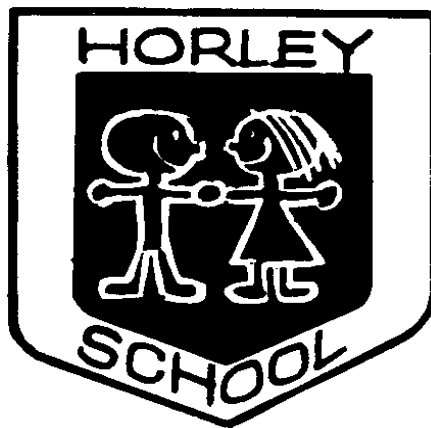


HORLEY INFANT SCHOOL



SUSPENSIONS AND EXCLUSIONS POLICY

Initially Approved On:

Spring 2022

Reviewed On:

Summer 2023

Staff Link:

Debra Povey-Chatterton

Next Review Date:

Summer 2024

Policy Status				
Statutory (Work Programme) ✓	Non-Statutory	Annual Review ✓	Biennial Review	Triennial Review

FGB Review (statutory policies only):

Achievement and Standards

Link Governor (statutory policies only):

Jess Hawley

THIS POLICY IS BASED ON A TEMPLATE FROM THE KEY AND FALLS IN LINE WITH SURREY COUNTY COUNCIL'S GUIDANCE FOR SCHOOLS

Statement of Intent

At Horley Infant School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that the suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils 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, governing board and LA when responding to pupil suspensions or exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

In this policy the term 'suspension' refers to a fixed term exclusion from school and the term 'exclusion' refers to a permanent exclusion from school as per the new DfE Advice for Headteachers and School Staff – [Behaviour in School](#).

Policy Scope

This policy is for all staff, children, parents, governors, visitors and agencies working within the school. The policy provides guidelines and procedures as to how our school manages suspensions and exclusions.

Policy Aims

At Horley Infant School our aims are to ensure that:

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

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](#)

The decision to exclude

Only the Headteacher, or a person acting with the Headteacher's authority, can suspend or exclude a pupil from school. An exclusion will be taken as a last resort.

A decision to suspend or 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, the Headteacher will:

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

Definition

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

Roles and responsibilities

The Headteacher: informing parents and carers

The Headteacher will immediately provide the following information, in writing, to the parents or carers of a suspended or excluded pupil:

- The reason(s) for the suspension or exclusion
- The length of a suspension or, for an exclusion, the fact that it is permanent
- Information about parents' or carers' 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 and carers 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 or carers by the end of the afternoon session on the day their child is suspended or excluded that for the first 5 school days of a suspension or exclusion, or until the start date of any alternative provision where this is earlier, parents or carers are legally required to ensure that their child is not present in a public place during school hours without a good reason if their child is of statutory school age. Parents or carers 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 or carers:

- 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 parents or carers 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 a suspension, in which case the information can be provided with less than 48 hours' notice with parents' and carers' consent.

The Headteacher will immediately notify the governing board and the local authority of:

- An exclusion, including when a suspension is made permanent
- Suspension or exclusion which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspension or exclusion which would result in the pupil missing a public examination

For an exclusion, if the pupil lives outside the local authority in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the suspension or exclusion and the reason(s) for it without delay.

For all other suspensions, the Headteacher will notify the governing board and local authority once a term.

The governing board

Responsibilities regarding suspensions and exclusions are delegated to governing board consisting of at least three governors. The governing board has a duty to consider the reinstatement of a suspended or excluded pupil (see 'Considering the reinstatement of a pupil'). For a suspension 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 suspension.

The local authority

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

Considering the reinstatement of a pupil

The governing board will consider the reinstatement of a suspended or excluded pupil within 15 school days of receiving the notice if:

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

If requested to do so by parents, the governing board will consider the reinstatement of a suspended pupil within 5 school days of receiving notice of the suspension if the pupil would be suspended 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 governing board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension independently and decide whether or not to reinstate the pupil.

The governing board 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 governing board will consider whether the 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 suspend.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The governing board will notify, in writing, the Headteacher, parents or carers and the local authority of its decision, along with reasons for its decision, without delay.

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

- The fact that it is permanent
- Notice of parents' or 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 pupil's SEND are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the local authority to appoint a SEND expert to attend the review
- Details of the role of the SEND expert and that there would be no cost to parents for this appointment
- That parents or carers must make clear if they wish for a SEND expert to be appointed in any application for a review
- That parents or carers 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.

Independent review

If parents or carers apply for an independent review, the local authority 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 governing board of its decision to not reinstate a pupil. A panel of three or five members will be constituted with representatives from each of the categories below. Where a five-member panel is constituted, two members will come from the school governors category and two 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 or director of the local authority, or governing board of the suspending or excluding school
- Are the Headteacher of the suspending or excluding school, or have held this position in the last five years
- Are an employee of the local authority, 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 local authority, school, governing board, parents, carers 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 two years

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.

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 a suspended pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register. Where suspended pupils are not attending alternative provision, code E (absent) will be used.

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 suspension:

- Agreeing a behaviour contract
- Monitoring and reporting on the pupil's behaviour
- Internal reflection

Monitoring arrangements

The school's Headteacher monitors the number of suspensions every term and reports to the governing board within the Headteacher's Report. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

Implementation of policy

The school's Headteacher is responsible for leading the development and strategic direction of the school's suspension and exclusions policy but may also delegate this to other senior staff.

Appendix 1: independent review panel training

The local authority must ensure that all members of an independent review panel and clerks have received training within the two 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