

THE HEATH SCHOOL

Exclusion and Suspension Policy 2023-24

1. Aims

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. The Head of School will consider alternative sanctions before deciding to suspend a student from school whilst considering the individual needs of the student. Where a permanent exclusion is warranted then school work will in partnership with parents and the Local Authority to ensure the continuity of the student's education.

The Heath aims to ensure that:

- The exclusion and suspension process is applied fairly and consistently
- The exclusion and 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)

1.1 Key Points

- The Government supports the Head of School in using suspension as a sanction where it is warranted.
- Suspensions must be lawful, rational, reasonable, fair and proportionate.
- Permanent exclusion should only be used as a last resort, 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 in the school.
- The decision to suspend or permanently exclude a student must be lawful, reasonable and fair.
- The Heath School has a statutory duty not to discriminate against students on the basis of protected characteristics, such as disability or race (Equality Act 2010).
- The Heath School will give particular consideration to the fair treatment of students from groups who are vulnerable to suspension and permanent exclusion.
- The behaviour of students outside school can be considered as grounds for suspension and permanent exclusion.
- The Head of School and Governing Body will take account of statutory duties in relation to special educational needs (SEND) when administering the suspension and permanent exclusion process. This includes having regard to the SEND Code of Practice.
- The Head of School has the power to direct a student off-site for education to improve his or her behaviour.
- Prior to making a decision to suspend or permanently exclude the Principal will take into account factors highlighted in the statutory guidance (see DfE Exclusion from maintained schools, Academies and student referral units in England 2016).

2. Legislation and statutory guidance

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

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

THE HEATH SCHOOL

Exclusion and Suspension Policy 2023-24

- Sections 64-68 of the School Standards and Framework Act 1998

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 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](#)

3. The decision to suspend or permanently exclude

Only the Head of School can suspend or permanently exclude a pupil from school. A permanent exclusion will be taken as a last resort.

The Heath School is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“...the practice of removing a pupil 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 or permanently 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 a student, either permanently or for a suspension, the head of school 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)

4. Definition

For the purposes of exclusions, 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.

THE HEATH SCHOOL
Exclusion and Suspension Policy 2023-24

5. Roles and responsibilities

5.1 The School

Informing parents of an suspension or permanent exclusion

The school will inform the parents of an exclusion following the Head of School's decision to exclude. In normal circumstance this will be via telephone and will include:

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

The school will also inform the parents of their legal responsibility to ensure their child is not present in a public place during school hours without reasonable justification, parents may be given a fixed penalty notice or prosecuted if they fail to do this.

The school will also provide written confirmation of the details of the suspension or permanent exclusion (under normal circumstances this will be posted) and the following information

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this (See section 6)
- 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 (See section 6)

Where a fixed period of suspension is extended or converted to a permanent exclusion the parents will be informed in writing, explaining reasons for the change.

If alternative provision is being arranged, the following information will be included when notifying parents of an 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 pupil 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' consent.

Informing the Governing Body of a suspension or permanent exclusion

The school will inform the Governing Body of each suspension and permanent exclusion.

THE HEATH SCHOOL

Exclusion and Suspension Policy 2023-24

Informing the local authority (LA) of a suspension or permanent exclusion

The School will without delay notify the local authority of:

- a permanent exclusion
- a suspension of more than five days.
- a suspension which would result in missing a public examination

The School will notify the local authority of all suspensions and permanent exclusions at least once per term or sooner if requested.

Providing education for suspended or permanently excluded students

- For a suspension the School will provide work for students to complete whilst suspended.
- For a suspension for more than 5 days the Governing Body will arrange suitable full time education for any student of compulsory school age.
- For permanent exclusions the local authority must arrange suitable full time education for the student no later than the sixth day of exclusion.

5.2 The governing body

The governing body has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing body will provide the secretary of state and the LA with information about any suspensions and permanent exclusions in the last 12 months.

For a suspension of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

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

5.3 The LA local authority

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 body 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 that 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

THE HEATH SCHOOL

Exclusion and Suspension Policy 2023-24

If requested to do so by parents, the governing body 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 permanent exclusion would result in a student missing a public examination, the governing body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the governing body will consider the suspension and decide whether or not to reinstate the student.

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 governing body will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the head teacher 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.

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 Head of School, parents and the LA 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:

1. The fact that it is permanent
2. 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 Heath Family (NW) 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 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 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

THE HEATH SCHOOL
Exclusion and Suspension Policy 2023-24

7. An independent review

If parents apply for an independent review, the The Heath Family (NW) 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 body 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 governors 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 The Heath Family (NW), 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 The Heath Family (NW), 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 Heath Family (NW) 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 body 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

THE HEATH SCHOOL
Exclusion and Suspension Policy 2023-24

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 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 suspension

9.1 Reintegration Meetings

Reintegration meetings should be arranged to take place at the earliest possible convenient time and it is important that parents/carers attend this meeting in order to support effective reintegration for the student. Meetings will take place for all suspensions of three days or more and may take place for shorter exclusions as required. The aims of these meetings are:

- To discuss the reason for suspension
- To discuss how behaviour can be addressed in the future
- To explore issues affecting the student's behaviour
- To reach agreement on potential intervention/s to positively impact behaviour.

9.2 Reintegration Support for Students

All students on return from suspension will spend a period of time in the behaviour unit. The duration will be proportionate to the reason for suspension and/or will be dependent on the students' needs.

Whilst in the unit the student will complete a re-integration meeting with a behaviour mentor to prepare them for their return to school.

Other interventions may include:

- Mentoring
- Counselling
- Mediation
- Anger management
- School report system
- Group behaviour management
- Individual Behaviour Plan (IBP)
- Governor Behaviour Panel meetings
- 1-2-1 behaviour mentoring/counselling

THE HEATH SCHOOL
Exclusion and Suspension Policy 2023-24

- Pastoral support plan (PSP)
- Outside agencies e.g. drug and alcohol abuse.
- Personalised effective strategies for specific students shared amongst staff
- Flexible curriculum
- Referral to CSI for generalised assessment
- Assessment by Educational Psychologist
- Provision of a Key Worker
- Placed on an Alternative Provision Programme if available

10. Monitoring arrangements

Mr Dance the Head of Behaviour, monitors the number of suspensions and permanent exclusions every term and reports back to the senior leadership team and governing body. He also liaises with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Mr Dance every year. At every review, the policy will be shared with the governing board.

11. Links with other policies

This exclusion policy works alongside associated policies and protocols such as:

- Behaviour for learning policy
- Anti-Bullying Policy.
- Safeguarding
- Attendance Policy
- Trips and Visits Policy.
- E-Safety policy
- Acceptable Use Policy
- Staff code of conduct policy.
- Managing allegations against staff.

THE HEATH SCHOOL
Exclusion and Suspension Policy 2023-24

Appendix 1: Independent review panel training

The The Heath Family 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, 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