



Woodside High School

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Policy #: Suspension and Exclusion Policy

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Next Review Due: June 2023

HoD = Head of Department

HOY = Head of Year

SLT = Senior Leadership Team

SEN/D = Special Educational Needs/Disabilities



Contents

1. Aims	3
2. Legislation and statutory guidance	3
3. The decision to exclude	3
4. Definition	4
5. Roles and responsibilities	4
6. Considering the reinstatement of a pupil	5
7. An independent review	6
8. School registers	7
9. Returning from a fixed-term exclusion	7
10. Monitoring arrangements	8
11. Links with other policies	8
Appendix 1: Independent review panel training	9

1. Aims

Woodside High School aims to ensure that:

- The exclusion and suspension process is applied fairly and consistently
- The exclusion and suspension 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)

2. 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

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded pupils

- Section 579 of the [Education Act 1996](#), which defines ‘school day’
- The [Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Pupils\) \(England\) \(Amendment\) Regulations 2014](#)

3. The decision to exclude

Only the headteacher can refer a pupil for permanent exclusion or suspension. A permanent exclusion will be taken as a last resort. The governing body will make the final decision whether the pupil is permanently excluded.

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 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, the headteacher will:

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

4. Definition

For the purposes of exclusions and suspensions, 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.

5. Roles and responsibilities

5.1 The headteacher

Informing parents/carers

The headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded or suspended pupil:

- The reason(s) for the exclusion or 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 exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents 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/carers by the end of the afternoon session on the day their child is excluded or suspended that for the first 5 school days, or until the start date of any alternative provision

where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers 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 and carers:

- 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

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the governing board and local authority

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

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

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority' of the 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.

5.2 The governing board

Responsibilities regarding exclusions and suspensions are delegated to the Safeguarding and Inclusion committee

The Safeguarding and Inclusion committee has a duty to consider the reinstatement of an excluded or suspended pupil (see section 6).

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.

5.3 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.

6. Considering the reinstatement of a pupil

The Safeguarding and Inclusion committee 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 suspension to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents/carers, the Safeguarding and Inclusion committee will consider the reinstatement of an excluded or suspended pupil within 50 school days of receiving notice of the exclusion or suspension if the pupil would be out of school for more than 5 school days, but less than 15, in a single term.

The Safeguarding and Inclusion 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 Safeguarding and Inclusion committee will consider whether the exclusion or 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 exclude or suspend.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be.

The Safeguarding and Inclusion committee will notify, in writing, the headteacher, parents/carers and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Safeguarding and Inclusion committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' and carer's 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 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 academy 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
- 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

7. An independent review

If parents/carers apply for an independent review, the academy will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the governing body 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 academy trust, or governing board 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 academy trust, or the governing board, 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 academy trust, school, governing board, 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 board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. 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.

9. Returning from a fixed-term suspension

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

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

- Signing of the home - school agreement
- Putting a pupil 'on report'
- Internal isolation
- A restorative conversation will take place where other students, teachers or members from the community have been involved/affected

The school will also consider whether one of the following measures should be implemented.

Incident	Action
Incidents of racist abuse, abuse against sexual orientation and gender	Students will work with a member of the behavioural team where they will talk through and reflect on the implications of this incidence. If a child is involved in more than one incident, sanctions will escalate and an

identity, abuse relating to disability.	intervention plan will take place. This may involve a risk assessment of the young person.
Incidents of bullying	Students will work with a member of the behavioural team where they will talk through and reflect on the implications of this incidence. A restorative conversation will take place unless the victim does not wish to participate. If a child is involved in more than one bullying incident, sanctions will escalate and an intervention plan will take place. This may involve a risk assessment of the young person.
Incidents of physical assault against a pupil.	If a student has been involved in a physical incident where harm has been inflicted they will participate in a workshop with the Pastoral Support Manager on how to de-escalate situations. This is informed by 'Zones of Regulation'. A restorative conversation will take place unless the victim does not wish to participate. If a child is involved in more than one physical fight, sanctions will escalate and an intervention plan will take place. This may involve a risk assessment of the young person.
Incidents of verbal abuse/threatening behaviour	If a student has been involved in a serious instance or repeated event of verbal abuse or threatening behaviour, they will participate in a workshop with Pastoral Support Manager on how to de-escalate situations. This is informed by 'Zones of Regulation'. A restorative conversation will take place unless the victim does not wish to participate
Incidents of sexual misconduct	If a student has been involved in an incident of sexual misconduct, the DSL will follow the school's Child Protection and Safeguarding Policy to ensure the safety of all parties. Depending on the details of the incident, this may involve contact with the Police and/or MASH. Students will work with pastoral staff, the school nurse and the safeguarding team to support their reflection and reintegration. A risk assessment may take place.
Incidents linked to drugs or alcohol	If a student has been involved in an incident linked to drugs or alcohol it may be necessary to contact the Safer School's Officer and/or MASH. Students will work with outside agencies (Insight- Humankind) to support their learning. A risk assessment may take place.
Incidents of damage to school property/theft	Parents and carers may be asked to contribute to the cost of repairing or replacing the property that has been damaged/stolen.
Incidents of persistent disruptive behaviour	If a student has been excluded for persistent disruption of learning, the student will be referred to the Safeguarding and Inclusion Panel to ensure all barriers to learning have been addressed. Pastoral Support Plans may be developed in collaboration with students, parents/carers and staff.
Incidents of inappropriate use of social media or online technology	If a student has been excluded for inappropriate use of social media or online technology, the students phone will be confiscated for a fixed period. A restorative conversation will take place unless the victim does not wish to participate. If a child is involved in more than one incident of this nature, sanctions will escalate and an intervention plan will take place. This may involve the safer school's officer and safeguarding team.

10. Monitoring arrangements

The Deputy Headteacher with responsibility for behaviour, Laura Sanford, monitors the number of exclusions and suspensions every term and reports back to the headteacher and governing body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the deputy headteacher every year. At every review, the policy will be shared with the Safeguarding and Inclusion Committee.

11. Links with other policies

This exclusions policy is linked to our

- Behaviour for Learning policy
- SEND policy and information report
- Child Protection and Safeguarding Policy
- Attendance Policy

Appendix 1: Independent review panel training

The academy trust 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 exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act