



# Great Marlow School

*Excellence • Compassion • Integrity*

## SUSPENSIONS AND PERMANENT EXCLUSION POLICY

Recommended by the Leadership Team:	March 2023
Approved by Trustees' Policies Sub Committee/ Curriculum Committee:	March 2023
Ratified by Trustee Board:	March 2023
Review Due:	Autumn Term 2024

Indicate as appropriate:

There **has been** a change to the previous policy.

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## Statement of intent

At Great Marlow School, we understand that good behaviour and discipline is essential for promoting a high quality learning environment. Amongst other disciplinary sanctions, the school recognises that suspensions and exclusion of students may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour for Learning Policy. Excluding a student may also be required in instances where allowing the student to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding students should only be used as a means of last resort. The school has created this policy to clearly define the legal responsibilities of the Headteacher, Trustees board and LA when responding to student suspensions and exclusion, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a student's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

### 1. Aims

Our school aims to ensure that:

- The suspension and exclusions process is applied fairly and consistently
- The suspension and exclusions process is understood by Trustees, staff, parents, carers and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

### 2. Legislation and statutory guidance

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

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007, as amended by The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

### 3. The decision to fixed term suspend or permanently exclude

Only the Headteacher, or acting Headteacher, can exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the student."

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

A decision to suspend a student will be taken:

- In response to serious or persistent breaches of the school's behaviour for learning policy,

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

- In response to serious or persistent breaches of the school's behaviour for learning policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)
- As an alternative to fixed term suspend, internal isolation is one of the options available which can be used to defuse situations that require a student to be removed from class but may not require removal from the school premises.
- This can also be used as a sanction for serious breaches of the school's behaviour for learning policy or persistent disruptive behaviour, where these are not serious enough to warrant a fixed term suspension, but lesser sanctions such as detention are considered inappropriate

#### **4. Definition**

For the purposes of suspension, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

#### **5. Roles and responsibilities**

##### **5.1 The Headteacher**

###### **Informing parents**

The decision to suspend a student will be made by the Headteacher or one of the Deputies in the absence of the Headteacher. The Headteacher should inform the parent/carer immediately by telephone when a decision has been made to suspend a student. The Headteacher can delegate the notification to another member of staff, this would ordinarily be one of the Leadership Team, Directors of Learning or a Student Support Officer. This should be followed up by a standard letter within one school day signed by the Headteacher(or in the absence of the Headteacher one of the Deputies).

The Headteacher will also notify parents/carers by the end of the afternoon session on the day their child is suspended or permanently excluded that for the first 5 school days of a suspension or a permanent exclusion, or until the start date of any alternative provision where this is earlier, parents/carers 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.

The Headteacher will provide the following information, in writing, to the parents of a suspended or permanently excluded student:

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

- Information about parents'/ carers' right to make representations about the suspension or the permanent exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a student, and that parents and carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

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

- 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/ carers consent.

### **Informing the Trustee Board and local authority**

The Headteacher will immediately notify the Trustee Board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions and permanent exclusions, the Headteacher will notify the Trustee Board and LA.

## **5.2 The Trustee Board**

Responsibilities regarding suspensions and permanent exclusions are delegated to the pupil/student disciplinary sub-committee of the Trustee Board, convened as required.

The Trustee Board has a duty to consider the reinstatement of a permanently excluded student (see section 6).

Within 14 days of receipt of a request, the Trustee Board will provide the Secretary of State and Buckinghamshire County Council with information about any exclusions in the last 12 months.

For a suspension of more than 5 school days, the Trustee Board in communication with Buckinghamshire County Council 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.

Provide information to the Secretary of State and LA about any exclusions within the last 12 months.

### **5.3 The LA**

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

## **6. Considering the reinstatement of a student**

The Trustee Board will consider the reinstatement of an excluded student within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents or carers, the Trustee Board will consider the reinstatement of a suspended student within 50 school days of receiving notice of the suspension if the student would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or a permanent exclusion would result in a student missing a public examination, the exclusions subcommittee will consider the reinstatement of the student before the date of the examination. If this is not practicable, the exclusions subcommittee will consider the suspension or permanent exclusion and decide whether or not to reinstate the student.

The Trustee Board 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 Trustee Board will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or permanently exclude.

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 Trustee Board will notify, in writing, the Headteacher, parents/ carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Trustee Board'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
  - 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 Local Authority to appoint an SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents/ carers 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

➤ 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

## **7. An independent review**

If parents or carers apply for an independent review, the Board of Trustees will arrange for an independent panel to review the decision of the Trustee Board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents/ or carers by the Trustee Board of its decision to not reinstate a student.

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 Trustees category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school Trustee or volunteer
- School Trustees who have served as a Trustee 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, or Trustee Board of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the LA or the Trustee 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, Trustee Board, parents, carers or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Trustee Board's decision
- Recommend that the Trustee Board reconsiders reinstatement
- Quash the Trustee Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

## **8. School registers**

A student's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/ carers were notified of the exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents/ 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 Trustee Board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for an excluded student and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded students are not attending alternative provision, code E (absent) will be used.

## **9. 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 along with others may be implemented when a student returns from a suspension:

- Agreeing a behaviour contract
- Putting a student 'on report'
- Internal isolation

## **10. Monitoring arrangements**

The Deputy Headteacher monitors the number of suspensions and permanent exclusions every term and reports back to the Headteacher and Trustees. They also liaise with the local authority to ensure suitable full-time education for permanently excluded students.

This policy will be reviewed by the Deputy Headteacher annually. After the review, the policy will be recommended for approval by the Learning and Curriculum committee to the Trustee Board.



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

This suspensions and exclusions policy is linked to our

- Attendance for Learning policy
- Behaviour for Learning policy
- SEND policy and information report

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

The Trustees must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of Headteachers, Trustee 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