

ST BARTHOLOMEW'S SCHOOL

SUSPENSION AND PERMANENT EXCLUSION POLICY

Reviewed by the Governors' Education Committee, Summer 2023

Approved by the Full Governing Body, Summer 2023

To be reviewed Autumn 2024

Aims

St Bartholomew's 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/carers and students;
- Students in school are safe and happy;
- Students do not become NEET (not in education, employment or training).

Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education and other legislation references within this guidance:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf

A guide for parents, produced by the Department for Education can be found here:

<https://www.gov.uk/government/publications/school-exclusions-guide-for-parents/a-guide-for-parents-on-school-behaviour-and-exclusion>

The decision to suspend or permanently exclude

Only the headteacher, or a person acting with the headteacher's authority, can suspend or permanently exclude a student from school and this decision may only be made on disciplinary grounds. A decision to suspend or permanently exclude a student will be taken as a last resort. A student's behaviour outside school can be considered grounds for a suspension or permanent exclusion.

Before deciding whether to suspend or permanently exclude a student, the headteacher will:

- Consider all the relevant facts and evidence, using the civil standard of proof (ie it is more likely than not that it did happen, rather than beyond reasonable doubt) including whether the incident(s) leading to the suspension or permanent exclusion were provoked;
- If possible, allow the student to give their version of events;
- Consider if the student has special educational needs (SEND).

Suspension

A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent exclusion

A permanent exclusion is when a student is no longer allowed to attend a school.

The decision to exclude a student permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the student to remain in school would seriously harm the education or welfare of the student or others such as staff or students in the school.

Cancelling exclusions

The headteacher may cancel any exclusion that has already begun or has not yet begun, but this can only be done where it has not yet been reviewed by the governing board.

Where an exclusion is cancelled, then Headteacher must notify without delay:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and Virtual School Head (VSH) and include the reason for the cancellation;
- Parents, or the student if over 18, should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The student should be allowed back into 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.

The Governing Body's duty to consider reinstatement ceases and there is no requirement to hold a meeting to consider reinstatement.

Off-site direction

Off-site direction is when a school requires a student to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a student's behaviour, off-site direction should be used to arrange time-limited placements at an Alternative Provision or another mainstream school.

Managed moves (Fresh Starts)

A managed move (known as a Fresh Start in West Berkshire) is used to initiate a process which leads to the transfer of a student to another mainstream school permanently.

Roles and responsibilities

The headteacher will, without delay, provide the following information, in writing, to the parents/carers of a suspended or permanently excluded student:

- 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;
- The parents'/carers' right to make representations about the suspension or permanent exclusion to the Governing Body and how the student may be involved in this;
- How any representations may be made;

Where there is a legal requirement for the Governing Body to consider the suspension or permanent exclusion, that parents/carers or a student if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend. The headteacher will also notify parents/carers that for the first five 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/carers 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/carers 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 student to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

As far as reasonably practicable, it will be checked that a student will be safe during any period of suspension.

Informing social workers and Virtual School Heads (VSH) about an exclusion

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Schools should be proactive in sharing information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children.

Whenever a headteacher suspends or permanently excludes a student they must, without delay, after their decision, also notify the social worker, if a student has one, and the VSH, if the student is a LAC (Looked After Child).

Informing the Governing Body and Local Authority

The headteacher will, without delay, notify the Governing Body and West Berkshire of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student;
- Suspensions which would result in the student being suspended for more than five school days (or more than 10 lunchtimes) in a term;
- Suspensions which would result in the student missing a public examination.

Informing the local authority about an exclusion

The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion. For a permanent exclusion, if the student lives outside the local authority area in which the school is located, the headteacher must also notify the student's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

The Governing Body

Governing boards have a key responsibility in considering whether excluded students should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

Responsibilities regarding exclusions are delegated to the Governors' Discipline Committee (GDC) made up of three governors, which has a duty to consider the reinstatement of an excluded student.

For a suspension of more than five school days, the Governing Body will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the exclusion.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

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

Considering the reinstatement of a student

Where the governing board is legally required to consider reinstating a suspended or permanently excluded student, they must consider both the interests and circumstances of the suspended or permanently excluded student, and that of other students, staff, and school community.

The Governing Board will consider the reinstatement of a suspended or permanently excluded student within 15 school days of receiving the notice of a suspension or permanent exclusion if:

- It is a permanent exclusion;
- It is a suspension which would bring the student's total number of school days out to more than 15 in a term; or
- It would result in a student missing a public examination or national curriculum test.

The requirements are different for suspensions where a student would be suspended for more than five but less than 16 school days in a term. In this case, if the parents/carers make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended student should be reinstated. In the absence of any representations from the parents/carers, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a student missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. In the case of an academy the student's reinstatement may be considered by a committee of the trust board.

In the case of a suspension which does not bring the student's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents/carers, but it cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

Further information, including a summary of the governing board's duties to review the headteacher's exclusion decision, can be found in:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf

Whilst face to face meetings are always encouraged, governing body meetings to consider the reinstatement of a student can be held by remote access if this is requested by parents, provided certain criteria are satisfied. These are outlined in the Headteacher's letter notifying parents about the suspension or exclusion.

Social workers and VSHs can attend the meeting remotely, even if it is being held in person.

In the light of its consideration, the governing board can either:

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

If it decides against the reinstatement of a student who has been permanently excluded the parents/carers can request an independent review.

The Governing Body can either:

- Decline to reinstate the student, or
- Direct the reinstatement of the student immediately, or on a particular date.

In reaching a decision the GDC will consider whether the decision to exclude was lawful, reasonable and procedurally fair and taking account the headteacher's legal duties and the evidence presented to the panel in relation to the decision to exclude. 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'. 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.

The Governing Body will notify, in writing, the headteacher, parents/carers and the Local Authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governing Body's decision will also include the following:

- The fact that it is permanent
- Notice of parents'/carers' 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 (ie 15 school days from the date on which notice is given in writing of the GDC's decision; this is deemed to have been given on the same day if it is hand delivered or on the second working day after posting if sent by first class mail).

- 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 SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEND, parents/carers have a right to require the school to appoint an SEND expert to advise the review panel
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents/carers must make clear if they wish for an SEND expert to be appointed in any application for a review
- That parents/carers may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents/carers may also bring a friend to the review
- Links to statutory guidance on exclusions, guidance on making a claim of discrimination to the First-tier Tribunal and sources of impartial advice.
- That if parents/carers 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.

An independent review

If applied for by parents/carers within the legal time frame, the school will arrange for an Independent Review Panel (IRP) hearing to review the decision of a governing board not to reinstate a permanently excluded student.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents/carers by the governing board of its decision not to reinstate a permanently excluded student or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.

A panel of three or five members will be constituted with representatives from each of the categories below:

- 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 five years, provided they have not been teachers or headteachers during that time.
- Headteachers or individuals who have been a headteacher within the last five years.

The school may appoint a clerk to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.

The school must ensure that all panel members and clerks have received training within the two years before the date of the review.

If requested by parents/carers with their application for an independent review, the school must appoint a SEN expert to attend the review and must cover the associated costs of this appointment.

Where the panel directs or recommends that the governing board reconsider whether a student should be reinstated, the governing board must reconvene to do so within ten school days of being given notice of the panel's decision.

More information on IRPs can be found in the statutory guidance.

School registers

A student'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 student and no application has been made for an independent review panel, or
- The parents/carers 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 Body will wait until that review has concluded before removing a student's name from the register.

Returning from a suspension

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

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

- A PSP (Pastoral Support Programme) which runs for a minimum of 8 weeks, with regular reviews with parents/carers and support in place for the student
- Post-Suspension Meetings which run for 4 weeks, with regular reviews and support in place for the student
- Making any changes to the student's timetable / registration and tutoring arrangements
- Consideration of a managed move (Fresh Start) or a direction off-site, in the interests of the student

Monitoring arrangements

The Deputy Headteacher: Inclusion monitors the number of suspensions every term and a report is provided to the Education Committee of the Governing Body, as well as liaising with the local authority to ensure accurate records are kept and that suitable full-time education is available for suspended students.

Agreed by the Full Governing Body at their meeting 10th July, 2023