

Suspension and Permanent Exclusion Policy

2024–2025



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Introduction and aims

Overdale Junior School seeks to avoid suspensions and/ or exclusions. We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Overdale Junior 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); and
- ensure all suspensions and permanent exclusions are carried out lawfully.

This policy complies with our funding agreement and articles of association.

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 – from September 2023](#).

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'.

This policy complies with our funding agreement and articles of association.

Definitions

For the purpose of clarity, the following definitions are used:

- **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’.
- **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.

When is a suspension or exclusion used?

Overdale Junior School is committed to educational inclusion and it employs a range of strategies to reduce the risk of disaffection, truancy, absence and the need for fixed term and permanent exclusion. Exclusion is regarded as a very serious matter.

It is for the Head teacher to decide whether a child’s behaviour warrants permanent exclusion, though this is a serious decision and should be reserved for:

- A serious breach, or persistent breaches, of the school’s behaviour policy;
- Where a pupil’s behaviour means allowing the pupil to remain in school would be detrimental to the education or welfare of the pupil or others in the school.

In most cases, suspensions and/ or exclusions will be the last resort after a range of measures have been tried to improve the children’s behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which may lead to exclusion. Suspensions and/or exclusions take place only for very serious incidents or when other strategies have been tried extensively to improve behaviour but have not been successful.

All exclusions of a pupil, even for short periods of time, will be formally recorded. ‘Informal’ or ‘unofficial’ exclusions, such as sending pupils home ‘to cool off’, are unlawful, regardless of whether they occur with the agreement of parents or carers.

Sometimes pupils with a track record of poor behaviour can benefit from moving to a different school to make a fresh start. A 'managed move' of this sort will only occur with the consent of the parties involved, including the parents via the Leicestershire Behaviour Partnership. The School will only support managed moves when it believes they will be beneficial to the pupil. Managed moves will not be used as an alternative punishment. The threat of exclusion will never be used to influence parents to remove their child from the school.

No pupil will be excluded for one or more fixed periods in excess of 45 school days in one school year. The headteacher and staff will identify children whose behaviours place them at risk of suspensions and/ or exclusions, and seek additional provision to meet their individual needs, which could include working in partnership with other agencies e.g. the Social Emotional Mental Health (SEMH) team, the Educational Psychologist (EP) and Behaviour Support Team (BST).

Fixed term and permanent exclusions are used when other strategies and sanctions have not been effective over time or when there has been a single clear and serious breach of discipline.

In the Run-up to a possible suspension/ or exclusion

In cases where an exclusion seems likely to occur, the school will:

- warn parents/carers in writing that the child is at risk of exclusion;
- arrange a meeting with the parents to draw together a plan for how to support the child in an attempt to avoid the need for exclusion;
- record all verbal warnings given to the children and advice given to parents/carers; and
- involve the E.P and/or a member of the SEMH team and/or BST and/or other agencies, as soon as possible.

The Exclusion / Suspension Process

Only the headteacher or, in their absence, the Deputy Headteacher acting in their stead, can suspend or exclude children from school. Permanent exclusion will only be considered as a last resort.

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

- in response to a serious or set of persistent breaches of the school's behaviour policy, and/or
- if allowing the pupil to remain in school would seriously harm the education, safety or welfare of others.

Before deciding whether to suspend or exclude a pupil, an investigation will occur, usually led by the Headteacher. This investigation may include taking statements from other pupils, discussions with the pupil's teachers and senior staff, a review of the pupil's file and past history at the school. The Head teacher or a nominated member of senior staff, may arrange a meeting with the pupil and his/her parents to investigate the case and its circumstances prior to making a decision about whether to suspend/ exclude the child, or about the duration of the suspension/ exclusion.

The investigation will:

- consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked;
- consider whether the pupil has special educational needs (SEND);
- consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child); and
- consider whether all alternative solutions have been explored.

The Head teacher's decision to suspend or exclude will be based on the evidence presented and will consider the best interests of the pupil involved, including the time in the pupil's career and the effect of his/her continued presence on the rest of the pupil body.

In making this decision, the Head teacher will apply the civil standard of proof, (i.e. 'on the balance of probabilities' it is more likely than not that a fact is true) rather than the criminal standard of 'beyond reasonable doubt'.

The School's Governors will not have any role in the initial decision to exclude to ensure that they are able to perform their review function properly and impartially.

Single Day Suspension

In the first instance it is probable that a single day suspension would be used.

The headteacher is responsible for:

- Applying the civil standard of proof when establishing the facts in relation to a suspension/ an exclusion.
- Complying with their statutory duties in relation to children with SEND when administering the exclusion process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy. Reasonable adjustments for children with identified SEND are made.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a child has suffered bereavement, bullying or has a mental health issue.
- Considering the use of a multi-agency assessment for children who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions as a sanction, e.g. if a child has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.
- Considering what extra support may be needed to identify and address the needs of individual children, particularly those with SEND, eligible for FSM, LAC and those from certain ethnic groups.
- Engaging effectively with parents in supporting the behaviour of children with additional needs.
- Determining whether a child will be suspended on disciplinary grounds.
- Withdrawing any exclusions that have not been reviewed by the local governing body, where appropriate.
- Ensuring any decision to exclude is lawful, rational, reasonable, fair and proportionate.
- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude a child.
- Ensuring they have considered their legal duty of care when sending a child home following a suspension.
- Making the decision to suspend/exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- Ensuring that all information provided to parents is clear and easily understood.
- Notifying the local governing body and LA of their decision to exclude a child where appropriate, as well as the children's home authority if required.

- Notifying the local governing body once per term of any suspensions not already notified.
- Organising suitable work for children who have been suspended where alternative provision cannot be arranged.

If a suspension is considered appropriate:

- Parents/carers will be notified immediately by telephone and asked to remove their child from the school.
- They will be provided with a formal letter outlining the reason for the suspension, the suspension process and details of procedures they may wish to adopt e.g. appeals procedure.
- The Chair of Governors will be notified in writing at the time suspension is decided, as will the appropriate agencies of the Local Authority.
- The school will also work to put in place a “re-integration” programme for the child on his/her return.

Fixed Period Suspension

Fixed period suspension must not exceed 45 school days in any one academic year. Work will be set by the school for the child to complete at home during the first five days of the suspension. If the period of suspension is longer than 5 days, the school will contact the parents to inform them of the arrangements that have been put in place to provide education for their child from the 6th day of the suspension. The parents are responsible for the care of their child in the first 5 days of suspension. If a child is suspended for more than 15 days in one term (this includes a multitude of exclusions including half days) parents/carers may request a review.

Permanent Exclusion.

If fixed period suspensions are unsuccessful in reforming the child’s behaviour or if there has been a very serious incident or set of persistent incidents considered to be serious enough, it will eventually become necessary to permanently exclude the child from the school.

Notifying parents

When a decision is taken to exclude a child the parents will be notified, by an appropriate means, if possible notice should be in writing, but notification in person, by telephone, email, text or other means is acceptable if it is not possible to give written notice. If the initial information is not provided in writing, it should be included in the subsequent more detailed written notification, by the end of the afternoon session of:

- the period of the exclusion and the reasons for it
- the parents' legal duty for the first five school days of an exclusion (or until the start date of any alternative provision where this is earlier) to ensure that the child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

The parents will then be provided with the following information in writing as soon as possible:

- the reasons for the exclusion;
- the period of a fixed period exclusion or, for a permanent exclusion, the fact that it is permanent;
- for fixed term exclusions, an invitation to a return to school interview with a member of senior staff at the end of the exclusion
- parents' right to make representations about the exclusion to the Governors and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- a link to the statutory guidance on exclusions at <https://www.gov.uk/government/publications/school-exclusion>

If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:

- the start date for any provision of full-time education that has been arranged for the pupil during the exclusion;
- 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; and
- any information required by the pupil to identify the person he / she 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 must be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Notifying the Local Authority and Governors

The Head teacher must, without delay, notify the governing body and the local authority (including the pupil's home local authority, if different) of:

- a permanent exclusion (including where a fixed period exclusion is made permanent);
- exclusions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- exclusions which would result in the pupil missing a public examination or national curriculum test.

For all other exclusions, the Head teacher must notify the local authority and governing body once a term. All notifications must include the reasons for the exclusion and the duration of any fixed period exclusion.

Education during exclusions

A senior member of staff with responsibility for the pupil will ensure that work is organised for the first five days of any fixed term exclusion and this will be sent home if necessary. The Head teacher will arrange full time education for pupils from the sixth day of any fixed term exclusions of six days or more, possibly with placements at another school. The pupil's home Local Authority is responsible for arranging education for pupils who are permanently excluding, starting from the sixth day of the exclusion.

Governing Body Committee review

A committee of the governing body, consisting of at least three governors will review exclusions if:

- the exclusion is permanent; or
- it would result in a pupil missing a public examination or national curriculum test.
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or
- it is a fixed period exclusion which would bring the pupil's total number of school days of exclusion to more than 5 in a term and the parents request a review

In the case of a fixed period exclusion which does not bring the pupil's total number of days of exclusion to more than five in a term, a Committee must consider any written representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

The review must happen within fifteen school days in the first three cases, and within fifty school days in the last case. In the second case the Committee should, so far as is reasonably practicable, consider the exclusion before the date of the examination or test

In addition to considering the evidence considered by the Head teacher and his conclusions, the Governing body must consider any representations from the Head teacher or the parents. The Head teacher and parents will be invited to the review meeting. The Governing body may also invite the pupil to attend the meeting or to feed in his/her views in other ways, taking into account the pupil's age and understanding. All parties will be given five school days' notice of the date of the meeting.

The meeting must be organised as follows:

- Where possible the school's papers must be sent to parents and governors five school days before the meeting. Any written evidence or representations must be submitted three school days before the meeting and circulated by the Committee to all parties two school days before the meeting.
- The Committee will appoint a clerk – usually a member of staff – to make a record of the meeting. Audio recording will usually be used, but alternatively minutes may be taken. The record of the meeting will be made available to all parties on request.
- The Committee will invite the Head teacher to make his/her representations and then invite the parents to do the same. Committee members may ask questions of anyone present at the meeting. If the pupil has been invited s/he may also be asked to speak.
- All parties will be asked to withdraw before the Committee makes its decision

The Governing Body Committee decision

In reaching a decision on whether or not to reinstate a pupil, the Committee should consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking account of the Head teacher's legal duties. When establishing the facts in relation to an exclusion decision the governing body must apply the civil standard of proof; i.e. 'on the balance of probabilities' it is more likely than not that a fact is true rather than the criminal standard of 'beyond reasonable doubt'

In the light of their consideration, the governing body can either:

- uphold an exclusion

or

- direct reinstatement of the pupil immediately or on a particular date.

In cases where the Committee considers parents' representations but does not have the power to direct a pupil's reinstatement – because the exclusion was short and is already concluded – they should consider whether it would be appropriate to place a note of their findings on the pupil's educational record.

If the Committee reinstates a pupil, the pupil and his parent(s) must be invited to a return to school interview with the Head teacher.

Notification of the decision

The governing body must notify parents, the Head teacher and the local authority of their decision, and the reasons for their decision, in writing and without delay. Where the pupil resides in a different local authority from the one that maintains the school, the governing body must also inform the pupil's 'home authority'.

In the case of a permanent exclusion the governing body's notification must also include the fact that it is permanent and notice of parents' right to ask for the decision to be reviewed by an independent review panel, including the following information:

- the date by which an application for a review must be made (i.e. 15 school days from the date on which notice in writing of the governing body's decision was given to parents);
- the name and address to whom 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, this should include a reference to how the pupil's special educational needs are considered to be relevant to the exclusion;
- that, regardless of whether the excluded pupil has recognised special educational needs, parents have a right to require the local authority / 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 a SEN expert to be appointed in any application for a review; and
- that parents may, at their own expense, appoint someone to make written and / or oral representations to the panel and that parents may also bring a friend to the review.
- that, in addition to the right to apply for an independent review panel, if parents believe that the exclusion has occurred as a result of discrimination then 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.

- that a claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place, e.g. the day on which the pupil was excluded
- a link to the statutory guidance on exclusions at

<https://www.gov.uk/government/publications/school-exclusion>

- where considered relevant by the Head teacher, links to other local services.

Removing an excluded pupil from the school roll

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 governing body's decision to uphold a permanent exclusion 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 panel has been made within 15 school days, the pupil's name will not be removed from the roll until the review has been determined, or abandoned.

Where a pupil's name is removed from the school register and a discrimination claim is subsequently made, the First-tier Tribunal or County Court has the power to direct that the pupil should be reinstated.

Review by an independent panel

Parents may apply for an Independent Panel to review the Governing Body decision. The application must be made:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or
- within 15 school days of the final determination of any claim of discrimination under the Equality Act 2010 in relation to the exclusion, where such a claim is made and no application for review by an independent panel has yet been made.

On receipt of an application the school will arrange a suitable Independent Review Panel. This will be done within 15 school days of receipt of the application for review and in accordance with the relevant statutory guidance for the operation of Independent Review Panels.

If requested by parents in their application for an independent review panel, the school will appoint a SEN expert to attend the panel and cover the associated costs of this appointment. The school will provide the parents with details of the proposed SEN expert and will – if more than one

is available – offer the parents a choice. The final decision about which expert to appoint will be taken by the school, but it will endeavour to take the parents views into account.

Following its review, the Panel can decide to:

- uphold the exclusion decision
- recommend that the governing body reconsiders their decision, or
- quash the decision and direct that the governing body considers the exclusion again.

The Panel will write to the parents and the school to inform them of its decision.

If the Panel does not uphold the exclusion

Where the panel directs or recommends that the governing body reconsiders their decision, the governing body Committee must reconvene to do so within 10 school days of being given notice of the panel's decision. Only the Committee members and the clerk should attend.

In the case of either a recommended or directed reconsideration, the governing body must notify the following people of their reconsidered decision, and the reasons for it, in writing and without delay: the parents; the Head teacher; the local authority and, where relevant, the 'home authority'.

If the Committee reinstates a pupil, the pupil and his parent(s) must be invited to a return to school interview with the Head teacher.

Post Exclusion Planning

Re-integration into the Excluding School.

The headteacher will convene a meeting to discuss and make plans for the re-integration of each child after an extended suspension. The meeting will make the necessary preparations for the child's return to school and will involve the parents/carers and the children. Parents/carers are entitled to take a friend or supporter.

The meeting will consider all aspects of re-integrating the child, including the provision of additional support. Any previous behaviour management plans will be revised and new targets agreed. If there were no plans prior to the suspension, then a plan will be drawn up. All plans will include elements of a contract between the parties involved so that the children will know how to achieve success. The school will set realistic targets and review dates will be set. The meeting will also consider whether or not the children have additional needs and whether enough is being done to support those needs.

Monitoring and Review

The Local Governing body monitors the suspension and exclusion procedure, in order to ensure that any suspension or exclusion is handled properly. The

headteacher keeps detailed records of any suspension or exclusions made by the school. Governors are informed if a suspension/ an exclusion has taken place since the last Full Governing Body meeting.

Governors take into account any local or national decisions that affect the exclusions process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the suspension process.

Conclusion

It is hoped that very few children will be involved in disciplinary programmes. During all stages, staff will look very carefully at the following points:

- The attitude of the child in question
- The effect of the behaviour on other children
- The health and safety of other individuals
- The effect of the behaviour on the educational process

All cases will be looked at individually within the framework laid down by the Code of Practice, and whatever programme is followed **the safety and education of all children will be our main consideration.**

If, after all these considerations, behaviour shows no improvements, fixed term and ultimately permanent exclusion from school will be considered.

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report