



# **SUSPENSIONS POLICY**

**The Deanery Church of England High School**

February 2024

|                   |                    |
|-------------------|--------------------|
| Next review date: | February 2025      |
| Author:           | Headteacher        |
| Reviewed by:      | Pastoral Committee |
| Issue to staff:   | Y/N                |
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## Aims

The Deanery Church of England High School aims to ensure that:

- The suspensions process is applied fairly and consistently
- The suspensions process is understood by governors, staff, parents and pupils
- Pupils in school are safe

## 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 suspended 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 suspend

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

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

"...the practice of removing a pupil from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the pupil."

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

A decision to suspend 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 a pupil, either permanently or for a fixed period, the Headteacher will:

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

## Definition

For the purposes of suspensions, a 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.

## Reasons and recording exclusions

The Headteacher can use his professional judgement based on the individual circumstances of the case when considering whether to suspend or permanently exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's Behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Bringing a banned item into school, such as alcohol, drugs, weapons (list not extensive)
- Ongoing/ persistent disruptive behaviour

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. See appendix 2 for exclusion codes reported to DfE.

## Consideration of Alternatives to Suspension and Permanent Exclusion

The Headteacher may also consider the following off-site direction\*\*:

- a) an off-site direction (temporary measure that schools and can use) for a set period of time in agreement with local schools. This may be in the form of a respite or a placement suspension.
- b) managed moves (permanent measure) as preventative measures to permanent exclusion.

In some circumstances the Headteacher may consider the use of AP. This will be considered based on an understanding of the support a child or young person needs in order to improve their behaviour, as well as any SEND or health needs.

*\*\*Whilst we mention off-site direction within this document, the DfE is clear that off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate.*

## Roles and responsibilities

### The Headteacher

#### *Informing parents*

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

- The reason(s) for the suspension
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension to the Governing Body and how the pupil may be involved in this
- Where there is a legal requirement for the Governing Body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that for the first 5 school days of an suspension, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

### *Informing the Governing Body and Local Authority*

The Headteacher will immediately notify the Governing Body and the Local Authority (LA) of:

- A permanent exclusion
- Suspensions which would result in the pupil being suspended for more than 5 school days in a term
- Suspensions which would result in the pupil missing a public examination

### *Informing Social Care and the Virtual School Head*

Information sharing is vital in safeguarding children and promoting their welfare. We will share information as early as possible to help identify, assess, and respond to risks or concerns about the safety and welfare of children. When a pupil who is Looked After is suspended or excluded, we will notify the social worker without delay, and the VSH, if the pupil is a LAC37, of the period of the suspension or permanent exclusion and the reason(s) for it.

The social worker and/or the VSH will be invited to reintegration meetings where applicable. They will also be invited to any Governor hearings in respect of pupils who are being considered for permanent exclusion.

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 exclusion and the reason(s) for it without delay.

For all other suspensions, the Headteacher will notify the Governing Body and LA once a term.

### **The Governing Body**

Responsibilities regarding suspensions are delegated to the Governors' Student Discipline Committee, consisting of at least 3 governors. The Student Discipline Committee has a duty to consider the reinstatement of an suspended pupil (see section 6).

Within 14 days of receipt of a request, the school will provide the Secretary of State and the LA with information about any suspensions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the school will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension. Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

### **The 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.

### **Considering the reinstatement of a pupil**

The Governors' Student Discipline Committee will consider the reinstatement of a suspended pupil within 15 school days of receiving the notice of the suspension if:

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

If requested to do so by parents, the Governors' Student Discipline Committee will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be 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 Governors' Student Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing Body (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 Governors' Student Discipline Committee can either:

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

In reaching a decision, the Governors' Student Discipline Committee 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 Governors' Student Discipline Committee will notify the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governors' Student Discipline Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
  - The date by which an application for an independent review must be made
  - The name and address to whom an application for a review should be submitted
  - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's 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 LA to appoint an 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 must make clear if they wish for an SEND expert to be appointed in any application for a review
  - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

### **An independent review**

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the Governing Body 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 Governors' Student Discipline Committee 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 a member of the LA or Governing Body of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years

- Are an employee of the LA, or the Governing Body, 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 LA, school, Governing Body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body'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 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 school 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 fixed-term suspension**

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

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

- |                                 |                              |
|---------------------------------|------------------------------|
| > Agreeing a behaviour contract | > Reduced timetable          |
| > Putting a pupil 'on report'   | > Alternative provision      |
| > Internal exclusion            | > Behaviour Improvement Plan |

This policy will be reviewed every year. At every review, the policy will be shared with the Governing Body.

### **Links with other policies**

This policy is linked to our:

- Behaviour policy
- SEND policy

## **Appendix 1: Independent review panel training**

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing suspensions, 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 Body's and the panel under the Equality Act 2010
- The effect of Section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act

## Appendix 2: DfE Exclusion Codes

| Code | Description                                                    |
|------|----------------------------------------------------------------|
| PP   | Physical assault against a pupil                               |
| PA   | Physical assault against an adult                              |
| VP   | Verbal abuse / threatening behaviour against a pupil           |
| VA   | Verbal abuse / threatening behaviour against an adult          |
| OW   | Use or threat of use of an offensive weapon or prohibited item |
| BU   | Bullying                                                       |
| RA   | Racist abuse                                                   |
| LG   | Abuse against sexual orientation and gender identity           |
| DS   | Abuse relating to disability                                   |
| SM   | Sexual misconduct                                              |
| DA   | Drug and alcohol related                                       |
| DM   | Damage                                                         |
| TH   | Theft                                                          |
| DB   | Persistent disruptive behaviour                                |
| MT   | Inappropriate use of social media or online technology         |