Hartismere School



Suspension and Exclusion Policy

Policy No 28

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1. Aims

Hartismere School is committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and nurturing environment.

We aim to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from 2024.

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014

This policy complies with our funding agreement and articles of association.

A note on off-rolling

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 will not suspend or exclude pupils unlawfully by directing them off site, or not allowing pupils to attend school:

- Without following the statutory procedure, contained in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012, or formally recording the event, e.g. sending them home to 'cool off'

- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

Leaders report to the Local Governing Body annually, on pupils leaving the school roll at times other than standard transition times. This report accounts for the movements of each of those pupils.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

4. Roles and responsibilities

4.1 The Headteachers

Deciding whether to suspend or exclude

Only the Headteachers can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteachers will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

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

Before deciding whether to exclude a pupil, the Headteachers will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN) and if so, to what extent the behaviour is related to this
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as alternative provision or managed moves

The Headteachers will consider the views of the pupil, in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The Headteachers will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

The above steps will be followed by the Assistant Headteachers when considering whether to refer a pupil to the Headteachers for a decision regarding suspension. The decision to suspend a pupil remains with the Headteachers.

Informing parents

If a pupil is at risk of suspension or exclusion the Assistant Headteachers will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteachers decide to suspend or exclude a pupil, the parents will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents' right to make representations about the suspension or permanent exclusion to the governing body and, where the pupil is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

The school will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If the Headteachers cancel the suspension or permanent exclusion, the school will notify the parents without delay, and provide a reason for the cancellation.

Informing the governing body

The School will, without delay, notify the local governing body of:

- Any permanent exclusion
- Any suspension which would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term. One lunchtime suspension is equal to a half day suspension.
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

Informing the Local Authority (LA)

The School will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

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

The School must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the School will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the School will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteachers decide to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, the school will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- The Headteachers have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances surrounding their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteachers may cancel a suspension or permanent exclusion that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing body. Where there is a cancellation:

- The parents, governing body and LA will be notified without delay
- Where relevant, any social worker and VSH will be notified without delay
- The notification must provide the reason for the cancellation
- The governing body's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the appropriate member of staff to discuss the cancellation, which will be arranged without delay
- The pupil will be allowed back in school without delay

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during suspension or permanent exclusion

During suspension the School will ensure that work is provided for the pupil, either through

- Google Classroom accessed via the school's website (including learning platforms commonly used by the school)
- Or by arranging a tutor for the pupil, after the fifth day of a suspension.

If the pupil has a special educational need or disability, the Head of Year will make sure that reasonable adjustments are made to the provision where necessary.

4.2 The Governing Body

Considering suspensions and permanent exclusions

The governing body has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil (see sections 5 and 6) in certain circumstances.

Monitoring and analysing suspensions and exclusions data

The governing body will review, challenge and evaluate the data on the school's use of suspension, exclusion, alternative provision, and managed moves.

The governing body will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion

4.3 The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are looked after or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The governing body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing body must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteachers to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents make representations to the body, the governing body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the body is not required to meet and it cannot direct the Headteachers to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the governing body may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The Pupil Disciplinary Committee meeting

The following parties will be invited to a meeting of the governing body and allowed to make representations or share information:

- Parents, and, where requested, a representative or friend
- The pupil, if it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- One of the Headteachers and/or their representative
- The pupil’s social worker, if they have one
- The VSH, if the pupil is looked after

Governing body meetings can be held remotely or in a hybrid format (some in-person, some joining virtually) at the request of parents. See section 9 for more details on remote access to meetings.

The Pupil Disciplinary Committee will be made up of three panel members. The governing body will aim for these to be members of Hartismere School’s governing body. However, where this is not possible, the school will invite governors from other schools within the Hartismere Family of Schools (the academy trust), Trustees, or senior leaders (Assistant Headteachers or Headteachers) from other schools outside of the Trust, to sit on the panel.

The governing body will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

Following the hearing, the governing body can either

Decline to reinstate the pupil, or

Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the body cannot do this – see earlier in this section) In reaching a decision, the governing body will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteachers followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing body

They will decide whether or not a fact is true 'on the balance of probabilities'.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The governing body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents
- The Headteachers
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the governing body has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing body's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the school to appoint an SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful 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. Also that any 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

6. Independent review

If parents apply for an independent review within the legal timeframe, the school will, at their own expense, 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 governing body of its decision to not reinstate the pupil **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion. Any applications made outside of this timeframe will be rejected.

Independent reviews can be held remotely at the request of parents. See section 9 for more details on remote access to meetings.

The panel must consider the interests and circumstances of the pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where an SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion.

Where a VSH is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteachers in the lead up to the permanent exclusion, or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 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 if it judges that the decision was flawed)

7. School registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the governing body'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 within 15 school days, the governing body will wait until that review has concluded before removing a pupil's name from the register. While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e. permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1 Reintegration meetings

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents and year team will attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

9. Remote access to meetings

Parents can request that a governing body meeting, or independent review panel be held remotely.

If the parents don't express a preference, the meeting will be held in person.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

10. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils and parents on their perceptions and experiences of the school, which will be presented to the governing body annually

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected and other characteristics

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

11. Links with other policies

This policy works in conjunction with the school's;

- Behaviour policy
- Anti-bullying Policy
- SEND policy and SEN information report
- Equality Information and Objectives
- Child Protection and Safeguarding Policy
- Designated Teacher for Looked After and Previously Looked After Children Policy

Appendix 1: Independent Review Panel Training

The academy trust must make sure 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 and permanent exclusions on disciplinary grounds, 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

Appendix 2 : reasons for a suspension or exclusion

Reason	code	**Notes**
Abuse against sexual orientation and gender identity including bullying	LG	*Description changed from "Abuse against sexual orientation and gender identity"*
Abuse relating to disability including bullying	DS	*Description changed from "Abuse relating to disability"*
Alcohol related	AR	*Possession, consumption or supply of alcohol on the school grounds*
Bullying	BU	
Cyber-bullying or threatening behaviour online	TB	*Bullying via text, social media, gaming platforms or online forums.*
Damage to property	DM	*Description changed from "Damage", includes arson, vandalism, graffiti (also see SM, RA)*
Drug related	DR	*Includes possession or dealing of illegal drugs or misuse of prescription medication.*
Found to have brought a weapon or prohibited item into school	BW	*Carrying or bringing a knife, blade or sharp instrument onto site.*
Harmful sexual behaviour	SB	
Inappropriate use of social media or online technology	MT	
Misandry behaviour	AB	
Misbehaviour outside of school	OS	*Incidents on school transport, community issues.*
Misogynistic behaviour	MB	
Persistent disruptive behaviour - challenging behaviour	CB	
Persistent disruptive behaviour – low-level disruption	LD	*Includes chatter, refusing to work, or minor non-compliance that slows learning*
Physical assault/violent behaviour against a pupil	PP	

Physical assault/violent behaviour against an adult or staff	PA	
Racist abuse including bullying	RA	*Description changed from "Racist abuse"*
Sexual misconduct	SM	*Includes : sexual abuse, sexual bullying, sexual graffiti, sexual harassment, sexual/indecent assault, indecent exposure, lewd behaviour*
Smoking related	SR	
Theft	TH	*Includes stealing from local shops, stealing personal property, stealing school property, selling or dealing in stolen property*
Use of mobile phone	MP	
Use or threat of use of an offensive weapon or prohibited item (incl. possession)	OW	
Vape related	VR	
Verbal abuse/threatening behaviour against a pupil	VP	
Verbal abuse/threatening behaviour against an adult or staff	VA	
Wilful and repeated transgression of protective measures in place to protect public health	PH	