

Suspension and Exclusion Policy

The Vyne Community School



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1. Aims

Our school aims to ensure that:

- The suspension and exclusions process is applied fairly and consistently and only as a last resort;
- The suspension and exclusions process is understood by governors, staff, parents and pupils;
- Pupils in school are safe and happy;
- Pupils do not become NEET (not in education, employment or training); and
- Follow the "Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" statutory guidance (latest version, May 2023 or subsequent updates).

2. The decision to exclude

Only the headteacher, or acting headteacher (where headteacher is uncontactable or off sick), can suspend a pupil from school. A permanent exclusion will be taken as a last resort and only by the Headteacher.

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

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

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

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, either permanently or for a fixed period suspension, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension or exclusion were provoked;
- Allow the pupil to give their version of events;
- The headteacher will also take account of the school's legal duties under the Equality Act 2010, including in respect of pupils with special educational needs and disabilities (SEND), and will consider whether reasonable adjustments have been made to support the pupil; and
- The headteacher will consider the school's safeguarding duties, including whether the exclusion may place a vulnerable pupil at risk.

3. Definition

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

Exclusions for a fixed period are called suspensions.

4. Roles and Responsibilities

4.1 The Headteacher

Informing parents

The headteacher will provide without delay the following information, in writing, to the parents of an excluded pupil, this may be provided electronically (e.g email) where appropriate;

- The reason(s) for the suspension or exclusion;
- 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 or exclusion to the governing board and how the pupil may be involved in this;
- How any representations should be made; and
- Where there is a legal requirement for the governing board 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 wherever possible, notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, 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.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged;
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant;
- The address at which the provision will take place;
- Any information required by the pupil to identify the person they should report to on the first day; and
- Informing the governing board and local authority.

The headteacher will notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil;
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term; and
- Exclusions or suspensions which would result in the pupil missing a public examination.

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

For all other suspensions, the headteacher will notify the governing board and LA once a term.

Informing the child's social worker:

- If a child has a social worker the headteacher should ensure that the social worker is informed of any suspensions or if permanently excluded.

If a headteacher decides to withdraw or rescind an exclusion, the parents, the governing board and the local authority, must be notified and, if relevant, the social worker and Virtual School Head.

4.2 The governing board

Responsibilities regarding exclusions are delegated to the Curriculum and Standards Committee consisting of at least 3 governors.

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 5).

For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

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.

4.3 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.

5. Considering the reinstatement of a pupil

The Governors will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents, the governing body will consider the reinstatement of an excluded pupil within 5 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Governing Body can either:

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

In reaching a decision, The Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governing Body will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent The Governing Body 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;
- 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 SEN are considered to be relevant to the exclusion;
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review;
- Details of the role of the SEN expert and that there would be no cost to parents 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; and
- 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.

6. 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 board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by The Governing Body of its decision to not reinstate a pupil.

7. School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel.

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for 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.

8. Returning from a fixed-term exclusion (suspension)

Following a fixed-term exclusion (suspension), a reintegration 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 exclusion:

- Agreeing an acceptable behaviour contract and or restorative justice as appropriate;
- Agreeing a pupil support plan;
- Further support from the Inclusion Team or external referral;
- A reduced hours provision;
- A referral to an Alternative Provision;
- Putting a pupil 'on report';
- Internal isolation;
- Use of alternative arrangements for education(eg managed move); and
- Headteacher can direct a student to attend a different education provision.

9. Monitoring arrangements

Assistant Headteacher Inclusion monitors the number of exclusions every term and reports back to the headteacher and governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

The school will monitor exclusions by pupil group (e.g. SEND, disadvantaged, ethnicity) to identify and address any disproportionality.

This policy will be reviewed by the Assistant Headteacher Inclusion annually. At every review, the policy will be shared with the curriculum and standards committee.

10. Links with other policies

This exclusions policy is linked to our:

- Behaviour for Learning policy
- SEN policy and information report

Documents relating to this policy:

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 August 2024

[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)