform parents/carers about a cancelled suspension or exclusion.

- **Notify parents/carers**

### **Inform parents/carers of a suspension or permanent exclusion 'without delay'**

The headteacher must do this as soon as possible following their decision to suspend or permanently exclude a pupil. Ideally, do so in person or over the phone (where doing so wouldn't slow things down). This will also give you the chance to answer parents/carers' questions and address any concerns.

You **must** tell parents/carers:

- How long their child is being suspended for, or the fact that it's a permanent exclusion
- The reason(s) for the suspension or exclusion

### **Give parents/carers key information in writing**

You **must** also give the parents/carers certain information in writing, without delay.

You **must** tell parents/carers in writing:

- The reason(s) for the suspension or permanent exclusion
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent
- That they have the 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's a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents/carers have a right to:
  - Attend a meeting
  - Be represented at this meeting (at their own expense)
  - Bring a friend

- Request the meeting is held via remote access, and you must explain how and to whom they should make this request
- **If the pupil is of compulsory school age:** on which days the parents/carers have a responsibility to make sure their child isn't present in a public place during school hours (this is the first 5 school days of the suspension or permanent exclusion, or until the start date of full-time AP arrangements)

You **should** also:

- Set out the arrangements in place to enable the pupil to continue their education prior to the start of any alternative provision or their return to school
- Make sure the information is clear, and take appropriate steps to make sure that parents/carers who have communication needs relating to a disability or because their first language isn't English can understand details of the exclusion and their rights – for example, by translating the letter
- Offer to speak to parents/carers again to make sure they understand the details of the notice and the reasons for the suspension or permanent exclusion

You can send this information:

- In a printed letter, delivered directly, sent to or left at the parents/carers' current or last known address
- Electronically – for example, by email, **only if** you have written agreement from the parents/carers for this kind of notice to be sent to them in this way

**You shouldn't send the letter home with the suspended or permanently excluded pupil.**

- **Notify your governing board**

You must notify your governors or trustees 'without delay' about certain types of suspension or permanent exclusion:

These are:

- All permanent exclusions
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in any 1 term
- Suspensions which would result in the pupil missing a public exam or National Curriculum test

- **Notify your LA**

You must inform your LA 'without delay' of all suspensions and exclusions of any length. You **must** tell your LA:

- The length of the suspension, or the fact that an exclusion is permanent
- The reason(s) for the suspension/exclusion

Your LA will likely request this information in a particular format.

For pupils who live in a different LA area to your school, you'll need to inform their home LA (and include the information above) if they are permanently excluded.

- **Notify local safeguarding partners**

If a pupil has a social worker or is looked after, the headteacher must notify the social worker and/or virtual school head (VSH) without delay.

You **must** tell them:

- The period of suspension, or the fact that an exclusion is permanent
- The reason(s) for it

This is part of your duty to share information and work with safeguarding partners in order to promote children's welfare and educational outcomes.

## **Off-Site direction and Managed Moves**

### **What are off-site direction and 'managed moves'?**

#### **Off-site direction**

This is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Academies can also arrange off-site provision for this purpose under their general powers.

During the period of off-site direction:

- The pupil might be in AP on a part-time schedule with continued mainstream schooling, or full-time for a limited period
- The pupil must be dual-registered
- The governing board must keep the placement under regular review

#### **'Managed moves'**

This is used to initiate a process leading to a permanent transfer of a pupil to another mainstream school, as part of a behaviour management process. Managed moves should be:

- Done strictly in the child's best interest
- Voluntary and agreed by all parties – both schools, the relevant LA(s) and the parents/carers
- Offered as part of a planned intervention
- Preceded by information-sharing between the current school, receiving school and supported by an effective integration strategy

Be careful that parents don't feel pressured into accepting a managed move. Doing so is considered off-rolling and is unlawful.

See pages 20 to 23 of the [statutory guidance on exclusions](#).

#### **What to consider before using them**

You're expected to work with high-quality alternative provision (AP) to effectively manage behaviour and prevent exclusion.

Any move to AP, whether temporary or permanent, should be made with the child in mind, as the best place to support that child's behaviour as well as any SEN or health needs. Governing boards in particular must have regard for statutory government guidance on alternative provision.

Before a pupil is moved to AP, the following should be defined and agreed:

- The nature of the intervention
- The objective
- The timeline for meeting these objectives

The pupil must continue to receive a broad and balanced curriculum that supports reintegration into mainstream school.

#### **How to direct pupils off site**

First you'll need to identify a suitable alternative provision provider – use our [audit](#) to help you choose the right provider for your pupils.

Once you have found a temporary placement, both schools should agree:

- The proposed length of time needed, this depends on the pupil's needs and attainment
- Measurable targets that the pupil can work towards during their stay. These targets should be both pastoral and educational
- Arrangements to return the pupil back to school and support them to reintegrate

This is explained in paragraph 34 of the [guidance on alternative provision](#).

### **Inform and involve parents**

When directing pupils off-site to improve behaviour, governing boards of maintained schools must:

- Inform parents (and the local authority (LA) where the pupil has an EHC plan), giving clear information about the placement including why, when, where, and how it will be reviewed
- Keep the placement under review and involve parents in the review (we explain more below)

This is outlined in paragraph 24 of the guidance on alternative provision.

### **Review the placement regularly**

The placement must have regular reviews. The regulations don't specify how often these must take place – this is decided on a case-by-case basis, although they must be frequent enough to provide assurance that the:

- Off-site education is achieving its objectives
- Pupil is benefiting from it

Parents, and the LA where the pupil has an EHC plan, can request that the governing board reviews the placement. The board must comply with the request as soon as is reasonably practical, unless there's already been a review in the previous 10 weeks.

See paragraphs 24 and 41 of the guidance on alternative provision.

## Appendix 4 – Letter Template

### Letter 1.

Use this if 1 of the following applies:

- The exclusion is permanent
- It's a suspension that 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

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to suspend/exclude [insert pupil's name] from our school for [number of days]/permanently.

This is because [insert reason].

#### **The governing board must consider reinstating your child at school**

Our school's governing board must consider reinstating your child at our school within 15 school days of being told about their suspension/permanent exclusion.

[If it would result in a pupil missing a public examination or National Curriculum test, add the following sentence:] The governing board must, if reasonably practicable, do this before the date of your child's examination or National Curriculum test.

You have the right to let the governing board know what your views are on the suspension/permanent exclusion and to tell them any other information which you think is relevant. This is called 'making a representation'. The board has a duty to consider any representation you make.

You can do this by contacting [insert contact details of your governing board – for example, an email or postal address] and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

We will invite you to a meeting with the governing board/[insert name of relevant subcommittee (if your board has delegated this)] and the headteacher maintained schools and pupil referral units (PRUs) insert: and representative of the local authority.

You have the right to:

- Attend the meeting yourself
- Bring a friend
- Arrange (at your own expense) to be represented at the meeting
- Request that the meeting is held via remote access [Insert details about how and to whom they request this, such as writing to the board/headteacher/governance professional].

Your child can be involved in this process if you both wish. [Insert details about how they can do this, such as by writing to the board and/or attending the meeting].

## Setting work

We will set work for your child during their suspension/exclusion and prior to the start of their alternative provision/return to school. [Specify how they can access it – for example, that it will be given to them before they leave school on the day of the suspension/permanent exclusion, or available online, etc.]

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details].

## Your duty as a parent

[For pupils of compulsory school age, insert:] You have a duty to make sure that your child is not present in any public place during school hours for the first 5 school days of the exclusion, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,

## Letter 2.

**Use this if it's a suspension and the pupil would be suspended for more than 5 but not more than 15 school days in a term.**

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to suspend [insert pupil's name] from our school for [insert period of suspension].

This is because [insert reason].

### **You can ask the governing board to consider reinstating your child at school**

You have the right to ask the governing board to consider reinstating your child at the school. You can do this by [insert contact details of your governing board – for example, an email or postal address].

If you request this, the board must hold a meeting to consider reinstating your child within 50 school days of being told about their suspension.

If you don't request a meeting, the governing board does not have to consider reinstating your child, but may choose to do so anyway.

### **You can let the governing board know your views**

You have the right to let the board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'.

You can do this by getting in touch with the board, which you can do by [insert contact details of your governing board – for example, an email or postal address] and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

We will then invite you to a meeting with the governing board/[insert name of relevant subcommittee (if your board has delegated this)] and the headteacher maintained schools and pupil referral units (PRUs) insert: and a representative of the local authority.

You have the right to:

- Attend the meeting yourself
- Arrange (at your own expense) to be represented at the meeting
- Bring a friend
- Request that the meeting is held via remote access [Insert details about how and to whom they request this, such as writing to the board/headteacher/governance professional].

Your child can be involved in this process if you both wish. [Insert details about how they can do this, such as by writing to the board and/or attending the meeting].

### **Setting work**

We will set work for your child during their suspension period and prior to the start of their alternative provision/their return to school. [Specify how they can

access it – for example, that it will be given to them before they leave school on the day of the suspension, or available online, etc.].

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details].

### **Your duty as a parent**

[For pupils of compulsory school age, insert:] You have a duty to make sure that your child is not present in any public place during school hours for the first 5 school days of the suspension period, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,

### Letter 3.

**Use this if it's a suspension and the pupil would be excluded for 5 or fewer school days in a term.**

Dear [insert parent/carer's name],

We're sorry to let you know that we've decided to suspend [insert pupil's name] from our school for [insert period of suspension].

This is because [insert reason].

#### **You can let the governing board know your views**

You have the right to let the board know what your views are on the suspension and to tell them any other information which you think is relevant. This is called 'making a representation'.

The board has a duty to consider any representation you make. However, it can't direct our school to reinstate your child, and isn't required to meet with you.

You can make a representation by getting in touch with our governing board, which you can do by [insert contact details of your governing board – for example, an email or postal address] and letting them know that you'd like to make a representation, along with any other details you feel are relevant at this stage.

#### **Setting work**

We will set work for your child during their suspension period and prior to the start of their alternative provision/their return to school. [Specify how they can access it – for example, that it will be given to them before they leave school on the day of the suspension, or available online, etc.]

If you have any questions about this process, please get in touch with [insert the staff member they should contact, and the relevant contact details.]

#### **Your duty as a parent**

[For pupils of compulsory school age, insert:] You have a duty to make sure that your child is not present in any public place during school hours during this suspension period, or until the start date of any alternative provision or the end of the suspension/exclusion, where this is earlier. Failure to comply with this duty without reasonable justification is an offence. You may be given a fixed penalty notice or be prosecuted as a result.

Thank you for your co-operation.

Warm regards,