

CAMS HILL SCHOOL SUSPENSION & PERMANENT EXCLUSION POLICY



Statutory

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(replacing previous Exclusions Policy)

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Statement of Intent

At Cams Hill School we understand that good behaviour and discipline is essential for promoting a high-quality education.

As a school, we do not wish to suspend or permanently exclude any child but on rare occasions, this may be necessary.

1. Aims

Our school aims to:

- ensure the safety and well-being of all members of the school community
- maintain an appropriate educational environment in which all can learn and succeed
- reduce the need to use suspension or permanent exclusion as a sanction by positively encouraging and recognising acts of respect and consideration to others
- ensure the suspension and permanent exclusion processes are applied fairly and consistently
- ensure the suspension and permanent exclusion processes are clear and understood by all concerned - governors, staff, parents/carers, pupils and any representatives.
- ensure that rigorous early help strategies are used to support pupils to reduce the need for suspensions or permanent exclusions
- ensure all pupils in school are safe and happy

2. Legislation and statutory guidance

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- 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
- European convention on Human Rights (EHCR)
- Equality Act 2010
- KCSIE 2022

This policy also has due regard to statutory and non-statutory guidance including, but not limited to, the following:

- DfE (2022) Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
- DfE (2016) Behaviour and discipline in schools
- DfE (2015) Special educational needs and disability code of practice: 0 to 25 years
- Hants (2022) Revised exclusions guidance for Hampshire schools
- DfE (2018) Mental health and behaviour in schools. This policy operates in conjunction with the following school policies:
 - Good Behaviour Policy
 - Anti-Bullying Policy
 - Equality & Diversity Policy

- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection Policy
- Safeguarding Policy

3. Partnership with Parents/Carers

We believe that parents/carers working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success.

We will work in partnership with parents/carers to ensure that expectations are clear, and parents/carers can reinforce them with their children. This includes ensuring that parents/carers are kept informed about decisions made in response to a child's inappropriate behaviours, so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

Our school is responsible for communicating to pupils, parents/carers and staff its expectations of standards of conduct.

4. Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all unproductive behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding.

All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child, as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use behaviour data to assess patterns of unproductive behaviour in pupils. Where patterns emerge, we will systematically intervene, drawing up an Individual Behaviour Support Plan (IBSP), with SMART targets and a range of support and intervention strategies, with the child, parents/carers and school staff. We will always consider whether the behaviour displayed by the child is a communication of a wider need or could be because the child has additional Social, Emotional and Mental Health (SEMH) needs which would lead us to believe that they should be covered by the SEN Code of Practice (2014) or covered by the Equality Act (2010).

No suspension or permanent exclusion will be initiated without first attempting other strategies which may include, but are not limited to, an off-site direction or a managed move as preventative measures; or, in the case of a serious single incident, a proper investigation.

Behaviour related to disability/protected characteristic: the school will make reasonable adjustments for managing behaviour which is related to a pupil's disability/protected characteristic. Where suspension or permanent exclusion need to be considered, the school will ensure that a pupil is able to present their case fully where the disability/protected characteristic might hinder this.

5. Types of Suspension/Permanent Exclusion

Suspension

The Department for Education has started to refer to 'fixed-term' or 'fixed-period' exclusions as 'suspensions'. This refers to the temporary removal of a pupil from the school for a violation of the school's behaviour policies, for one or more fixed periods (up to a maximum of 45 school days in a single academic year), even if they have changed school. If the suspension is longer than 5 school days, the school must arrange suitable full-time education from the sixth school day, eg at an education centre.

A fixed-period suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to suspensions, such as the Headteacher's duty to notify parents/carers, apply in all cases. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

Permanent Exclusion

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. Their name will be removed from the school roll.

6. The Decision to Exclude

Only the Headteacher can exclude a pupil 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 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 suspension and permanent exclusion 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 a serious breach or persistent breaches of the school's Good Behaviour Policy
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts 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) or is a Looked After Child (LAC)

Pupils' behaviour outside school, eg on school trips, at sports events, etc, is subject to the school's Good Behaviour Policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally, this includes any serious breach of policy which could 'bring the school into disrepute'.

The following examples of behaviour may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff or members of the wider community
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Sexual misconduct
- Persistent failure to comply with the expectations of the school
- Serious misuse of technology
- Incidents of discrimination
- Possession, use or selling of drugs and/or illegal substances
- A single, serious incident, eg serious assault on another individual leading to injury

Where permanent exclusion results from an investigation, a meeting with the pupil and the parent/carers will be

arranged so that the parent/carer and pupil will have the opportunity to give their account and to make their case.

The Headteacher may cancel an exclusion that has already begun but only where it has not been reviewed by the Governing Body.

7. Definition of School Day

For the purposes of suspensions and permanent 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.

8. Roles and Responsibilities

8.1 The Headteacher

Informing parents/carers

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

- The reason(s) for the suspension/permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents/carers' right to make representations about the suspension/permanent exclusion to the governing board and how the pupil may be involved in this
- Relevant sources of free, impartial material
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend if they wish to do so.
- The Headteacher will also notify parents/carers by the end of the afternoon session on the day their child is suspended/permanently excluded that for the first 5 school days of a suspension/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.

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 suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions or permanent exclusions which would result in the pupil missing a public examination

Where the Headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension/permanent exclusion, the Headteacher is able to give less than 48 hours of notice, with parental consent.

If the Headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or permanent exclusion notice to parents/carers.

Duty to inform Social Workers and Virtual School Headteachers

If any pupil is a Looked After Child (LAC) or is subject to a Children in Need (CIN) or Child Protection (CP) plan, the Headteacher will inform the Social Worker or Virtual School Headteacher without delay, and no later than 3 days after the decision of the period of suspension or permanent exclusion and the reason(s) for it.

Both the Social Worker or Virtual School Headteacher should, as far as possible, attend the Governing Board meeting if there is one.

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 suspension is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) 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 Headteacher will also immediately inform the pupil's 'home authority' of the suspension and the reason(s) for it without delay.

For all other suspensions, the Headteacher will notify the LA as soon as possible and will inform the governing board once a term.

8.2 The Governing Board

Responsibilities regarding suspensions and permanent exclusions are delegated to the school's Board of Governors consisting of at least 3 governors.

The school's Board of Governors has a duty to consider the reinstatement of an excluded pupil (see section 9).

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

Within 14 days of receipt of a request, the school's Board of Governors will provide the Secretary of State with information about any exclusions in the last 12 months.

8.3 The Local Authority (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.

9. Considering the reinstatement of a pupil

The school's Board of Governors will consider the reinstatement of a suspended 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 or national curriculum test

If requested to do so by parents/carers, the school's Board of Governors will consider the reinstatement of a suspended pupil within 50 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 16, in a single term.

Where a suspension would result in a pupil missing a public examination, the school's Board of Governors will, as far as is reasonably practicable, consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the school's Board of Governors will consider the suspension and decide whether to reinstate the pupil.

In the case of a suspension that does not bring the pupil's total number of days of suspension to more than 5 in a term, the Governing Board will consider any representations made by parents/carers, but cannot direct reinstatement and is not required to arrange a meeting with parents/carers.

The school's Board of Governors 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 school's Board of Governors 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 which 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 pupil's educational record.

The school's Board of Governors 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 school's Board of Governors' 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, give reference to how the pupil's special educational needs (SEN) are considered to be relevant to the exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the school 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/carers for this appointment
- That parents/carers must make clear if they wish for an SEN 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 if they wish to do so
- That if parents/carers believe 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

10. An independent review

If parents/carers apply for an independent review, the school 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/carers by the school's Governing Board of its decision to not 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 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 the Headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the excluding school, or the governing board (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the 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 2 years (see Appendix 1 for what the required training must cover)

A Clerk will be appointed to the panel.

The Independent Panel will decide one of the following:

- To uphold the governing board's decision
- To recommend that the governing board reconsiders reinstatement
- To 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.

11. School registers

A pupil'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 pupil 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 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.

12. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents/carers, 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
- Phased return to school
- Referrals for additional support
- Supporting the pupils' needs through an Individual Behaviour Support Plan or report card, with SMART targets that are reviewed and amended regularly
- Restorative conversations/conferencing

13. Monitoring Arrangements

Members of the Senior Leadership Team monitor the number of suspensions every term and report back to the Headteacher and Governor's Pastoral Committee.

This policy will be reviewed every two years.

Appendix 1 – Independent Review Panel Training

Our school will 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.

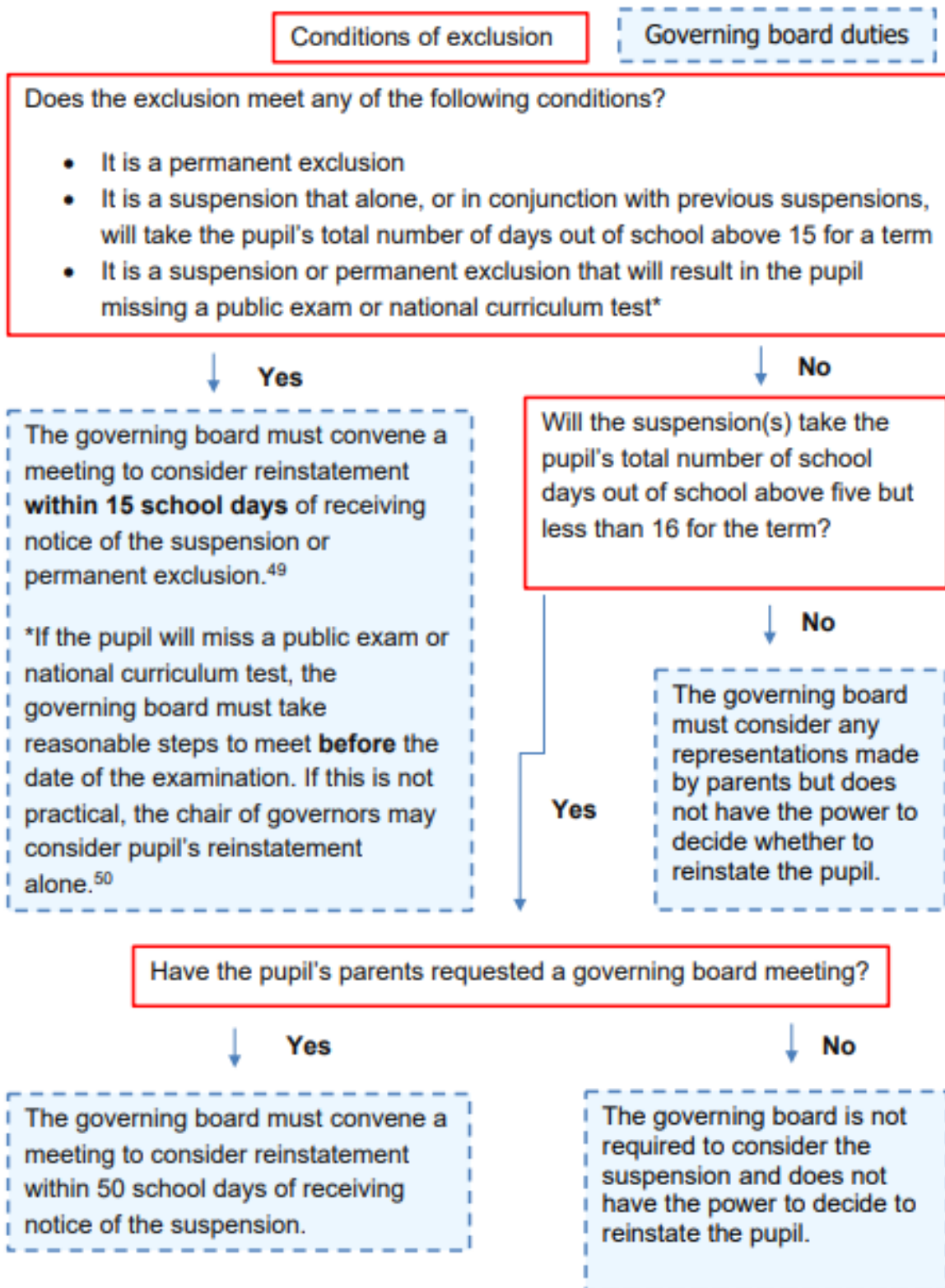
Training must have covered:

- 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

This policy is in accordance with DfE statutory guidance: Suspensions and Permanent Exclusions from mainstream schools, academies and Pupil Referral Units in England (September 2017).

This policy should come into effect from September 2022 as any pupil excluded before September 2022, and those whose exclusion is still subject to review until September 2022, should be considered on the basis of the September 2017 guidance.

Appendix 2 – A Summary of the Governing Board’s duties to review the Headteacher’s decision to exclude



⁴⁹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

⁵⁰ The ability for a chair to review in the case of public exams refers only to maintained schools.

Appendix 3 – Departmental Advice on Alternative Provision

Departmental Advice on Education for Children with Health Needs who Cannot Attend School:

<https://www.gov.uk/government/publications/education-for-children-with-health-needs-who-cannot-attend-school>

Departmental Statutory Guidance on Alternative Provision

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942014/alternative_provision_statutory_guidance_accessible.pdf

Departmental Advice on Behaviour and Discipline in Schools:

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

Departmental Advice on Mental Health and Behaviour in Schools:

<https://www.gov.uk/government/publications/mental-health-and-behaviour-in-schools--2>

Departmental Advice on Children with Special Educational Needs and Disabilities:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Departmental Advice on Attendance:

<https://www.gov.uk/government/publications/school-attendance>

Departmental Advice on Promoting the Education of Looked After and Previously Looked After Children:

<https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>

<https://www.gov.uk/government/publications/designated-teacher-for-looked-after-children>

Departmental Advice on Sharing and Publishing Information:

<https://www.gov.uk/guidance/what-maintained-schools-must-publish-online>

<https://www.gov.uk/guidance/what-academies-free-schools-and-colleges-should-publish-online>