



HALL GREEN SCHOOL

SUSPENSION AND EXCLUSION POLICY

Adopted:	16 November 2022
Next Review:	November 2024
Governing Committee:	Pastoral and Curriculum
Responsibility:	Headteacher Assistant Headteacher/Pastoral

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Statement of intent

At Hall Green School, we understand that good behaviour is essential to ensure all pupils benefit from the opportunities provided by education.

Amongst other disciplinary sanctions, the school recognises that exclusion of pupils, managed moves and off-site provision are essential behaviour management tools used by the Headteacher which can be used to establish high standards of behaviour in the school and to maintain the safety of our school community.

For the vast majority of pupils, suspensions (the term suspension is a reference to what is described in legislation as an exclusion for a fixed term) and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort, for example when there has been a serious breach, or consistent breaches, of the school's Positive Behaviour Management for Learning Policy. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in a safe, calm, and supportive environment.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, governing body and LA when responding to pupil exclusions, in order to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance.

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Terminology

Use of the term 'suspend' in this policy is a reference to what is described in the legislation as an exclusion for a fixed period.

The definition of a 'parent' can be found in the Education Act 1996, and this applies to all the legislation to which this guidance relates. In addition to the child's birth parents, references to parents in this guidance include any person who has parental responsibility (which includes the local authority where it has a care order in respect of the child) and any person (for example, a foster carer) who has care of the child. To reflect this, this policy uses 'parent' to refer to both parents and carers.

Alternative Provision (AP) refers to suitable full-time education that is arranged for a pupil from the sixth school day (or earlier) of a suspension or the sixth school day (or earlier) after the first day of a permanent exclusion. In other circumstances, AP may refer to education arranged for pupils who are unable to attend mainstream or special school and who are not educated at home, whether for behavioural, health, or other reasons. AP includes Pupil Referral Units (PRUs), AP academies and free schools, and hospital schools, as well as a variety of independent, registered, unregistered and further education settings.

Academic year means a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

The relevant person – a parent or the pupil, aged 18 or over.

Virtual School Head is referred as VSH.

1. Legal framework

1.1. This policy has due regard to the related statutory legislation, including but not limited to, the following:

- The Education Act 2002 (As amended by The Education Act 2011)
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (As amended by the Education Regulations 2014)
- The Equality Act 2010
- Human Rights Act 1998.

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

- Statutory guidance from DfE ‘Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement’ September 2022
- Statutory guidance from DfE ‘Alternative provision. Statutory guidance for local authorities’ January 2013
- Statutory guidance from DfE ‘Education for children with health needs who cannot attend school. Statutory guidance for local authorities’ January 2013
- Non-statutory guidance from DfE ‘Behaviour in schools. Advice for Headteachers and school staff’ September 2022
- Statutory guidance from DfE ‘Special educational needs and disability code of practice: 0 to 25 years’ January 2015
- Statutory guidance from DfE ‘Keeping Children Safe in Education 2022’, September 2022
- Statutory guidance from DfE ‘Working together to safeguard children’ July 2018
- Statutory guidance from DfE and Department of Health and Social Care ‘Promoting the health and wellbeing of looked-after children’ March 2015
- Statutory guidance from DfE ‘Designated teacher for looked-after and previously looked-after children’ February 2018
- Non-statutory guidance from DfE ‘Mental health and behaviour in schools’, November 2018
- Non-statutory guidance from DfE ‘Working together to improve school attendance’ May 2022 and applies from September 2022
- Guidance from Education and Skills Funding Agency ‘Understanding your data: a guide for school governors and academic trustees’.
- Statutory guidance from DfE ‘Children missing in education: statutory guidance for local authorities’ September 2016.

1.3 This policy will be implemented in conjunction with the following school policies and procedures:

- Positive Behaviour Management for Learning Policy (we use term Behaviour Policy in this policy)
- Anti-Bullying Policy
- Mental Health Policy
- Pupil Code of Conduct.

2. The Headteacher's power to suspend or permanently exclude

- 2.1 Only the Headteacher can suspend or permanently exclude a pupil on disciplinary grounds. A pupil can be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- 2.2 A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion.
- 2.3 All suspensions and permanent exclusions will be in line with the principles of administrative law: lawful, reasonable, fair and proportionate.
- 2.4 When establishing the facts in relation to a suspension or permanent exclusion decision, the Headteacher will apply the civil standard of proof rather than the criminal standard: on the 'balance of probabilities' if it is more likely than not that the fact is true, rather than 'beyond reasonable doubt'.
- 2.5 The Headteacher will take into account their duty of care when sending a pupil home following an exclusion.
- 2.6 The Headteacher will take into account the pupil's views, and will consider these in light of their age and understanding, before deciding to suspend or permanently exclude, unless it would not be appropriate to do so. The Headteacher will inform the pupil about how their views have been factored into any decision made in accordance with the Convention of the Rights of the Child (September 1990).
- 2.7 If considered relevant by the Headteacher, the pupil will be given support to express their views before deciding to exclude, including through advocates such as parents or, if the pupil has one, a social worker.
- 2.8 Before deciding to suspend or permanently exclude, the Headteacher will take into account any contributing factors and consider alternative acceptable forms of sanctions.
- 2.9 At all times, the Headteacher will take into account their legal duties under The Equality Act 2010 and the 'SEND Code of Practice: 0 to 25 years', ensuring that they do not discriminate against, harass or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment.
- 2.10 The Headteacher will not issue any 'informal' or 'unofficial' exclusions, such as sending a pupil home to 'cool-off', regardless of whether or not the parents/carers have agreed to this.
- 2.11 The Headteacher will ensure that school policies and practices do not discriminate against pupils by unfairly increasing their risk of exclusion. This includes the

fostering of good relationships and advance equality of opportunity between people who share a protected characteristic and people who do not share it.

2.12 The Headteacher will never exclude for a non-disciplinary action.

3. Factors to consider when suspending or permanently excluding a pupil

3.1 The Headteacher will consider what extra support may be available and appropriate for vulnerable pupil groups whose exclusion rates are higher, in order to reduce their risk of exclusion, including the following:

- Looked after children (LAC)
- Pupils eligible for free school meals
- Pupils with special educational needs and disabilities (SEND)
- Certain ethnic groups.

3.2 In light of the above, the Headteacher will consider avoiding permanent exclusion where possible for pupil groups who are particularly vulnerable to the impacts it would create for them, such as LAC and pupils with Education Health Care (EHC) plans.

3.3 The Headteacher will also:

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- Take into consideration whether the pupil has received multiple exclusions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.
- Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

3.4 Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher who will consider what extra support or alternative placement should be explored.

3.5 Disruptive behaviour can be an indication of unmet needs. If members of staff at school and the Headteacher have concerns about a pupil's behaviour, they should try to identify whether there are causal factors and intervene early in order to reduce the need for a subsequent exclusion.

3.6 The Headteacher will work in conjunction with the parents/carers of any pupil with additional needs, in order to establish the most effective support mechanisms.

3.7 Where necessary, work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the Safer Schools team, to identify if the pupil has any SEND and/or health needs.

- 3.8 Where the school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it would, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This would involve assessing the suitability of provision for a pupil's SEN or disability.
- 3.9 Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Headteacher will inform their social worker, the Designated Safeguarding Lead (DSL), and the pupil's parents to involve them all as early as possible in relevant conversations.
- 3.10 Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) should contact the local authority's Virtual School's Headteacher (VSH) as soon as possible.

4. The suspension

- 4.1 A suspension does not have to be for a continuous period. A 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.
- 4.2 A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, the Headteacher will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.
- 4.3 During a suspension, the Headteacher will take steps to ensure pupils still receive their education during the first five days of a suspension. This can include utilising online pathways such as Google classroom or Oak National Academy. The school will make reasonable adjustments in how they support disabled pupils during this period.
- 4.4 Suspensions will never be extended or converted into a permanent exclusion. However, where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.
- 4.5 Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.
- 4.6 Any suspension of a pupil, even for short periods, will be formally recorded.
- 4.7 Following a suspension, a pastoral leader (e.g. Heads of House) and/or a Senior Leader will meet with parents and the pupil to agree a clear reintegration strategy. A

pupil will not be prevented to return to the mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.

- 4.8 Part-time timetables will not be used to manage a pupil's behaviour. As part of the reintegration of pupils following a suspension, if a part-time timetable is agreed as part of a pastoral support programme, it will only be in place for the shortest time necessary and it will have a time limit by which point the pupil is expected to attend full-time.

5. Permanent exclusion

5.1 A permanent exclusion is when a pupil is no longer allowed to attend the school.

5.2 The decision to exclude a pupil permanently will only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

5.3 For any permanent exclusion, the Headteacher should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision.

6. Cancelling permanent exclusions

6.1 The Headteacher may cancel any permanent exclusions that has already begun, but this should only be done where it has not yet been reviewed by the governing board.

6.2 Where a permanent exclusion is cancelled, then:

- Parents, the governing board, and the LA will be notified without delay and, if relevant, the social worker and VSH;
- Parents will be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;
- Schools will report to the governing board once per term on the number of exclusions which have been cancelled.
- This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

7. Process for suspensions and exclusions

7.1 The Headteacher will consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

8. Preventative measures to suspensions and permanent exclusions

8.1 Where interventions or targeted support have not been successful in improving a pupil's behaviour, the school can arrange off-site provision in another mainstream school or at an AP.

8.2 Off-site direction will be used as a temporary measure and a proposed maximum period of time would be discussed and agreed upon as part of the planning phase for an off-site direction. The nature of the intervention, its objectives, and the timeline to achieve these objectives will be clearly defined and agreed with the provider upfront. The plan will be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education during off-site provision.

8.3 Review meetings should take place between the school, parents, the pupil, and other agencies e.g., a pupil's social worker, Child and Adolescent Mental Health Services (CAMHS), Multi-Agency Safeguarding Hubs (MASH) and Youth Justice Teams, and the local authority (if a pupil has an EHC plan) to establish agreed monitoring points to discuss the pupil's ongoing behaviour. These reviews should be recorded in writing and be frequent enough to provide assurance that the off-site direction is achieving its objectives via monitoring points.

8.4 At the end of the off-side direction, alternative options should be considered once the time limit has been reached, including a managed move on a permanent basis upon review of the time-limited placement.

8.5 A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school.

8.6 Where a pupil has an EHC plan, and if as a school we are contemplating a managed move, the school will contact the authority prior to the managed move.

- 8.7 If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school's formal complaints procedure.
- 8.8 For looked-after children (LAC), the VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. The Personal Education Plan (PEP) should be reviewed every term and any concerns about the pupil's behaviour should be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion.
- 8.9 Where previously looked-after children face the risk of being suspended or permanently excluded, the school should engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.
- 8.10 Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the Headteacher should inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.

9. Grounds for exclusion

- 9.1 The school will only exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour Policy, have failed to be successful. There might be instances that a one off serious incident might result in a permanent exclusion.
- 9.2 Suspensions may be used as a sanction in response to, but not restricted to, the following examples of behaviour:
- Physical assault against a pupil or adult
 - Verbal abuse against a pupil or adult
 - Threatening and/or intimidating behaviour against a pupil or adult
 - Possession, use, or threat of use of an offensive weapon or prohibited item
 - Bullying
 - Abuse against any protected characteristics, including sexual orientation, gender reassignment and disability
 - Sexual misconduct
 - Drug and alcohol related behaviour
 - Damage to school property
 - Theft
 - Persistent disruptive behaviour
 - Persistent defiance
 - Inappropriate use of social media or online technology
 - Wilful and repeated transgression of protective measures in place to protect public health

- Defamatory statements or comments, including online and via the use of social networking sites, towards a pupil or adult.

These include behaviour:

- taking part in any school-organised or school-related activity or
- travelling to or from school or
- wearing school uniform or
- in some other way identifiable as a pupil at the school.

Or misbehaviour at any time, whether or not the conditions above apply, that:

- could have repercussions for the orderly running of the school or
- poses a threat to another pupil or member of the public or
- could adversely affect the reputation of the school.

10. The Headteacher's duty to inform parties

To ensure that a pupil receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring.

10.1. Following the Headteacher's decision to exclude a pupil, school will inform the parents/carers immediately, without delay, of the period of the suspension or permanent exclusion and the reasons behind this.

10.2. The Headteacher will inform the parents/carers in writing, of the following:

- The reasons for the suspension or permanent exclusion
- The period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- Parents' right to make representations about the suspension or permanent exclusion to the governing body.
- How any representations should be made;
- Where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend. Where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend;
- The date and time of the pupil's reintegration meeting with the Headteacher or delegated member of the pastoral team and;
- Relevant sources of free, impartial information.

10.3. Where the pupil is of compulsory school age, the Headteacher will inform the parents/carers by the end of the afternoon session that:

- For the first five days of the exclusion, parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.
- 10.4. Where the Headteacher has arranged alternative provision, the Headteacher will also inform the parents/carers of the following:
- the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
 - 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; and
 - any information required by the pupil to identify the person they should report to on the first day.
- 10.5 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.
- 10.6 If the alternative provision is due to begin before the sixth day of exclusion, the Headteacher is able to give less than 48 hours of notice, with the parents'/carers' consent.
- 10.7 If the Headteacher has decided to issue a further suspension or permanent exclusion they will notify the parents/carers and where relevant, the pupil's social worker or local authority if the pupil has an EHC Plan, without delay and issue a new exclusion notice to parents and the social worker.
- 10.8 Following an exclusion, the Headteacher or a delegated member of staff will hold a reintegration meeting with the excluded pupil and parent or carer to consider the risks in returning the pupil to school. Where appropriate, a pupil may be placed in the Student Support Base for one or more days following exclusion and reintegration to review their behaviour and receive guidance.
- 10.9 Excluded pupils should be enabled and encouraged to participate at all stages of the exclusion process, taking in to account their age and ability to understand.
- 10.10 Whenever a Headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC of the period of the suspension or permanent exclusion and the reason(s) for it. Both the social worker and/or VSH, must be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.
- 10.11 The Headteacher must, without delay, notify the governing body of:
- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);

- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
 - any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.
- 10.12 The local authority must be informed without delay of all school exclusions regardless of the length of the exclusion.
- 10.13 All notifications to the governing body and LA will include the reason(s) for exclusion and the duration of any suspensions.
- 10.14 For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the Headteacher must also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.
- 10.15. The Headteacher will inform the governing body and LA, without delay, of the following:
- Any permanent exclusions
 - Any fixed term exclusions by weekly returns via attendance that it is sent to the local authority
 - Any exclusions which would result in the pupil being absent from an examination or national curriculum test.
- 10.16 For any exclusions other than those above, the Headteacher will notify the governing body and LA once per term.
- 10.17 All notifications to the governing body and LA will include the reason(s) for exclusion and the duration of any fixed period exclusion.
- 10.18 If the pupil who is excluded lives outside the LA in which the school is located, the Headteacher will notify the pupil's 'home authority'.
- 10.18 In addition, within 14 days of a request, a governing board must provide to the Secretary of State and the local authority, information about any exclusions within the last 12 months.

11. Arranging education for suspended or permanent excluded pupils

- 11.1 For any suspensions of more than five school days, the governing body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of exclusion.
- 11.2 The governing body is aware that it is beneficial to permanent excluded pupils to begin their alternative education arrangements before the sixth day of exclusion. The school will always attempt to arrange alternative provision before the sixth day of exclusion.

- 11.3 Where it is not possible to arrange alternative provision during the first five days of a permanent exclusion, the school will ensure that they take reasonable steps to set and mark work for the excluded pupil. Online pathways such as Google Classroom or Oak Academy can be used but schools should ensure that the work set is accessible and achievable by the pupil outside school.
- 11.4 If a pupil with an EHC Plan has been fixed term suspended, the school will liaise with the LA via SENAR to arrange appropriate alternative provision from the 6th day of the suspension. If a pupil with SEND has been permanently excluded, the LA via SENAR is responsible for arranging suitable alternative provision.
- 11.5 For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth school day of the exclusion. This will be the pupil's 'home authority' in cases where the school is in a different local authority area.
- 11.6 Provision does not have to be arranged by either the school or the local authority for a pupil in the final year of compulsory education who does not have any further public examinations to sit.

12. Considering exclusions

- 12.1 The governing body, or a delegated committee, will consider any representations made by parents/carers in regard to suspensions or permanent exclusions.
- 12.2 Any meeting to consider an exclusion will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.
- 12.3 The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the Headteacher if:
- The exclusion is permanent.
 - it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
 - it would result in the pupil missing a public examination or national curriculum test.
- 12.4 The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.
- 12.5 In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

- 12.6 There is no automatic right for a suspended or permanently excluded pupil to take a public examination or national curriculum test on the school's premises. The governing board should consider whether it would be appropriate to exercise its discretion to allow a suspended or permanently excluded pupil onto the premises for the sole purpose of taking the examination or test or whether this could be facilitated in another way.
- 12.7 When considering suspensions or permanent exclusions, the governing body will:
- Only discuss the exclusion with the parties present at the meeting.
 - Ask for any written evidence prior to the meeting.
 - Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
 - Allow pupils and parents/carers to be accompanied by a person of their choice at the meeting.
 - Invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend.
 - Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
 - Identify the steps needed to enable and encourage the excluded pupil to attend the meeting and speak on his/her behalf, or how he/she may contribute personal views by other means if attendance is not possible.
 - Consider the interests and circumstances of the excluded pupil, including the grounds for exclusion.

13. Reaching a decision

- 13.1. After considering exclusions, the governing body will either:
- decline to reinstate the pupil; or
 - direct reinstatement of the pupil immediately or on a particular date.
- 13.2 If reinstatement is not possible, e.g. if the pupil has already returned to school following the expiration of a suspension or the parents make clear that they do not want their child reinstated, the governing body will consider whether the Headteacher's decision to exclude the pupil was fair, lawful and proportionate, based on the evidence presented.
- 13.3 The governing body will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.
- 13.4 In order to reach a decision, the governing body will:
- Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
 - Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
 - Ask all parties to withdraw from the meeting before concluding their decision.

- Consider whether the exclusion of the pupil was lawful, proportionate and fair, taking into account the Headteacher's legal duties.
- Ensure a record of the outcome of the decision is kept on the pupil's educational records, along with copies, in accordance with our Data Protection Policy.
- Make a note of their findings, where they have considered an exclusion but cannot reinstate the pupil.

13.5 If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

14. Notification of considered exclusions

14.1. When considering to reinstate a suspension or permanent exclusion, the governing body will notify: the parents, the Headteacher and the LA, and where relevant, the social worker and the VSH of their decision following the consideration of an exclusion, in writing and without delay.

14.2. If the governing body decides to uphold the permanent exclusion, they will notify the parents/carers:

- That it is permanent, and their right for it to be reviewed by an independent review panel.
- Of the date by which an application for review must be made
- Of the name and address of the person to whom the review application should be submitted.
- That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the governing body to ensure a SEND specialist attends the review.
- Of the role of the SEND expert that will attend the review.
- That they are required to make it clear if they wish for an SEND expert to attend the review.
- That they may appoint someone at their own expense to make representations to the panel.

14.3 The governing body will also notify parents/carers that if they believe an exclusion has been issued as a result of discrimination then they are required to make a claim under The Equality Act 2010, and that this should be within six months of when the discrimination allegedly took place.

14.4 In addition to the right to apply for an Independent Review Panel (IRP), if parents believe that there has been unlawful discrimination in relation to the permanent exclusion then 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.

14.5 After any conclusion, the governing body will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

15. Removing pupils from the school register

15.1. The Headteacher will remove pupils from the school register if:

- School days have passed since the parents/carers were notified of the governing body's decision to uphold a permanent exclusion and no application for an independent panel review has been received.
- The parents/carers have stated in writing that they will not be applying for an independent panel review following a permanent exclusion.

15.2 If an application for an independent panel review has been made within 15 school days, the Headteacher will wait until the review has been determined, or abandoned, before removing the pupil from the school register.

15.3 If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal Court or County Court.

15.4 Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision.

16. Independent review panel

16.1 The governing body will be responsible to make arrangements to review the decision not to reinstate a permanently excluded pupil, if the parents/carers submit their application for this within the required time frame.

16.2 Parents/carers are required to submit their applications within:

- school days of receipt the governing body's notification of their decision.
- school days of the final determination of a discriminatory claim made under The Equality Act 2010.

16.3 Any application made outside of this timeframe will not be reviewed.

16.4 Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the governing body's initial consideration of the exclusion.

17. Reconsidering exclusions following a review

17.1. Where the independent review panel instructs the governing body to review their exclusion decision, they will do so within 10 school days of being given notice of the review panel's decision.

- 17.2. The school is aware that if the governing body does not offer to reinstate the pupil, then the school maybe be required to make a payment to the LA in which the school is located.
- 17.3 If, following a reconsideration of an exclusion, the governing body offers to reinstate the pupil but the parents/carers decline, no adjustment will be made to the school's budget.
- 17.4 Following a reconsideration, the governing body will notify the parents/carers, the Headteacher and, where necessary, the LA, of their reconsidered decision and the reasons for this.

18. Police involvement and parallel criminal proceedings

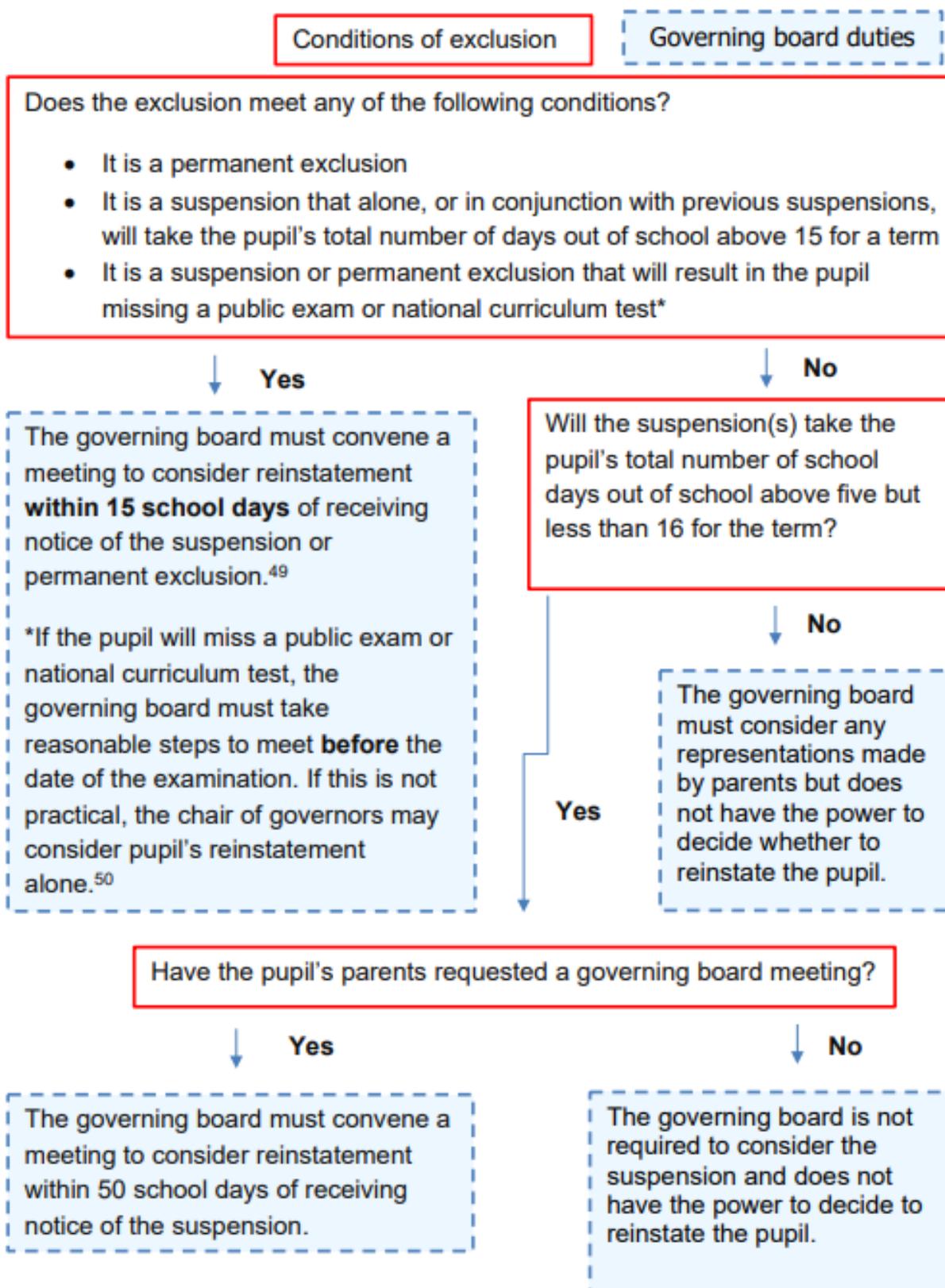
- 18.1 The Headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.
- 18.2 The Headteacher will give particular consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable. However, the final decision on whether to suspend or permanently exclude is for the Headteacher to make.
- 18.3 If the governing body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

19. Monitoring and review

- 19.1 This policy will be reviewed on a biannual basis by the **Headteacher** in conjunction with the **governing body**.
- 19.2 All members of staff are required to familiarise themselves with this policy as part of their induction programme.

Appendix I – Governing Body’s duties

A summary of the governing board’s duties to review the headteacher’s exclusion decision



Appendix II – Example of letter for a suspension

A summary of the governing board's duties to review the headteacher's exclusion decision

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.⁵¹

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension.⁵²

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁵³ The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁵⁴

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

a claim, to the First Tier Tribunal. <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing body/management committee.

You and xxxx are requested to attend a reintegration interview with xxxxx and xxxxxx at Hall Green School on xxxxx at xxxxx. If that is not convenient, please contact the school to arrange a suitable alternative date and time. The purpose of the reintegration interview is to discuss how best your child's return to school can be managed.

Xxxxx's suspension expires on xxxxx and we expect xxxxx to be back in school on xxxxx

Yours sincerely

Miss K Slater
Headteacher

Appendix III- Example of letter for a permanent exclusion

Dear xxx,

This letter is to inform you of my decision to exclude xxxx permanently from xxxxx.

This means that xxxxx will not be allowed back to this school unless she is reinstated by the School Governing Body Discipline Committee or the Independent Review Panel recommends that the governing body reconsiders their decision or quash the decision and direct that the governing body considers the exclusion again.

The decision to exclude xxxxxx has not been taken lightly. xxxxx has been excluded permanently because of xxxxxxxxxxxxxxxxxxxxxxxxx

As the parent/carer you have a duty to ensure that xxxxx is not present in a public place in school hours without reasonable justification during the first 5 school days of this permanent exclusion, that is on xxxxxxxxxxxxxxxxxxxxxxxxx. I must advise you that you may receive a fixed penalty notice from the local authority or prosecuted if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for xxxxx's education to continue will be made. For the first five school days of the exclusion we will set work for xxxxxx and would ask you to ensure this work is completed and returned promptly to school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards - i.e. from xxxxxxxxxxxxx, the local authority in Birmingham will provide suitable full-time education.

I have also today informed Elaine Simmons at Birmingham Local Authority of your child's exclusion and they will be in touch with you about arrangements for her education from the sixth school day of exclusion. You can contact them at Education and Skills Directorate, Exclusions Team, PO Box 16542, Birmingham B2 2DJ.

As this is a permanent exclusion the School Governors' Discipline Committee must meet to consider the reinstatement or to confirm the permanent exclusion of xxxxxx. You have the right to make representations about this decision to the School Governing Body Discipline Committee and ask them to reinstate xxxxxx. If the Governing Body Discipline Committee upholds the exclusion you have the right to ask for the decision to be reviewed by an Independent Review Panel. The latest date the Committee can meet is xxxxxxxxxxxxxxxxxxxxxxxxx. If you wish to make representations to the Committee please contact Mr A Poulton, Clerk to the Governing Body as soon as possible by email a.poulton@hallgreen.bham.sch.uk. Please advise if you have a disability or special needs which would affect your ability to attend a meeting at the school. Also, please inform Mrs P Elliott, PA to the Headteacher if it would be helpful for you to have an interpreter present at the meeting. You will, whether you choose to make representations or not, be notified by the Clerk to the Committee of the time, date and location of the meeting.

At the meeting you have the right to be accompanied by a friend and/or representative (at your own expense). Taking into account your child's age and understanding, she may also attend the meeting to speak on her own behalf and is entitled to bring a friend. Alternatively, your child may wish to communicate her views by other means.

If you think this exclusion relates to a disability your child has, and you think disability discrimination has occurred, you may raise the issue with the Governing Body Discipline

Committee. This would not affect your right to make a claim to the First Tier Tribunal.

[http://www.justice.gov.uk/guidance\(courts-and-tribunals\(tribunals/send/index.htm](http://www.justice.gov.uk/guidance(courts-and-tribunals(tribunals/send/index.htm)

You also have the right to see a copy of xxxxxx's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of xxxx's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

If you require further information or assistance on the exclusion process, please contact: The Local Authority Exclusions Team. The Team can provide advice concerning the exclusion process. Tel: 0121 303 2685/7893. Email: exclusionst@birmingham.gov.uk

Special Educational Needs & Disability Information, Advice and Support Service (SENDIASS).

The Service offers direct support to parents/carers of pupils who are going through the Special Educational Needs Statementing process, by working closely with schools and other agencies, and offers impartial advice and information. Tel: 0121 303 5004. Fax: 0121 464 3137. Email:

SENParentPartnership@birmingham.gov.uk. Website: <http://www.birmingham.gov.uk/sendiasm>

A link to sources of impartial advice for parents such as the Coram Children's Legal Centre (www.childrenslegalcentre.com) or ACE Education (<http://www.ace-ed.org.uk>) and their limited advice line service on 03000 115 142 on Monday to Wednesday from 10.00 am to 1.00 pm during term time);

Where considered relevant by the Headteacher, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) www.councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about

The National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or schoolexclusions@nas.org.uk), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>)

The exclusions guidance on: www.gov.uk/government/uploads/system/uploads/attachment_data/file/64141_8/20170831_Exclusion_Stat_Guidance_Web_version.pdf

Finally, you should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal. <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

Making a claim would not affect your right to make representations to the governing body/management committee.

Yours sincerely,

Miss K Slater
Headteacher

Appendix IV – Links to key documents

Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement Guidance for maintained schools, academies, and pupil referral units in England, September 2022

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf

Alternative Provision Statutory guidance for local authorities January 2013

<https://www.gov.uk/government/publications/alternative-provision>

Behaviour in schools. Advice for Headteachers and school staff, September 2022

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101597/Behaviour_in_schools_guidance_sept_22.pdf

A guide to exclusion statistics Last updated: September 2017

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642577/Guide-to-exclusion-statistics-05092017.pdf

Getting the simple things right: Charlie Taylor's behaviour checklists

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

Impartial advice for parents:

<https://www.childrenslegalcentre.com/> <http://www.ace-ed.org.uk/>

List of codes to use when completing your school census. <https://www.gov.uk/guidance/complete-the-school-census/find-a-school-census-code>