

*To aspire, endeavour and thrive together*

# EXCLUSION/SUSPENSION POLICY

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Signature .....H Page .....  
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### 1. Aims

Our school aims to ensure that:

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

### Scope

#### **Student Behaviour Inside School**

Students are expected to follow the rules of the school at all times. They are expected to behave in a polite and responsible manner towards all adults and each other and in a way that does not adversely affect the learning or health and safety of others. At all times, students are expected to take pride in their appearance, be considerate in their behaviour and act as ambassadors for the school.

#### **Student Behaviour Outside School**

The Rewards and Discipline procedure will be applied to all students:

- Taking part in any school-organised or school-related activity
- Travelling to or from school
- Wearing school uniform
- In some way identifiable as a student of Glossopdale School & Sixth Form

### 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](#).

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## **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 exclude/suspend**

Only the headteacher, or acting headteacher, can exclude/suspend a student from school. A permanent exclusion will be taken only 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 exclude a student will be taken only:**

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

### **Before deciding whether to exclude/suspend a student, either permanently or for a fixed period, the headteacher will:**

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion/suspension were provoked
- Allow the student to give their version of events
- Consider if the student has special educational needs (SEN)

## **4. Definition**

For the purposes of exclusions/suspensions, 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.

In some circumstances it may be necessary to exclude a student because their behaviour has become unacceptable. The decision to suspend a student will be taken by the Headteacher or other designated Senior Leader. Suspensions may take the form of Internal suspension, a temporary transfer (where a student will carry out their period of exclusion at a partner school), Fixed Term Suspension or Permanent Exclusion. Parents will be notified and kept fully informed should such decisions become necessary.

## **Forms of Exclusion/Suspension**

The school adopts a number of forms of exclusion/suspension but in all cases of any period of exclusion/suspension from a student's normal educational experience a full and complete record is to be kept in order to allow for analysis against the following objectives:

- To support a return to positive conduct with key indicators demonstrating improvement in conduct.
- To continue to provide a learning experience that allows academic progress to be made.

### **Internal Suspension**

A period of suspension where students spend a day or more working away from their peers on the school site. The school provides work to be completed during the period of suspension and is likely to involve work with our specialist staff in order to support a return to positive conduct.

### **Temporary Transfer**

The school arranges for the student to spend a period of time at one of our partner schools. Glossopdale School and Sixth Form will undertake its duties in arranging the alternative education as outlined in section 5 - Role and Responsibilities. The school requires parents/carers to acknowledge and accept full responsibility for their child's education and wellbeing during the school day when they are not attending Glossopdale School & Sixth Form. This includes the transportation arrangements agreed in order to ensure their child arrives and departs safely.

### **Fixed Term Suspension**

A period of suspension from the school site that is between 1 – 45 days where parents/carers are fully responsible for their child being at home during school hours. The school provides work to be completed at home during the period of suspension via Google Classroom. A reintegration meeting takes place between the school, parents/carers and student. This is so we can look at how best to support that student's return back into school.

### **Permanent Exclusion**

Used only in the case of very extreme negative conduct or where serious disruption to the school continues despite the implementation of a wide range of strategies to support a return to positive conduct. In such instances, it would be anticipated that a student would already have served a significant number of fixed term suspensions and is possibly nearing the maximum allowed in any one year.

## 5. Roles and responsibilities

### 5.1 The headteacher

#### Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of an excluded/suspended student:

- The reason(s) for the exclusion/suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion/suspension 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 have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend
- The Headteacher will notify parents (by the end of the afternoon session on the day their child is suspended) that for the first 5 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 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 of an 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 an exclusion/suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

#### Informing the governing board and local authority

The headteacher will immediately notify the governing 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 suspended 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, the headteacher will notify the governing board and LA once a term.

## **5.2 The governing board**

Responsibilities regarding exclusions/suspensions are delegated to the Local Governing Board, normally consisting of at least three governors.

The Local governing board has a duty to consider the reinstatement of an excluded/suspended student (see section 6).

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.

## **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 governing board will consider the reinstatement of an excluded/suspended student within 15 school days of receiving the notice of the exclusion/suspension if:

- The exclusion is permanent
- It is a fixed-term 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, the governing board will consider the reinstatement of an excluded/suspended student within 50 school days of receiving notice of the exclusion/suspension if the student would be excluded/suspended from school for more than 5 school days, but less than 15, in a single term.
- Where an exclusion/suspension would result in a student missing a public examination, the governing board will consider the reinstatement of the student before the date of the examination. If this is not possible, the governing board will consider the exclusion/suspension and decide whether or not to reinstate the student.

The governing 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 governing board will consider whether the exclusion/suspension 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 exclude/suspend.

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 board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision.

Where an exclusion is permanent, the governing board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
- The date by which an application for an independent review must be made
- The name and address to whom an application for a review should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEN are considered to be relevant to the exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the academy trust to appoint a 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
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

*That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place*

## **7. An independent review**

If parents apply for an independent review, the academy trust will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded student.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing 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 governor's 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 governor or volunteer

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 academy trust or governing 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 academy trust, 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 academy trust, school, governing board, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

- Have not had the required training within the last 2 years (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 governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

## **8. 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 exclusion panel's decision to not reinstate the student and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a student's name from the register.

Where alternative provision has been made for 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 fixed-term suspension**

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

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

- Agreeing a behaviour contract
- Restorative meeting
- Putting a student 'on report'
- Internal isolation
- Temporary transfer to a partner school

## **10. Monitoring arrangements**

The Assistant Headteacher for Behaviour & Attendance monitors the number of exclusions/suspended every term and reports back to the headteacher and governors. They also liaise with the local authority to ensure suitable full-time education for excluded/suspended students.



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

This exclusions policy is linked to our

- Behaviour policy
- SEND policy and information report