

Fulford School

Suspension and Exclusion Policy



Last reviewed on: March 2022

Next review due by: September 2023

Responsible: Associate Head Teacher (Pastoral)

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1. Aims

All students at Fulford enjoy being effectively rewarded for their efforts but also need clear guidelines in terms of expectations and what constitutes acceptable behaviour. The Managing Students Positively policy supports this as well as clear and effective communication between members of staff, parents, carers and students. The exclusion policy should be taken into consideration alongside our Managing Students Positively policy. Suspension and exclusion is always a last resort, and we would always seek to use alternatives, but where students repeatedly exhibit the same behaviours or compromise any aspect of safety or learning of self or others, exclusion might be a sanction we have to apply to address behaviour and/or actions. In issuing any suspensions and exclusions Fulford School aims to ensure that:

- The suspensions and exclusions process is applied fairly and consistently
- The suspensions and exclusions process is understood by governors, staff, parents and students
- Students in school are safe and happy
- Students 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 student referral units \(PRUs\) in England](#).

It is based on the following legislation, which outline schools' powers to exclude students:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

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

3. The decision to suspend and exclude

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

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 suspensions and 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 suspend or exclude a pupil the headteacher will:

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

4. Definition

For the purposes of exclusions, 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

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

- The reason(s) for the suspension or exclusion
- The length of a 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
- 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, or other appropriate member of senior staff at the request of the Headteacher, will also notify parents by the end of the day their child is excluded that for the first 5 school days of a suspension or 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 a suspension is issued for more than 5 days, there is a statutory requirement for the school to provide education at an alternative provision. The following information will be included either when notifying the parents of a suspension or at a later date when provision have been able to be brokered and secured:

The start date for any provision of full-time education that has been arranged

- 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 student 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 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 student lives outside York, the Headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.
- For all other suspensions, the Headteacher will notify the Local Governing Body and LA once a term.

5.2 The governing board

The Local Governing Body has a duty to consider the reinstatement of an suspended or excluded student (see section 6).

Within 14 days of receipt of a request, the Local Governing Body will provide the secretary of state with information about any suspensions or exclusions in the last 12 months.

For a suspension of more than 5 school days, the Local Governing Body will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for students 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 Local Governing Body will consider the reinstatement of a suspended excluded student 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 student's total number of school days of suspension to more than 15 in a term
- It would result in a student missing a public examination or national curriculum test

If requested to do so by parents, the Local Governing Body will consider the reinstatement of an suspended or excluded student within 50 school days of receiving notice of the suspension or exclusion if the student would be suspended or excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or exclusion would result in a student missing a public examination, the Local Governing Body will consider the reinstatement of the student before the date of the examination. If this is not practicable, the Local Governing Body will consider the suspension or exclusion and decide whether or not to reinstate the student.

The Local Governing Body can either:

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

In reaching a decision, the Local Governing Body will consider whether the suspension or 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 student's educational record.

The Local 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 Local 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, 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 student's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEN, parents have a right to require the Local Authority 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 apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the Local Governing Body not to reinstate a permanently excluded student.

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

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 governor 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 Local 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 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 student, 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

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 Local Governing Body 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 suspended or excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where suspended or excluded pupils are not attending alternative provision, code E (absent) will be used.

9. Returning from a suspension

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

1. First suspension – readmission meeting with the Head of Year that focuses on specific intervention to support reintegration.
2. Second suspension – readmission meeting with the Head of Year and the Associate Head Teacher that focuses on specific intervention to support reintegration.
3. Third suspension – readmission meeting with the Head Teacher and the Associate Head Teacher that focuses on specific intervention to support reintegration.
4. Forth suspension – readmission meeting with Head Teacher, Associate Head Teacher and Governor that focuses on specific targets to support reintegration.

Notes of the meeting are recorded which will review the reason for suspension, ways in which we can move forward positively and any further support or actions to take place to avoid any further possible suspensions at any point in the future. We value the relationship between parents and carers and want to work collaboratively and positively together in order for the support and challenge to be consistent.

10. Monitoring arrangements

The Associate Headteacher (Pastoral) monitors the number of exclusions every term and reports back to the governors. They also liaise with the local authority to ensure suitable full-time education for excluded students.

This policy will be reviewed by the Associate Headteacher (Pastoral) every 2 years. At every review, the policy will be approved by governing board.

11. Links with other policies

This exclusions policy is linked to our:

- Behaviour Policy – Managing Pupils Positively
- Child Protection and Safeguarding Policy
- Anti-Bullying Policy
- SEN Policy
- Inclusion Policy
- Drugs and Smoking Policy
- Exclusion Policy