

Exclusion and Suspension Policy

Wollaston School



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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 governors, staff, parents and pupils
- Pupils in school are safe, happy and able to learn in an environment which is free from serious or repeated negative behaviour.
- Pupils 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 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
- 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

As Wollaston School is an Academy, this policy complies with our funding agreement and articles of association.

3. The decision to suspend or exclude

Only the head of school, or acting head of school, can suspend or exclude a pupil from school. A permanent exclusion will be taken as a last resort.

Simon Anderson is Wollaston School's Head of School. In the event that Simon Anderson is not immediately available, either James Birkett (CEO), or Shazia Lydon (Deputy Headteacher) or Kieron Beeby (Deputy Headteacher) will be determined as the Acting Head of school.

Our 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 pupil."

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

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

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

Before deciding whether to suspend or exclude a pupil, either permanently or for a fixed period, the head of school or acting head of school will:

- Consider all the relevant facts, context and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)
- Consider if there are other relevant contextual factors through consulting with the DSL. c
- Consider the weight of evidence "on the balance of probabilities" i.e. it is more likely that a specific incident happened than it did not.

The types of incident which could lead to a suspension or exclusion include:

- Swearing at a member of staff
- Damage to school or personal property

- Theft / attempted theft of property
- Being in possession of prohibited items or stolen property
- Sexual misconduct
- Racism
- Verbal abuse/threatening behaviour to staff or students
- Refusal to comply with the instructions of members of staff
- Providing false information or making malicious allegations.
- Behaviour that persistently disrupts the learning of others
- Physical assault
- Bullying

Serious or repeated incidents of any of the above behaviors may lead to a permanent exclusion.

In addition, permanent exclusion is likely to be sanctioned for the following one-off, single case behaviours:

- Bringing a weapon or illegal drugs onto the school site.
- Assaulting a member of staff.
- Sexual assault.
- Unprovoked physical assault of another student.
- Serious intimidating or threatening behaviour – including threats of violence.
- Stealing property, being in receipt of stolen property or destroying stolen property.

The lists above are not exhaustive and all serious breaches of the school's behaviour policy may be considered for fixed term or permanent exclusion.

4. The Suspension and Exclusion Process

All behaviour incidents which could lead to exclusion will be thoroughly investigated, and a decision on exclusion will only be taken when all relevant information can be considered by the Head of School or Acting Head of School.

A usual process will be as follows:

Incident under investigation:

If a student is suspected of an incident which could lead to an exclusion, they may be internally isolated whilst they write a statement, and the matter is investigated. All relevant students and staff will be asked to write or dictate a statement, and then to sign and date this. Parents will be informed at this stage that a matter is under investigation. The aim will be to complete the investigation as quickly as possible, ideally concluding no later than the subsequent day from when the incident was reported. However, when investigations are complicated, this may take longer. Students may need to remain in isolation until this process has been concluded.

Decision Making:

Once all statements have been completed, the Head of school or Acting Head of school will take a decision on the most appropriate sanction. Suspensions and Exclusions will ordinarily begin on the day following the conclusion of the investigation. However, in exceptional circumstances (for example if a student must sit an examination) the suspension or exclusion may begin on a later date. If there is a clear immediate risk of allowing the student to remain in school, an exclusion may begin on the same day as the decision to exclude is made.

Parents will be informed by telephone as soon as the decision is made and a letter confirming the details will be emailed to parents on the same day.

The Head of School will also be responsible for informing a pupil's social worker if they have one or the Virtual School Head if the pupil is a looked after child.

Year teams will ensure that appropriate work is provided to be completed during the period of the suspension.

Following a suspension:

Parents and the student will be invited to a readmission meeting, prior to the return to school, which will be used to review the circumstances of the suspension, agree actions (from both home, school and the student themselves) of how best to avoid future exclusions or suspensions and set targets for the student to achieve whilst at school.

In order to ensure compliance with the above – and with the DfE guidance. Wollaston school uses an exclusions checklist, a blank copy of which can be found in Appendix 2.

5. Definition

For the purposes of suspensions and exclusions, a school day is defined as any day on which there is a school session open for students. Therefore, staff professional development days do not count as a school day.

6. Roles and responsibilities**6.1 The head of school****Informing parents**

The Head of School will immediately provide the following information, in writing, to the parents of an excluded or suspended pupil:

- The reason(s) for the suspension or 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 exclusion to the governing board and how the pupil may be involved in this

- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, 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 Head of School will also notify parents by the end of the afternoon session on the day their child is excluded or suspended that for the first 5 school days of an exclusion, 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 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 board and local authority

The Head of School will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion
- Suspension which would result in the pupil being absent for more than 15 school days in a term
- Suspensions which would result in the pupil missing a public examination

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

For all other suspensions and exclusions, the head of school will notify the governing board once a term and have all information available for the LA and other agencies on request.

Informing Social Workers and Virtual School Heads

Where relevant, The Head of School will immediately notify a pupil's social worker and/or the virtual school head of:

- All suspensions or permanent exclusion

- Any cancelled suspensions and exclusions

6.2 The Governing Board

Responsibility regarding the review of suspensions and permanent exclusions is delegated to the Behaviour and Discipline Committee which will meet as required and will be made up of three members of the Local Governing Body.

The Behaviour and Discipline Committee has a duty to consider the reinstatement of a permanently excluded pupil (see section 7).

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

For a fixed-period exclusion of more than 5 school days, the governing board 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.

The Governing Board will monitor data regarding suspensions and exclusions in order to hold the school to account for providing appropriate pastoral support and effective behaviour processes and systems.

6.3 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.

7. Considering the reinstatement of a pupil

The Governor's Behaviour and Discipline Committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

In addition to the above, if requested to do so by parents, The Governor's Behaviour and Discipline Committee will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension would result in a pupil missing a public examination, The Governor's Behaviour and Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, The Governor's Behaviour and Discipline Committee will consider the suspension and decide whether or not to reinstate the pupil.

The Governor's Behaviour and Discipline Committee will invite the following parties who will be allowed to make representations or share relevant information:

- parents (and, where requested, a representative or friend);
- the student;
- the Head of School;
- child's social worker if the pupil has one; and
- the VSH if the child is LAC.

The Governor's Behaviour and Discipline Committee can either:

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

In reaching a decision, The Governor's Behaviour and Discipline Committee will consider whether the suspension or exclusion was lawful, reasonable, and procedurally fair and whether the Head of School 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 or suspend.

Minutes will be taken of the meeting, and a record of the evidence considered will be retained. The outcome will also be recorded on the pupil's educational record.

The Governor's Behaviour and Discipline Committee 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 Governor's Behaviour and Discipline Committee 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 pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Nene Valley Partnership 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.

8. An independent review

If parents apply for an independent review, the Nene Valley Partnership will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by The Governor's Behaviour and Discipline Committee of its decision not to reinstate a pupil.

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 headteachers 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 headteachers within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member/director of the Nene Valley Partnership or governing board of the excluding school
- Are the head of school of the excluding school, or have held this position or the headteacher position in the last 5 years
- Are an employee of the Nene Valley Partnership or the governing board, of the excluding school (unless they are employed as a head of school at another school)
- Have, or at any time have had, any connection with the Nene Valley Partnership, the excluding school, governing board, parents or pupil, 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.

9. School registers

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 pupil 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 pupil's name from the register.

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

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

10. Returning from a suspension

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

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing behaviour targets
- Putting a pupil 'on report'
- Amending current timetable arrangements to allow for additional support and to avoid potential future behaviour issues.

11. Monitoring arrangements

The Head of School monitors the number of suspensions and exclusions every term and reports back to the CEO and Governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the CEO, James Birkett on an annual basis, or in the event of substantive change to Department for Education guidance. At every review, the policy will be shared with the governing board.

12. Links with other policies

This exclusions policy is linked to our

- Behaviour policy
- SEN policy and information report

Appendix 1: Independent review panel training

The Nene Valley Partnership commissions North Northamptonshire Council to run all aspects of independent review panel hearings. NNC 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 head of schools, 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

Appendix 2: Wollaston School Exclusions Checklist



HOY Suspension Checklist



Nene Valley
Partnership
Excellence in Education

STUDENT NAME:		FORM:		HOY/SLT	
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Student details (Please tick v)	PP		EHCP		LAC		CP/CIN	
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<u>Prior to exclusion</u>		Y	N
1	Has the Head of Year been informed and following the school procedure?		
2	Has the child written a statement?		
3	Have all relevant statements been collected?		
4	Have staff witness statements been collected?		
5	Have students been interviewed (Statements/Notes should be signed)		
6	Was there any provocation?		
Number of days?			
Dates from:		Date to:	
Readmission Date and Time:		With whom?	
<p>WRITE REASON FOR EXCLUSION HERE ... This is what will be stated on the letter.</p>			

Once the suspension is confirmed.		Completed
1.	Parents to be contacted by telephone by Head of Year	
2.	Has the fixed term exclusion been recorded on GO?	
3.	SSO to arrange Exclusion Work Pack according to length of exclusion.	

4.	PA to the Headteacher will double check correct letter and correct cumulative days and either send home or to HOY	
5.	Has the SENCO been informed where appropriate?	
6.	Has VSH or social worker been informed where appropriate?	
7.	Has attendance been informed to ensure coding of absence?	

PLEASE ATTACH OR SEND RELEVANT PAPERWORK AS THIS MAY BE REQUIRED IN THE FUTURE - ORIGINALS WILL BE FILED CENTRALLY WITH A COPY OF THE LETTER AND THIS FORM.

** In the case of a student on the child protection register/LAC, the named social worker will need to be informed.*

NB. STUDENTS CANNOT BE EXCLUDED UNTIL THIS FORM HAS BEEN AGREED BY THE HEAD of School